

REGIONE TOSCANA



Consiglio Regionale

# **Premio tesi di Laurea “David Sassoli”**

**edizione 2024**

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## Presentazione

La decisione del Consiglio Regionale della Toscana di istituire un premio di laurea dedicato a **David Sassoli** è un gesto semplice ma carico di significato. È il nostro modo per tenere viva la memoria di ciò che David ha rappresentato, nella sua vita e nel suo impegno politico e civile.

Il **Premio Sassoli** non è soltanto un riconoscimento all'eccellenza accademica, ma è soprattutto un tributo al profondo impegno di un uomo che ha fatto dell'ideale europeo la sua missione. David è stato un politico appassionato, un leader leale e rigoroso, capace di mettere la propria cultura al servizio delle Istituzioni e dei cittadini. Un uomo del dialogo, fermo nella difesa dei valori della solidarietà, della democrazia e della libertà.

Sassoli ha saputo avvicinare l'Europa ai cittadini e alle cittadine, rendendola più comprensibile, più vicina, più umana. Questa è forse la sua eredità più preziosa. Oggi, anche grazie al suo contributo, l'Unione Europea è una dimensione essenziale e irrinunciabile per il futuro delle nostre democrazie. Senza le Istituzioni europee, i singoli Stati sarebbero fragili e impotenti di fronte alle grandi sfide globali del nostro tempo: i cambiamenti climatici, i fenomeni migratori, le crisi geopolitiche, le transizioni demografiche e i poteri economici e finanziari che superano ogni confine.

Certo, **la nostra Europa non è perfetta**. Ma resta la migliore garanzia di pace, di diritti e di opportunità per tutti i cittadini europei.

Con la pubblicazione delle tesi vincitrici del Premio Sassoli vogliamo fare due cose: **custodire il ricordo di David e dare spazio allo sguardo dei giovani**, alla loro capacità di leggere il presente e immaginare il futuro. Solo attraverso lo studio, la ricerca e la partecipazione possiamo continuare a costruire l'“Europa della speranza” che David amava evocare.

Ci auguriamo che questa collana possa ispirare nuove riflessioni, stimolare il pensiero critico e contribuire alla crescita di un'Europa **più inclusiva, più solidale, più democratica**.

Dobbiamo imparare a guardare all'Europa come a un luogo di possibilità, un orizzonte comune dove poter realizzare il proprio futuro, soprattutto per le nuove generazioni. **L'Europa unita** è l'eredità che Altiero Spinelli ci ha lasciato dal suo “Sogno Europeo” nato a Ventotene.

Un sogno che oggi più che mai abbiamo il dovere non solo di ricordare, ma di custodire e far vivere.

*Antonio Mazzeo*

*Presidente del consiglio regionale della Toscana*



## Prefazione

È con crescente soddisfazione che presentiamo la pubblicazione di questa tesi, insignita di uno dei riconoscimenti nell'ambito del premio di laurea intitolato a David Sassoli.

Questa iniziativa, fortemente voluta dalla Commissione Politiche Europee e Relazioni Internazionali del Consiglio Regionale della Toscana, ha trovato pieno e fondamentale sostegno nell'Ufficio di Presidenza della nostra Assemblea, a partire dal Presidente Antonio Mazzeo. Ci è sembrato il modo più significativo ed emozionante per onorare la memoria di David Sassoli, valorizzando le idee e le proposte delle giovani generazioni.

Fondamentale in questo percorso, creato in questa legislatura regionale, è stato anche il supporto che abbiamo ricevuto dal mondo delle Università toscane. Ecco perché vogliamo ringraziare le docenti ed i docenti che hanno accettato di far parte della Commissione che ha scelto le tesi da premiare, perché, con la loro competenza e passione hanno dato un valore aggiunto a questa nostra iniziativa: una commissione presieduta dal prof. Edoardo Bressanelli della Scuola Superiore Sant'Anna di Pisa, il prof. Enrico Borghetto dell'Università degli Studi di Firenze, il prof. Vincenzo Bove della Scuola IMT Alti Studi di Lucca, il prof. Guglielmo Meardi della Scuola Normale Superiore di Pisa, prof. Luca Verzichelli, dell'Università degli studi di Siena, il Prof. Luca Paladini, dell'Università per Stranieri di Siena, il prof. Saulle Panizza, in rappresentanza dell'Università di Pisa e la dott.ssa Sarah St. John, dell'Istituto Universitario Europeo.

Il volume che state per consultare rappresenta un ulteriore traguardo che abbiamo perseguito con determinazione e che condurrà alla creazione di una specifica collana all'interno delle pubblicazioni del Consiglio Regionale della Toscana. Queste tesi costituiranno quindi un segno tangibile di un impegno rivolto all'Europa di oggi e di domani. Un'iniziativa che, per volontà unanime, è stata inserita tra le attività istituzionali del Consiglio Regionale della Toscana, affidandola così anche alle colleghi e ai colleghi che verranno.

Tutto ciò non sarebbe stato possibile senza lo straordinario impegno e il lavoro dei componenti della "Commissione Europa" che ho avuto l'onore di guidare. Di questa Commissione, in questa XI Legislatura, hanno fatto parte Giovanni Galli (vicepresidente, Lega), Anna Paris (vicepresidente segretaria, PD), Fiammetta Capirossi (PD), Irene Galletti (M5S), Valentina Mercanti (PD), Fausto Merlotti (PD), Marco Stella (FI), Andrea Vannucci (PD) e Gabriele Veneri (FdI), insieme all'indimenticabile Massimiliano Pescini (PD), al quale rivolgiamo sempre un fraterno e commosso pensiero.

A loro va interamente il merito dei risultati raggiunti, e questo grazie all'impegno di chi ha partecipato alla fase iniziale dei nostri lavori e di chi continua a far parte di questa Commissione con una passione e una competenza davvero uniche. A tutte e tutti loro va la mia più profonda riconoscenza, che estendo agli uffici ed al personale che ci hanno accompagnato in questo percorso.

Mi sia concesso di ringraziare il mio gruppo, il PD, per un sostegno totale e costante, e anche il gruppo di Italia Viva che, pur non essendo rappresentato in Commissione, non ha mai fatto mancare stimoli e supporto. Ma è a tutti i gruppi, di maggioranza e di opposizione, che va la mia più sentita gratitudine per un lavoro che, grazie alle commissarie e ai commissari, stiamo portando avanti insieme, costruendo una modalità di dialogo e di confronto che è motivo di vanto e orgoglio.

Il lavoro della Commissione proseguirà anche sui territori con iniziative e progetti legati alle Giornate dell'Europa, affiancati dalla volontà di approfondire diverse tematiche, potendo contare anche sulla disponibilità della Giunta guidata dal Presidente Eugenio Giani e delle assessori e degli assessori che ne fanno parte.

In conclusione, desidero inoltre rivolgere un affettuoso pensiero anche ai familiari di David Sassoli che hanno sempre dimostrato grandissima attenzione a questa nostra iniziativa. La presenza di Alessandra Vittorini alla cerimonia di premiazione è stato un momento particolarmente emozionante. A lei, ai loro figli ed a tutti i familiari di David va un abbraccio fortissimo, unito all'impegno, valido per l'oggi come per il domani, di mantenere sempre vivo il ricordo di un uomo che ci ha reso orgogliosi di essere toscani, italiani ed europei.

*Francesco Gazzetti  
Presidente Commissione Politiche Europee e Relazioni Internazionali del  
Consiglio Regionale della Toscana*



UNIVERSITÀ  
DEGLI STUDI  
FIRENZE

**Scuola di  
Scienze Politiche  
“Cesare Alfieri”**

**Corso di Laurea Magistrale in Relazioni Internazionali e Studi Europei**

**The application of partnership in Cohesion policy  
implementation: evidence from the programming of RPs 2021-  
2027 in Tuscany**

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**Anno Accademico 2022/2023**

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## Introduction

The multilevel nature of the European Union (EU) policy process, characterised by the complex interplay between Member States and supranational tiers of authority, allows actors seeking to engage European decision-making to rely upon a variable number of entry points, that echo not only the institutional complexities but also the specificities of the policies under scrutiny and, more in general, the so-called *Zeitgeist*. At the bottom of this intricated landscape, two main avenues of interaction can be identified (Greenwood, 2017). There is first the so-called ‘national route’, namely the use of national intermediary structures for interest representation in the EU arena. The second avenue refers to the ‘Brussels route’, involving direct interaction with the European institutions, whether alone or through collective channels organised at the EU level. This holds also for the representation of Member States’ territorial interests. Indeed, regional and local authorities may promote their interests through ‘intrastate’ channels, contributing to the identification of the national interest that their central government will represent and support at the European level. In parallel, regions and localities may participate to the European policy process directly, bypassing the intermediation of national governments, through individual or collective lobbying strategies, through institutionalised or non-institutionalised channels of access (Iurato, 2006).

This process can be traced back in time. What the Paris and Rome treaties gave birth to in the 1950s, with the foundation of the European Coal and Steel Community (ECSC) and the European Economic Community (EC) - the predecessors of today’s European Union - was a ‘Europe of the States’ (Hepburn, 2016). The states were indeed the masters of the founding treaties, that is, the contracting parties that negotiated, signed, and subsequently ratified the international agreements that brought into being the Communities. The nascent European institutional framework was equally intergovernmental in its functioning, as the predominant legislative body was the Council of Ministers, an institution that represented the interests of the Member States (Falcon, 2001). By contrast, Member States’ subnational authorities were extraneous to the founding processes. No direct channels for the formal representation of territorial interests at the Community level were originally foreseen in the EC institutional architecture. European regions were precluded also the ‘national route’ to access European policymaking. Intrastate channels, which permitted them to participate in the determination of their national government’s negotiating position on Community issues, were in fact initially deficient, if not absent. On the one hand, this was due to the unitary institutional structure of the six founding Member States which, except for federal West Germany, lacked a ‘strong’ regional tier of government. On the other hand, in the early stages of the process of European

integration, Community policies were assumed to belong to the domain of foreign policy and, accordingly, to fall under the exclusive responsibility of central governments. As such, those regional institutions existing at the time in the Community, mainly the German *Länder*, were only passively involved in the governance of the EC as addressees of decisions taken without them (Falcon, 2001). This led the German constitutionalist Hans Peter Ipsen to talk about a 'regional blindness' (*Landesblindheit*), referring to the lack of regard of the Community legal order for the regional territorial articulation in the early days of continental integration (Perathoner, 2020).

If the first decade of the EC history was characterized by this 'regional blindness', subsequent developments questioned the conception of Community affairs as a domain reserved to national governments. Since the early 1970s, the phenomena of territorial regionalisation occurring in several Member States resulted in the rise in Europe of a 'meso' level of government, between the national and the local (Caciagli, 2003; Iurato, 2006; Piattoni, 2016). Furthermore, especially after the acceleration of the integration process in the mid-1980s, the Community acquired a policymaking role in a growing number of fields, which often bordered on or even invaded the competencies of regional governments in at least some Member States (Christiansen, 1996). As a result, Community policy increasingly mattered for regional governments in Europe. Finally, if initially regions were viewed merely as recipients of EC Structural Funds, the 1988 reform of the regional policy of the Community - the so-called Cohesion policy - recognised a role to subnational authorities in their implementation. For the first time, regions were thereby recognised as actors and not merely as objects in the governance of Europe. This created unprecedented stimuli and opportunities for regional engagement in European decision-making (Hepburn, 2016).

The abovementioned broadening of Community competencies affected the distribution of power between Member States' central and regional governments. Indeed, competencies allocated to both central and regional levels in domestic constitutions were transferred to the EC. Nevertheless, central governments, representing their state in the Council of Ministers, continued to be key decision-makers in policy fields previously falling within their competence. Regional governments, by contrast, did not have a say in European decision-making, though suffering incursions of the EC into their powers (Jeffery, 1997; Bourne, 2003). As such, regional actors became strongly interested in participating in European policy processes which directly concerned them, but from which they had been previously excluded. The institutional bias against the regions of the Community was corrected in several Member States through domestic arrangements, which allowed regional authorities to codetermine

their state positions in EU affairs (Börzel, 1999). Thereby, regional governments indirectly gained access to European policymaking through the ‘national route’. At the same time, from the 1980s onwards, the emergence of regional offices in Brussels and the proliferation of trans-European associations and networks of regional authorities signalled a surge of subnational mobilisation which, through the ‘Brussels route’, aimed at independently projecting regional demands in Europe (Hepburn, 2016; Moore, 2008; Iurato, 2006; Christiansen, 1996). The upshot of this heightened mobilisation was the creation in 1994, under the Maastricht Treaty, of the Committee of the Regions, a representative chamber for regional and local authorities, which brought the promise to directly involve Member States’ territorial divisions into the EU governance (Falcon, 2001). Furthermore, as a second channel for regional participation, the Maastricht Treaty granted regional governments the ability to represent Member States’ interests within the Council of the EU. The institutionalisation of regional engagement in European affairs seemed to prelude a coming ‘third level’ of decision-making, alongside the national and supranational levels, in a system of European governance which scholars accordingly began to define as ‘multilevel’ (Hepburn, 2016).

Against the backdrop of the opening of opportunities for regional direct access to the supranational arena, in the 1990s, the notion of a ‘Europe of the regions’ gradually took hold in the European public debate. This was a very malleable concept, which assumed both policy and constitutional implications. The one unifying factor inherent in the imaginary of a European Union driven by the regions was that it could be harnessed in pursuit of a core common agenda: greater political participation for regional actors on EU matters, both at the Member State and at the Brussels levels (Moore, 2008; Hepburn, 2008, 2016).

Nevertheless, from the late 1990s onwards, the optimism for a soon-to-come ‘Europe of the regions’ began to vanish. Indeed, the expectations and demands of regional authorities, which had hoped for a stronger voice in Europe, collided with an objective limitation of opportunities for regional interests’ representation (Hepburn, 2016). The Committee of the Regions emerged as a largely symbolic body, lacking any real influence on the EU policymaking process and suffering from internal divisions (Christiansen, 1996). Another disappointment to regional political actors was their failure to obtain guarantees for a stronger regional role in the draft European Constitution and subsequent treaties. As a matter of fact, the role of the regions in the EU has not been formalised further beyond the high point of the mid-1990s, when the Committee of the Regions was established, and Article 203 of the Maastricht Treaty allowed regional ministers the right to participate in Council of the EU meetings (Moore, 2008). Finally, the same ability to represent Member States in the Council

meetings has been in practice restricted to a small handful of regional entities in federal-type states (Tatham, 2008). In light of the continuing weakness of regional representation in the European polity, the idea of regions being a coming ‘third level’ of EU multilevel governance has not come to fruition in any substantial way. Member States have not been bypassed and remain the most important decision-makers in key areas of European integration, including in matters concerning regions and localities (Hepburn, 2016; Greenwood, 2017).

Nonetheless, if on the one hand the idea of a ‘Europe of the regions’ has largely been discredited and has generally fallen out of favour, at the same time, regional independent mobilisation in the EU has continued to grow substantially. According to Moore (2008), this paradox finds an explanation in the pragmatism of regional actors. To put it more clearly, the scope of regions’ engagement in the EU has moved beyond the very abstract and ill-defined goal of a ‘Europe of the regions’ to focus on more pragmatic purposes. Despite the absence of dramatic new developments in the recognition of institutionalised access opportunities, in fact, regional interests are, either way, deeply affected by EU policies and legislation. Moreover, subnational authorities take responsibility for much of their implementation. Consequently, regional actors have clear incentives to seek access to the European political arena (Moore, 2008; Greenwood, 2017).

Drawing on the above, the purpose of this analysis is to contribute to the understanding of regional engagement with the European Union. As argued, two decades after the idea of a ‘Europe of the regions’ lost its momentum, regional mobilisation is indeed a still significant phenomenon in the Brussels environment. A phenomenon which, in addition, is still unfolding, especially in the Member States of Central Eastern Europe (CEE), the last one to have joined the EU. In fact, based on the precedent set by the model of engagement of other regions, the practice of directly representing regional interests in the EU, through a permanent office in Brussels, has been imported into the action plan of regional administrations across new Member States. Direct regional presence in Brussels, therefore, has become a core element of EU membership (Moore, 2008).

More specifically, this research will seek to understand how regional governments interface with European institutions in the implementation of Cohesion policy. Indeed, if it is true that the regional policy of the Union recognised the dignity of regions as actors, such recognition posed them a challenge, as it required on their part the development of strategies to convey the interests of regional territories to Brussels (Profeti, 2006). In parallel, the analysis will examine how these interactions of regional public authorities with EU institutions are synchronised with the interplay between the same authorities and territorial stakeholders

(interest associations, SMEs, NGOs, etc.). It will be shown, in fact, that the partnership principle - a cornerstone of Cohesion policy - has not only promoted the involvement of subnational authorities in the Structural Funds implementation process but has also established that interest organisations are needed as active collaborators in all its phases, because of the contribution they can bring in terms of legitimacy, input, knowledge, human resources, etc. This posed a further challenge to European regions, namely the creation of regional ‘arenas’ (or their strengthening, if pre-existing): a wording used by Fargion et al. (2006) to refer to the institutionalisation of a set of recurrent patterns of relations among public and private actors within each region.

To empirically evaluate the interplay between actors at the regional and supranational levels of government in the execution of Cohesion policy, it was selected the case study of the Italian region of Tuscany and its interface with European institutions and territorial stakeholders in the formulation of its Regional Operational Programmes (ROPs). Operational Programmes (OPs) are multiannual development plans in which Member States set out how money allocated from the European Structural and Investment Funds<sup>1</sup> (hereinafter the ‘Structural Funds’) will be spent during a programming cycle<sup>2</sup>. A source of inspiration for the selection of this case study was the traineeship I did at the EU liaison office of the Tuscany Region in the summer 2021, which allowed me to have a glance at the role that regions carved out in the European Union.

The research will be structured as follows. The first chapter will trace the role that regions have historically played in European governance from the early stages of the process of integration until the present day. This overview will highlight how channels of access to supranational decision-making opened up for European regions only in the last few decades. The second chapter will focus on Cohesion policy. An in-depth analysis of the implementation process of the EU regional policy will reveal its unique multilevel governance, which involves the regional level of government - along with European and national institutional actors and private interests - in the programming and management of Structural Funds. The third chapter will deal with Cohesion policy implementation in Tuscany. Notably, we will be interested in understanding how this Italian region formally complied with the Cohesion policy partnership clause - in both its vertical and horizontal dimensions - in the planning of its ROPs ERDF for the programming periods 2007-2013,

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<sup>1</sup> Although there have been adjustments over the years, the lion’s share of the European Structural and Investment Funds has been constituted by the European Regional Development Fund (ERDF), the European Social Fund (ESF), and the Cohesion Fund (CF).

<sup>2</sup> This is the definition of an Operational programme provided on the website of the European Commission: [https://ec.europa.eu/regional\\_policy/en/policy/what/glossary/o/operational-programme](https://ec.europa.eu/regional_policy/en/policy/what/glossary/o/operational-programme) [accessed in June 2022].

2014-2020, and 2021-2027. The latter are the programming documents through which the Tuscan Regional Government defined, for the multi-year periods in question, its strategies for the use of the resources allocated from the European Regional Development Fund, i.e., one of the Structural Funds. Based on original empirical data gathered from semi-structured interviews conducted with some public servants of the Tuscany Region, the fourth chapter will seek to shed light on the behind-the-scenes exchanges which took place between regional officials, officials of the European Commission, and interest associations concerning the elaboration of Regional Programmes for the more recent 2021-2027 programming period. As such, the empirical contribution of this analysis is a more fine-grained overview of the strategies and access points used, on the one hand, by Tuscan authorities when engaging with the European level, and, on the other hand, by organised interests when engaging with the Tuscan Regional Government. In the last paragraph some conclusions on the relationship between regional and supranational levels of government, public and private actors, in the evolving governance of EU Cohesion policy will be drawn.

## **Chapter 1**

# **THE INVOLVEMENT OF THE REGIONS IN THE EU GOVERNANCE**

The position that EU Member States' regions today occupy in the system of European governance has not always been the same. Rather, it is the result of historical developments whereby, after remaining in the 'blind spot' in the early stages of European integration, regional entities have seen their influence on supranational policy processes enhanced and their participation institutionalised. This chapter will provide an overview of this evolution of regional involvement in the EU governance throughout the process of continental integration.

### **1.1 The initial 'regional blindness' of the Community institutional framework**

The European Community was originally characterised by the dominance of the nation-states, while Member States' internal territorial articulations remained extraneous to the launch of the process of integration (D'Atena, 1998). First of all, this was due to a legal aspect. The very nature of the Paris and Rome treaties was that of multilateral treaties under public international law. Based on international law, as pointed out by the Vienna Convention on the Law of Treaties, sovereign states are the sole ones endowed with the capacity to conclude international agreements. Federated states or regional governments could not therefore be involved in the conclusion of the founding treaties of the Communities (Falcon, 2001). Member States' subnational authorities neither had a legal standing independent of the states of which they were part in the nascent Community legal order. The latter, in fact, was based on the principle of indifference towards the internal territorial arrangements of the Member States, which were considered an exclusive domestic competence (Iurato, 2006). EU law treated, and still treats today, the state as a monolith, a single entity fully responsible for securing conformity with the law on its territory. As Weatherill (2005, p. 1) put it, "There is no account taken of the internal arrangements preferred by the States. Regions are not the EU's concern. States are".

The regions<sup>3</sup> were not only extraneous to the founding processes but initially they were also extraneous to Community governance. The institutions and procedures envisaged by the founding treaties did not recognise any role in European decision-making to Member States' subnational entities (Iurato, 2006; Perathoner, 2020). The institutional framework of the EC was structured on a strictly intergovernmental basis, thus concentrating the decision powers in the hands of its founders and essential components: the Member States. Evidence of this is the preeminent role played in the Community system by the Council of Ministers, i.e., an intergovernmental institution that represented the interests of Member States. The constitutional focus on the states and the central position of the Council of Ministers, composed solely of representatives of national governments, led in 1966 the German constitutionalist Hans Peter Ipsen to coin the term '*Landesblindheit*'<sup>4</sup> - translated in the Anglo-Saxon literature as 'regional blindness' - to describe the original lack of capacity of the Community legal system to 'see beyond' the state level of government (Falcon, 2001; Perathoner, 2020). It was not by chance that it was the German jurisprudential doctrine that first stressed how the regions were marginalised by the process of European integration. As we will see below, in fact, at the time West Germany was the only founding Member State that had a 'strong' regional tier of government. The German expression '*Landesblindheit*' was translated also as 'federal blindness' (D'Atena, 1998). Nevertheless, Falcon (2001) pointed out that this translation is not as accurate as its more popular version referred to regions: from a federal point of view, the Community legal system was not blind at all. On the contrary, it maximised the role of the states as its founding subjects and essential components.

The rationale behind the initial marginalisation of the regions in the supranational institutional framework was also linked to the founding Member States' territorial structure. The six Member States that in 1957 signed the Treaty of Rome, the founding treaty of the European

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<sup>3</sup> In the EU legal order there is not a consistent definition of 'region', even though the term is used in EU primary and secondary law. This is due to the lack of a univocal understanding of what regions are, given the differences in terms of territorial extension, constitutional position, and functions of these political-administrative entities across Europe (Perathoner, 2020). The European Commission attempted to cope with the issue by developing for statistical purposes the NUTS (Nomenclature of Territorial Units for Statistics) system, which divides Member States' territories into three different tiers of subnational units, with the second level corresponding to the regional one. Each level is an aggregation of national administrative units (Keating, 1997).

In this analysis, I will refer to the 'regions' in their institutional denotation. In this respect, by 'region' we mean "the largest political-administrative unit within a state" (Caciagli 2003, p.15). Another way to define regions in institutional terms is negatively, as intermediate between the state and local governments (Keating, 1997). This is, for instance, the definition provided in the statute of the Assembly of European Regions, which states that "The term 'Region' covers in principle territorial authorities between the central government and local authorities, with a political representation power as entrusted by an elected assembly" <https://aer.eu/aer-statute/> [accessed in July 2022].

<sup>4</sup> The term *Landesblindheit* was used by Ipsen for the first time in the essay *Als Bundesstaat in der Gemeinschaft*, in Caemmerer, Schlochhauer and Steindorff, *Probleme des europäischen Rechts*, Frankfurt a. M., 1966, 248-256.

Community, i.e., West Germany, France, Italy, Belgium, Luxembourg, and the Netherlands, all shared a centralised institutional system but West Germany and Italy. Among the latter, it should be noted that, while the Federal Republic of Germany has been a fully-fledged federalised state since its refoundation after World War II, Italy, although formally a regionalised state based on its Constitution of 1948, saw the concrete establishment of its 15 ordinary-statute regions only in 1970. In the interim period, only five Italian regions existed, governed by special statutes adopted by constitutional laws<sup>5</sup>, remaining an exception in a highly centralised system. Against this backdrop, at the very beginning of the integration process, the only regional entities existing in the EC Member States, and consequently the only ‘victims’ of the Community’s regional blindness, were the German *Länder* and the Italian *Regioni a statuto speciale* (Bullmann, 1997; D’Atena 1998; Iurato, 2006).

Given that the Community institutional framework failed to involve them, initially the regions could participate in European policy processes only through the ‘national route’. This is to say that their participation in Community decision-making depended completely on the room for manoeuvre, granted by the Member States, to contribute to the definition of the national position that their respective government would have advocated at the European level. However, the initial extraneousness of Member States’ regions from the European decision-making had a double face, concerning both the Community and the national legal orders (Falcon, 2001). Indeed, internal institutional mechanisms that involved the regions in the definition of national interests were deficient even in West Germany, the only founding Member State equipped with a federal institutional structure. The federal government granted the German *Länder* intrastate channels of access to European policymaking already in 1957, but it was not until the 1980s that the *Länder* achieved substantial co-determination powers in European affairs (Börzel, 1999). At the dawn of the European integration process, what prevailed was a conception of Community policy as an aspect of foreign affairs, which fell traditionally under the exclusive competence of central governments. Community policy was accordingly typically viewed as a central state monopoly. As European matters were considered out of their reach, regional institutions were excluded from their administration. In essence, those few Member States’ regions existing at that time were only passively involved

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<sup>5</sup> These were the *Regioni a statuto speciale*, foreseen by Article 116 of the Italian Constitution of 1948, which were recognised a special administrative status. This was due to their location on the periphery of the national territory and to the fact that they experienced specific socio-economic or ethnic issues. Namely, the *Regioni a statuto speciale* in Italy are Sicilia, established in 1947, Sardegna, Valle d’Aosta, Trentino-Alto Adige, which were all established in 1948, and Friuli-Venezia Giulia, the latter established in 1963 (D’Atena, 1998; Bullmann, 1997; Caciagli, 2003).

in the Community governance as addressees of decisions taken without them being able to have their say (Jeffery, 1997; D’Atena 1998; Iurato, 2006).

The founding treaties referred to the regions merely as geographical areas of socio-economic imbalances, which had to be smoothed out. European leaders, as they gathered to negotiate the Treaty of Rome, were indeed well aware of the problem of uneven regional development across the Community and its implications for the functioning of the Common Market (Iurato, 2006; Baun & Marek, 2014). The preamble of the Treaty of Rome of 1957 declared that the signatory Heads of State and Government were “anxious to strengthen the unity of their economies and to ensure their harmonious development by reducing the differences existing between the various regions and the backwardness of the less favoured regions”. However, it was not until nearly twenty years after the Treaty was signed that an EC regional policy<sup>6</sup> was finally established to promote the development of the areas concerned (Baun & Marek, 2014; Perathoner, 2020). Brunazzo (2016) identified four main reasons why the governments of most Member States were reluctant to attribute competencies in this policy area to the recently founded Community institutions: (1) regional development policy was still nascent at the national level; (2) it was a politically-sensitive area, as it touched on issues related to the territorial organisation of the states and the relation between state and enterprises; (3) a Community regional policy was considered unnecessary because Member States were confident that increased economic integration would have automatically reduced regional disparities through the promotion of interregional trade; (4) in the 1950s there were great expectations about the capacity of the World Bank (created in 1944), and more generally of Public Investment Banks, to foster the dynamics of growth in underdeveloped areas. These impediments remained substantially unaltered for about twenty years. In a nutshell, the creation of a proper European regional policy for a long time was considered politically divisive, unnecessary, and too ambitious.

Though not in the context of an overall regional policy, the Treaty of Rome provided for the establishment of the European Investment Bank (EIB), whose task was to grant low-cost loans and guarantees to national governments for projects aimed at assisting developing and restructuring regions. Two other financial instruments with regional development implications, foreseen in the Treaty, were the European Social Fund, created to assist workers affected by industrial restructuring, and the Guidance section of the European Agricultural Guidance and Guarantee Fund (EAGGF), which provided support for underdeveloped rural

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<sup>6</sup> As expressed by Norbert Vanhove, regional policy or regional planning “includes all forms of public intervention intended to ameliorate the geographical distribution of economic activities” (quoted in Leonardi, 2005, p. 4).

areas. These were the first of the so-called Structural Funds which, along with the ERDF and the Cohesion Fund, would later provide the main financial instruments for EU Cohesion policy (Baun & Marek, 2014; Brunazzo, 2016; Greenwood, 2017).

## **1.2 The emergence of a regional level of government in Europe**

Over the decades, the unfolding of regionalisation<sup>7</sup> processes within Member States, on the one hand, and the deepening of the European integration process, on the other, changed profoundly the picture just outlined, entailing a progressive transfer of state competencies respectively to the regional and supranational levels of government.

As regards the first phenomena, processes of administrative and political reorganisation, since the 1970s, brought about substantial changes in the constitutional architecture of several states in Western Europe. The prevailing pattern of the institutional reforms adopted was the transfer of powers and competencies from the centre to the periphery of the states and, more specifically, the establishment or strengthening of an intermediate layer of government, located between the state and local authorities (Caciagli, 2003; Iurato, 2006). The advancement of this ‘third’ or ‘meso’ level was spurred by economic, political, and cultural developments (Piattoni, 2016). As argued by Bullmann (1997), the restructuring of nation-states was firstly a response to the major challenges which industrialised countries in general, and Community Member States in particular, had to face. The complexity of social, ecological, and economic problems made traditional nation-state-based modes of intervention insufficient, if not ineffective, in addressing them. The new challenges required instead suitable and tailor-made solutions which could not be developed in a top-down approach. Most European states therefore decentralised their institutions of government in the interests of modernisation and administrative rationalisation.

However, a functional logic does not explain by itself the reconfiguration of the territorial arrangements of European nation-states. In numerous EC Member States, regionalisation processes were also related to the rediscovery or the affirmation of regional identities, which were assumed to have been obliterated by the process of nation-building. Thus, decentralisation of power entered the political agenda of several European governments as a response to a surge in mobilisation of regionalist movements, which claimed greater

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<sup>7</sup> By ‘regionalisation’ we mean “the process whereby unitary states set up regions where these did not exist before” (Loughlin, 1996, p.149).

autonomy, if not outright independence, in the name of the cultural or ethnic specificities of territories located within the borders of the existing nation-states (Bullmann, 1997; Caciagli, 2003). In this respect, Keating (1997) identified two waves of regionalism<sup>8</sup> that swept across European states in the twentieth century: a first wave in the 1960s and 1970s, which unfolded in the context of the nation-states; a second one in the 1990s, which gained momentum in a new context marked by global economic and European integration.

As already mentioned, Italy completed its regionalisation in the 1970s. The first direct elections by universal suffrage of the assemblies of its newly established 15 ordinary-statute regions were held in 1970. Two decrees in 1975 and 1977 then proceeded to the transfer of legislative powers and financial resources to the regions. In Belgium in 1970 a revision of the constitution brought forth the original subdivision of the country into three linguistic communities (corresponding to the French, Dutch, and German languages) and three territorial regions (Brussels-Capital, Flanders, and Wallonia) (Caciagli, 2003).

The 1980s marked the accession to the Community of Spain and Portugal, two countries whose transition to democracy coincided with different patterns of regionalisation: the regionalisation of the state was total in Spain, while it concerned only some island territories in Portugal<sup>9</sup> (D'Atena, 1998). Moreover, the 22 French regions, administrative entities that had been created in 1956 for the sole purpose of economic planning, were given additional powers and became fully-fledged elected assemblies in 1986, when the first regional elections were held in France (Caciagli, 2003). French regions have competed with the still existing *départements* for the occupation of the ‘meso’ level of decision-making space (Loughlin, 1996).

In the 1990s three further events enhanced the meso-tiers of government in the EU. Firstly, at the end of an institutional reform process that in twenty years completely transformed a former centralised country, Belgium was formally declared a federal state in 1993. Pressures from minority nationalist and linguistic movements ensured this continued progress to regionalisation and, ultimately, federalisation of the state (Keating, 1997). Secondly, the EU was joined by a state with a strong federalist tradition: Austria. Lastly, it should be mentioned that, following the 1997 referendums held in Scotland and in Wales, devolved governments

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<sup>8</sup> In the words of Loughlin (1996, p.148), “The term ‘regionalism’ refers to an ideology and a political movement advocating greater control by regions over the political, economic, and social affairs of their regions, usually by setting up political and administrative institutions with legislative powers”.

<sup>9</sup> In Spain, based on the Constitution of 1978, 17 *Comunidades Autónomas* were established, covering the entire national territory. In Portugal, the formula of asymmetric regionalisation was adopted, as the Portuguese Constitution of 1976 recognised the quality of Autonomous Regions only to the island territories of the Azores and Madeira. Thereby, while responding to the specific demands of these territories, the country has retained a unitary constitution (D'Atena, 1998).

came into existence in the United Kingdom (UK), though it remained a strongly centralised state (D'Atena, 1998; Caciagli, 2003).

In the 2000s regionalisation processes concerned the new Member States of Central and Eastern Europe. In the accession countries that joined the EU in 2004, 2007, and 2013, “Regional or provincial levels were generally weak, which left an ‘administrative vacuum’ between the powerful central government ministries and the numerous, small, and fragmented local government authorities” (Bachtler & McMaster, 2008, p. 401). Except for Poland, where decentralisation was discussed as a fundamental part of the democratic transition process from its outset in 1989-1990, and the Czech Republic, where there was a constitutional commitment to regional government established in 1993, in most of the CEE countries regionalisation became a salient issue only within the context of EU accession from 1996 onwards. Still, Hughes et al. (2004) highlighted that the conditionality of EU membership obligations had little influence on the new structures of territorial government. The authors maintained that the diverse responses in the CEE countries to the demands for regionalisation and NUTS II standardisation were more strongly influenced by path-dependent factors in the politics of domestic transitions, rather than the conditionality emanating from the European Commission. As a matter of fact, there has been a strong pattern of asymmetry in the size and powers of the newly created subnational units. If in some new Member States regional institutions are elected and have devolved powers (especially in Poland and, to a lesser extent, in the Czech Republic and Slovakia), in others (such as in Hungary) regional institutions are essentially centrally appointed entities with largely advisory functions (Hughes et al., 2004). Small, old and new, EU Member States have remained the more reluctant to abandon a unitary institutionalised structure. In these countries, more homogenous in terms of language and culture because of their reduced territorial and demographic size, the pressures to dismantle the centralised state have been feeble, and the functional need for regional governance weak (Caciagli, 2003; Hughes et al., 2004).

This brief overview gives a glimpse into the asymmetric course taken by regionalisation processes, which were typically shaped by national bureaucratic traditions and political conflicts (Bullmann, 1997). As Keating (1997, p. 396) maintained, “The invention of regions is thus a sporadic and partial process, not a wave sweeping across Europe and transforming the architecture of politics in a uniform manner”. Leaving aside the wide variety of the institutional forms of EU Member States, what is relevant for this research is that, as a result of these processes of administrative reorganisation which several Member States underwent in the past decades, the presence of a regional layer of government has no longer constituted an

exception in the EU, as it was the case in the early years of European integration (Iurato, 2006). Regions in Western Europe emerged as political arenas, in which various political, social, and economic actors meet and where issues are debated. At the same time, they constituted themselves as actors in national and, as we will see, European politics, pursuing their interests (Keating, 1997).

### **1.3 The creation of EU Cohesion policy and the recognition of a role to regional authorities in its implementation**

As already discussed, Cohesion policy was not an original policy of the European Community, like the Common Agricultural Policy (CAP) or the common commercial policy. The creation of a European regional policy rose to the top of the Community agenda only at the beginning of the 1970s due to a convergence of economic and political developments (Marks, 1992; Manzella & Mendez, 2009; Baun & Marek, 2014; Brunazzo, 2016). Firstly, the economic crisis that had erupted in European countries brought forth severe economic structural problems in different parts of Europe and drew attention to the close linkage between declining industries and specific territorial areas. National governments were thus persuaded of the need for coordinated actions to cope with the endemic unequal development across European regions. This economic context was coupled with changes in EC membership. The first Community enlargement in 1973, with the accession of Denmark, the United Kingdom, and Ireland, exacerbated regional disparities<sup>10</sup>. After joining the EC, the UK became a large net contributor to the Community budget. This was due to its heavy deficit under the Common Agricultural Policy, which at the time accounted for close to 75 percent of EC spending. As part of the accession negotiations, the UK sought economic compensation for its anticipated large net contributions in the shape of the availability of European-level funding for its declining industrial regions (Greenwood, 2017). The creation of a Community regional policy, therefore, became part of the general package deal that allowed the 1973 enlargement to go forward. Finally, it should be highlighted that the EC leaders at the Hague Summit in December 1969 decided to pursue the goal of Economic and Monetary Union (EMU). This led to concerns about the economic impact of EMU on Europe's less developed

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<sup>10</sup> Both Ireland and the United Kingdom had endemic regional underdevelopment problems. This led them to side with Italy - among the six founding Member States the only one that contained a sizeable geographical area far less developed than the rest of the country - in its long-standing demand for a Community regional policy (Marks, 1992).

regions, as well as about the problems that regional disparities might pose for the monetary union, which supported the case for a Community regional policy.

Against this backdrop, at the October 1972 Paris summit, EC leaders announced in a statement that the Member States had “agreed to give top priority to correcting the structural and regional imbalances in the Community which could hinder the achievement of Economic and Monetary Union”. They also declared that the Member States would coordinate their regional policies and establish a Regional Development Fund (Baun & Marek, 2014; Perathoner, 2020).

Regulation EEC n. 724/1975, creating the ERDF, was subsequently approved by the Council of Ministers in March 1975. As pointed out by Manzella and Mendez (2009, p. 10), “The final outcome could not be described as a comprehensive and common regional policy based on Community-wide criteria and priorities. Not only was the ERDF’s budget and distribution calculated on an intergovernmental basis, but the Member States also retained direct control over every aspect of the Fund’s management and implementation”. Indeed, the resources of a small budget<sup>11</sup> were allocated according to a system of national quotas annually negotiated between the Member States. Applications for project financing were channelled through national governments as well, giving them the primary role in project selection. The European Commission’s role in regional policy decision-making was very limited; nor did Member States’ subnational authorities have much involvement (Hooghe & Keating, 1994; Manzella & Mendez, 2009; Baun & Marek, 2014; Brunazzo, 2016).

The 1979 and 1984 reforms brought minor changes and budget increases. Despite a clear trend, whereby it became more Community-orientated, after these reforms the EC regional policy essentially remained an interstate budgetary transfer, with the Commission playing very little role in planning and overseeing how regional funds were used. In essence, during this first period, the EC regional policy was underdeveloped, underfunded, and almost entirely under the control of Member States. The consequence of this dominance of national governments was the development of a regional fund but not a genuine European regional policy (Manzella & Mendez, 2009; Baun & Marek, 2014; Brunazzo, 2016).

By the mid-1980s an impetus for reform was provided by the dual process of EC enlargement and deepening economic integration (Hooghe & Keating, 1994; Manzella & Mendez, 2009; Baun & Marek, 2014). The accession of Spain and Portugal in January 1986 brought into the Community two much poorer countries, which suffered from serious development problems,

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<sup>11</sup> The total agreed budget for the European Regional Development Fund was initially 1.3 billion European Units of Account over a three-year period (1975-1978), accounting for 4.8 percent of the Community budget, which itself represented only 0.5 percent of the EC GDP (Manzella & Mendez, 2009; Baun & Marek, 2014).

and thus further enlarged the coalition of Member States favouring increased Community efforts to strengthen economic and social cohesion.

At the same time, the EC's plan to deepen integration through the adoption of the Single Market programme, with its goal of creating a barrier-free internal market by 1992, raised concerns about the vulnerability of the more disadvantaged regions in the periphery of the Community to liberalised competition with the far 'stronger' regions of the core<sup>12</sup>. At the intergovernmental conference (IGC) launched in September 1985 to revise the Treaty of Rome, concluded in February 1986 with the signing of the Single European Act, potential loser Member States – i.e., Greece, Ireland, and Italy, joined later by Spain and Portugal – with the strong support of the European Commission President Delors, therefore argued for a major increase in regional policy spending to compensate them for the anticipated negative effects of the Single Market programme. In the end, the IGC agreed to 'constitutionalise' the EC regional policy, by introducing a new treaty section (Title V) on 'Economic and Social Cohesion'. The objective of the Community regional policy was defined by Article 130a of the Single European Act in these terms: "In order to promote its overall harmonious development, the Community shall develop and pursue its actions leading to the strengthening of its economic and social cohesion. In particular, the Community shall aim at reducing disparities between the various regions and the backwardness of the least-favoured regions". Hence, the term 'Cohesion policy' to denote this whole area of intervention. This commitment to promote 'economic and social cohesion' remained a constant element of all the treaty reforms that followed the signing of the SEA<sup>13</sup>. The key policy instruments for delivering this objective, specified by Article 130b of the SEA, included the three Structural Funds (the European Regional Development Fund, the Guidance Section of the European Agricultural Guidance and Guarantee Fund and the European Social Fund), loans from the EIB and other existing financial instruments, and the coordination of Member States' economic policies (Marks, 1992; Manzella & Mendez, 2009; Baun & Marek, 2014).

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<sup>12</sup> Among others, the Cecchini report, examining the benefits and costs of establishing a single market in the EU, forecast that the completion of the Common Market would benefit the core regions of the Community (those included in the 'golden triangle' between London, Paris, and Milan or in the 'blue banana', stretching through Frankfurt), and would penalise the weaker peripheral regions, unless their difficulties were countered by some adequate accompanying measures (Piattoni, 2010).

<sup>13</sup> More recently, the Lisbon Treaty added a 'territorial' dimension to 'economic and social cohesion' (Manzella & Mendez, 2009). Article 174 of the Treaty on the Functioning of the European Union nowadays states that "In order to promote its overall harmonious development, the Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion. In particular, the Union shall aim at reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions [...]".

The objective of mutual social and economic solidarity expressed in the Single European Act did not remain a dead letter. Indeed, the following 1988 reform revolutionised the procedures for the allocation and implementation of Structural Funds. Firstly, Cohesion policy was provided with a significant increase in funding, by doubling for the following five years the Structural Funds commitments, from 16.2 percent of the EC budget in 1987 to 30.7 percent of the budget in 1993. As a result, regional policy had the second largest budget of all the Community policies, behind only the Common Agricultural Policy. According to a widely accepted interpretation, the intergovernmental agreement to double financial resources for the programming period 1989-1993 constituted the side-payment that the Community's poorer Member States had looked for in return for their assent to the Single Market programme (Marks, 1992; Piattoni, 2010; Greenwood, 2017). Alongside this impressive budgeting expansion, there were fundamental innovations in the management of the Structural Funds. The new regulations introduced four basic principles according to which the funds were supposed to operate, which still today represent the cornerstones of EU Cohesion policy governance: Concentration, Programming, Partnership, and Additionality<sup>14</sup>. The 1988 reform also greatly expanded the Commission's discretionary authority and role in the administration of the Structural Funds: the Commission was given the authority to determine the eligibility criteria for EC-funded development programmes and to formulate the rules for managing them. Thereby, regional policy was given a stronger pan-European orientation. As summarised by Baun and Marek (2014, p. 27), "Whereas previously Community assistance was provided via a redistributive mechanism to member states to support their own domestically determined priorities, it would now be provided on the basis of EC-approved multi-annual programmes, in pursuit of Community-determined objectives and in accordance with eligibility criteria that were also determined at the Community level". For this very reason, the 1988 reform of the Structural Funds was a watershed, which marked the birth of EU Cohesion policy (Bailey & De Propris, 2002; Manzella & Mendez, 2009; Baun & Marek, 2014; Brunazzo, 2016).

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<sup>14</sup> The principle of concentration requires that Structural Funds assistance is concentrated in areas of greatest need, as defined by established objectives. Programming requires that the Structural Funds are used to support multi-annual development programmes drawn up by the Member States, in line with Community objectives and priorities and approved by the Commission, rather than for individual projects. Partnership requires the involvement of the Commission, national governments, and subnational authorities in the programme formulation and implementation, with each part acting as a partner in the pursuit of a common goal. Additionality requires that Member States spend regional policy allocations in addition to their domestic expenditure so that EU funds do not substitute for national expenditures but rather complement them (Baun & Marek, 2014; Brunazzo, 2016).

Remarkably for the scope of this analysis, the principle of partnership introduced by the 1988 reform required the active involvement of subnational levels of government in the implementation of Cohesion policy. Notably, the principle, as defined by Regulation EEC n. 2052/1988, required “close consultations between the Commission, the Member State concerned and the competent authorities designated by the latter at the national, regional, local or other level, with each party acting as a partner in pursuit of a common goal” (OJEC, 1988). The failure to unambiguously refer to the regional level was due to the continuing lack of this tier of government in some Member States (Falcon, 2001). The regulation also stated that the principle should apply to all aspects of the implementation process, covering “the preparation, financing, monitoring and assessment of operations”. As such, in the field of Cohesion policy, the principle of partnership gave regions the direct access to European decision-making which had previously lacked. Through partnership arrangements, regions that received Structural Funds could give voice to their needs and ultimately influence how the funds were spent. In a nutshell, “Regional policy was not just *for* the regions but *by* the regions” (Hepburn, 2016, p. 206).

It is claimed (Bailey & De Propris, 2002; Piattoni, 2010; Baun & Marek, 2014) that thereby Cohesion policy triggered processes of institutional adjustment, which had significant effects on regional governance in the EU. In the words of Piattoni (2010, p. 107), the partnership principle implied “a veritable intrusion into the autonomy of member-states’ freedom to organize territorially as they preferred”. Some EU15<sup>15</sup> Member States already had a regional tier of government that met the requirements of Cohesion policy. This was the case of the federal or regionalised states analysed in the previous paragraph, including Germany, Belgium, Spain, Italy, and Austria. Still, in these countries, regions moulded their institutional setting to respond to European regulations. Where regional governance structures did not exist, the necessity to comply with EU partnership rules, which required the existence of competent regional authorities that could be partners of the Commission and national governments in the administration of Structural Funds<sup>16</sup>, resulted in the creation of such bodies. This was the case of traditionally centralised states, such as the UK, Ireland, Greece,

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<sup>15</sup> EU15 includes the fifteen countries in the European Union from 1 January 1995, when Austria, Finland, and Sweden joined, to 1 May 2004, when the Eastern enlargement took place.

<sup>16</sup> A precondition for receiving Structural Funds assistance is the existence of competent regional authorities at the NUTS-2 level. However, EU regulations do not specify the nature of these regional bodies: they can be either democratically elected governments with substantial autonomy and power, or purely administrative authorities appointed by central governments with very limited or no real independent power. Thus, where competent regional bodies did not already exist, the decision of what type of regional governance structure to create was wholly a matter for the Member States (Baun & Marek, 2014).

and Portugal, where some form of regional administration had to be created from scratch<sup>17</sup>. The candidate states of Central and Eastern Europe were also required to establish competent subnational units to meet the partnership requirements of the Structural Funds, in this case as a precondition of EU membership<sup>18</sup> (Hooghe & Keating, 1994; Baun & Marek, 2014). Cohesion policy led not only to the creation of new regional governmental institutions, but also empowered them where already existed. Regional empowerment is often understood as an “increased freedom of subnational authorities to connect with similar authorities or with supranational authorities without the permission of national governments” (Piattoni, 2010, p. 126). Such greater capacity derived from the greater availability of resources thanks to participation in Cohesion policy. The EU regional policy first provided regions with new financial resources. Secondly, drawn into the implementation process of the Structural Funds with a formal role, European regions were provided with relational resources. Indeed, subnational authorities managed to establish and nurture direct links with the European institutions, particularly the Commission, that they would have hardly established had it not been for this policy. Opportunities emerged also to entertain transnational relations with other regional actors to press their common interests in the EU. These relations encouraged the formation of transnational associations by regional and local governments. In light of this, the traditional monopoly of Member State governments over the mediation between Community and domestic actors was challenged. Regional entities became independent political actors in the European arena, circumventing their national governments (Marks, 1992; Piattoni, 2010; Baun & Marek, 2014).

## 1.4 The institutionalisation of regional participation in European policymaking

As we have seen, the 1988 reform of the Structural Funds was strongly linked with new possibilities for regional engagement in Europe. In the words of Hooghe and Keating (1994,

<sup>17</sup> As we will see at the end of this chapter, in contrast to the self-governing regions of federal or regionalised states, however, the regional authorities created in these centralised states to activate the triangle with the Commission and the national governments were often purely administrative entities, appointed and controlled by national governments, and having very little decision-making autonomy. As such, their creation did not correspond to any form of real decentralisation of power (Bailey & De Propris, 2002; Baun & Marek, 2014).

<sup>18</sup> The candidate countries were obliged to meet the requirements of the *acquis communautaire*, the entire body of EU legislation. Chapter 21 of the *acquis* does not define how the specific structures for the practical management of Structural Funds should be set up. However, it sets out detailed conditions and rules in the field of regional policy, which stress the importance of establishing an appropriate form of territorial organisation for the implementation of Structural Funds and require the adoption of the NUTS statistical classification system (Hughes et al., 2004; Bachtler & McMaster, 2008).

p. 370), the reform was seen to encourage the articulation of “political demands in regional terms and provided objects for political mobilisation”. Illustrative of this development was the growing inter-regional mobilisation through overarching (such as the Assembly of European Regions or the Council of European Municipalities and Regions), geographical (such as the Association of European Border Regions or the Conference of Peripheral Maritime Regions) or sectoral (such as the Four Motors of Europe) transnational associations and networks. Some of these originated as spin-offs from Community Initiatives, which had the explicit purpose of transregional network formation, or in the regeneration schemes aimed at particular problems, or in the management of Structural Fund programmes. Others had their origins in bottom-up mobilisation among regions with common territorial features or policy problems. The Commission, wishing to streamline interest representation as it cannot deal with every region or other decentralised actor individually, played a role in fostering cooperation and associationism among regions<sup>19</sup> (Tömmel, 1998). Since the 1950s, regions and local authorities have joined together in European-wide associations, such as the Council of Municipal and Regional Authorities of Europe (founded in 1951). However, from the mid-1980s onwards, there was a proliferation of such organizations and a strengthening of their influence on European policymaking (Loughlin, 1997; Hooghe & Marks, 1996; Tatham, 2008; Greenwood, 2017).

The growth in regions’ collective lobbying at the EU level, through transnational regional associations, was accompanied by a growth in individual mobilisation. This was highlighted by the creation, multiplication, and subsequent empowerment of regional representative offices in Brussels. Since the first two regional offices were established in the European capital in 1985, by the German *Länder* of Hamburg and Saarland, the number of these representations indeed grew at an exponential rate, rising from 15 in 1988 to 54 in 1993, to 170 in 2001, to well over 200 in 2010 (Hooghe, 1995; Moore, 2008; Greenwood, 2017). Initially, the legitimacy of these regional independent offices in Brussels was highly controversial, as the right of external representation traditionally had belonged to the states, given their exclusive competence in foreign affairs. Important incentives to be present in Brussels were the reforms and the expansion of the Structural Funds, as well as the increasing influence of EU policy decisions on subnational authorities (see below) (Huysseune & Jans, 2008). If the desire to be better positioned to access EU funding was an important driving force of the first representations, over the years these offices have not only grown in number

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<sup>19</sup> According to Tömmel (1998), the Commission also expected that associations or networks - based on the exchange of experiences - would be able to elaborate policy proposals better adapted to the needs of the Structural Funds recipients and to foster innovation of regional and structural policies in less favoured regions.

but have also broadened and reoriented their operating remits. As such, in the literature (Moore, 2008; Tatham, 2008; Greenwood, 2017), two subsets of Brussels offices have been distinguished: a ‘first league’ of offices, representing powerful and richly endowed EU regions, such as the German *Länder* or the Spanish *Comunidades Autónomas*; and a ‘second league’, which includes the offices representing less-well-resourced and institutionally weaker regions. Among these two types of regional offices, there is a discrepancy in terms of objectives: while most second-league offices are usually hunting for EU funding opportunities, the first-league ones seek to influence European legislation. For the latter representations, today securing funding for regional actors remains only a marginal activity.

The acceleration of the integration process from the mid-1980s triggered increasing awareness in regional tiers of government that the EU mattered and could impact on their activities (Christiansen, 1996). The Single European Act and then the Maastricht Treaty, in fact, massively enlarged the EU's competencies and transferred many national decision-making powers to EU institutions. Furthermore, as highlighted by Greenwood (2017), the Single Market project involved a whole host of new or revitalised initiatives deeply impacting territorial authorities. Notably, the author mentioned issues concerned with public procurement, transportation, local economic development, technology transfer and research framework programmes, supply of public utilities, transfer of undertakings, and anti-poverty initiatives. As a result of the combined effect of the deepening of European integration and regionalisation processes, ultimately European decision-making increasingly impinged on the internal functions and responsibilities of regional authorities (Iurato, 2006). The transfer of national policy competencies to the supranational level, however, did not affect the European regions in the same way. While regions of weakly decentralised Member States had less to lose, regions of federal or regionalised Member States, which possess the most internal competencies, were impacted most by European policymaking as the EU scope of action expanded. In the latter case, the transfer of competencies to the supranational level resulted in an uneven distribution of ‘say and pay’ between the central state and the subnational level. On the ‘say’ side, as central governments allowed for the transfer of competencies to the EU, they continued to play a decisive role in making decisions previously within their responsibility. Indeed, national executives represented their state in the Council of Ministers, the EU’s predominant legislative body. Precisely for this reason, however, central governments decided also on the exercise of those competencies allocated to the regional level in the domestic constitutions and transferred to the EU. The regions were left without any influence as not formally represented in the European decision-making process, losing *de facto*, if not *de iure*,

constitutionally entrenched decision powers. This was an issue that existed from the foundation of the European Coal and Steel Community onwards which however, as discussed, became especially acute with the relaunching of the integration process, when the scope of European competencies was massively widened. In addition, on the 'pay' side, the regions became in many policy areas the main implementors of European policies. As such, they often had to carry the burden of implementing policies in whose formulation they did not participate (Börzel, 1999; Jeffery, 2000; Bourne, 2003; Noferini, 2012).

As such, in highly decentralised states, where regions possess considerable policy competencies, bottom-up pressures for adaptation were high since the deepening of integration led to a significant alteration of the intergovernmental balance of power to the detriment of the subnational level. Moreover, in these states, regions had the sturdiest internal base from which to mobilise to gain institutionalised channels of access to EU decision-making (Jeffery, 2000). To accommodate regional demands for compensation, systems of intrastate participation were adopted, whereby central governments shared their decision powers in European policymaking, allowing regional authorities to jointly determine their state's EU position. In this way, regions could make their interests count on European affairs (Börzel, 1999; Iurato, 2006). This occurred in Germany, where in 1992 the *Länder* got co-determination powers in EU policymaking, after threatening to veto the ratification of the Maastricht Treaty. Notably, new constitutional settlements foresaw that, when *Länder* interests are affected by an EU decision, the Bundesrat - the legislative body representing the *Länder* - has the right to formulate an opinion that the Federal government must take into account. Remarkably, if the administrative or legislative competencies of the *Länder* are involved, the Bundesrat has the final decision on the German bargaining position in the Council of the EU. The *Länder*'s demands for participation in European policymaking were based on the argument that EU policy was no longer foreign policy in the traditional sense but, with the growing scope of European legislation with direct effect in the Member States, it adopted the character of the domestic policy of an emergent European polity. The *Länder* consequently claimed rights in shaping this 'European domestic policy' equivalent to those extensive rights they possessed in 'traditional' domestic policy. A similar line of argument was adopted by other 'strong' subnational authorities in the EU - in Belgium, Austria, Spain, and Italy - which equally claimed the right to act in EU decision-making within the framework of their internal competencies. This convergence of the views of 'strong' EU regions reflected a common concern to maintain the integrity and purpose of the internal distribution of

competencies within their Member States, in the face of the ‘blindness’ of the European institutional framework to that distribution (Jeffery, 1997, 1997a, 2000; Börzel, 1999).

For these ‘strong’ European regions, the German procedural arrangements served as a model of intrastate involvement in European policymaking (Börzel, 1999). An agreement reached in 1994 between the Spanish government and the *Comunidades Autónomas* established that the *Comunidades Autónomas* shall be informed about all European issues relevant to their competencies or interests. The Spanish regions can formulate joint positions. As in the German procedure, the binding character of the latter for the national government varies according to the degree to which the competencies of the *Comunidades Autónomas* are affected. The CARCE (Conference on Affairs Related to the European Communities) intergovernmental conference represents the main channel by which the central state and the regions negotiate the Spanish bargaining position in EU affairs (Börzel, 1999; Noferini, 2012). The opening of the internal decision-making process to the Italian regions occurred with a series of laws approved between 1987 and 1989, which stipulated that the Italian government has to inform the regions of proposed EU legislation. The *Conferenza Stato-Regioni*, a committee comprising the Presidents of the Italian regions, was entrusted with the right to submit opinions to the central government on European legislation regarding matters for which the regions are competent (Desideri & Santantonio, 1997; Falcon, 2001). The Belgian federal government and the subnational authorities agreed in 1994 on a complicated system of concertation and coordination, which grants the Belgian regions and communities strong co-determination powers. Belgian subnational entities were indeed granted a right of veto in the determination of Belgium's position in the Council of the EU (Kerremans & Beyers, 1997). Entering the European Union at a time when the role of the regions had become a prominent issue in the integration debate, Austria was confronted with the need to address the regional impact of EU membership already during the accession negotiations. As such, in 1992, more than two years before the EU accession, the Austrian *Länder* obtained constitutional rights regarding the receipt of information about, and the expression of opinions on, European proposals that affect their sphere of action or may be of interest to them. As in the German case, if the EU issue concerns regional legislation, the Federal government is bound by the joint opinion of the Austrian *Länder* in its European negotiations (Morass, 1997).

These examples provide an overview of the different extents to which a subset of ‘strong’ regions has been able to breach the monopoly of their central state over EU policy and establish significant intrastate channels of access to European decision-making. Jeffery

(1997a) maintained that it seems common sense that the whole spectrum of subnational authorities across Europe, whether competence-strong or competence-weak, will seek to engage with and influence European decision-making processes, to the extent that these processes impinge on their internal functions and responsibilities, however broad or narrow these might be. Jeffery concluded his analysis by convincingly arguing (1997a, 2000) that the constitutional situation of subnational authorities is the variable with the most predictive strength in pinpointing the level of influence they gain in European policy at the domestic level.

Apart from the establishment of a range of mechanisms for involvement in the formation of the state bargaining position at the EU level, regions also demanded a direct and unmediated presence in the institutional structure of the European Union (Christiansen, 1996). The German *Länder*, whose achievements at the domestic level set down markers for intrastate regional participation in European policymaking, were the main driving force also in pushing for a generalised, cross-European, regional right of input into European decision-making, capable of transcending the channels of input available through Member States. The strategy of the German *Länder*, developed before opportunities opened up to enhance their intrastate participation in the European policy process, was motivated by the ambitious vision of a Third Level of the EU. This was the vision of a three-tiered structure for the future Union in which a third, uniform, regional level of government, moving outside the framework of the Member State, would take a direct role in European decision-making alongside the 'first' (European) and 'second' (national) levels (Jeffery, 1997).

In 1988, the first sign of a gradual involvement of territorial entities in the European institutional framework was the establishment by the European Commission of a Consultative Council of Regional and Local Authorities (CCRLA). The Commission chose for this step the juridical form of a decision so that it could act on its own, without any interference by the Member States. Composed of 42 members<sup>20</sup>, holding an elected office at the regional or local level, the CCRLA had an advisory role over the formulation and implementation of regional policies as well as the regional implications of other Community policies (D'Atena, 1998). Its creation was seen by some regional governments as the embryo of a forthcoming 'third chamber' that would represent the 'third level' in Europe (Piattoni, 2010).

On the initiative of the German delegation, in 1992 at Maastricht the CCRLA was transformed into a Committee of the Regions (CoR) by Article 198a of the Treaty on the

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<sup>20</sup> The members of the Consultative Council were appointed by the European Commission on the joint nomination of two European-wide subnational associations: the Assembly of European Regions and the Council for European Municipalities and Regions (Hooghe, 1995; Keating, Hooghe, & Tatham, 2015).

European Union. Despite its name, the CoR was envisaged as a body that would have represented both regions and localities, thus having a mixed membership of regional and local government representatives. This was chosen as a compromise solution by the treaty negotiators. Given the heterogeneity of subnational governments in Europe, in fact, it would have been impossible to create a homogeneous body to represent them all<sup>21</sup>. The Committee of the Regions, which came into existence in 1994, was given compulsory consultative powers over all EU legislation which had a clear territorial component. It must be consulted by the Commission, the Council of the EU, and, since the Amsterdam Treaty, by the European Parliament in several policy areas, which the Amsterdam and Lisbon treaties expanded<sup>22</sup>. It can also issue opinions on its own initiative (Christiansen, 1996; Loughlin, 1997; Falcon, 2001; Iurato, 2006; Keating et al., 2015). The setting up of the CoR was a considerable breakthrough in terms of subnational actor involvement in EU governance. Indeed, before 1994, there were three kinds of representation at the European level: territorial representation, but confined to the states, in the Council of Ministers; direct representation, following the first direct elections to the European Parliament in 1979; representation of social and economic interests in the Economic and Social Committee. In Maastricht, the principle of subnational territorial representation in the EU institutional architecture was accepted for the first time (Loughlin, 1996, 1997).

As argued by Loughlin (1997), the decision by Member States to allow subnational levels of government to be represented for the first time in a European body was the result of the conjunction of several different sets of factors: a centrality of the ‘regional dimension’ in European policies, following the reform of Cohesion policy, the signing of the Single European Act and the arrival of the Single Market; the previously mentioned processes of regionalisation which brought about the rise of a ‘meso’ level of government in several Member States; the also mentioned growing proliferation of interregional cooperation and lobbying organizations, which seemed to indicate a powerful, bottom-up demand for the

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<sup>21</sup> To confine the Committee simply to ‘regions’, in the restricted institutional sense of a tier of government between the state and the local levels, would have meant excluding countries such as the UK, Ireland, Greece, Denmark, and Portugal, not to mention Sweden and Finland which were soon to become EU members (Loughlin, 1997).

<sup>22</sup> Based on the Maastricht Treaty, the CoR produced obligatory opinions in five policy areas: education and youth, culture, public health, trans-European networks in the areas of transport, telecommunications and energy infrastructures, and economic and social cohesion. The Amsterdam Treaty increased the scope of the CoR consultation in the areas of employment, social matters, the environment, the Social Fund, vocational training, and transport. The Lisbon Treaty further extended the policy areas in which CoR consultation is compulsory to include civil protection, climate change, energy, and services of general interest (McCarthy, 1997; Keating et al., 2015).

incorporation of subnational governments in the European arena<sup>23</sup>. In addition, the creation of the CoR carried the advantage of added legitimacy to European policymaking, while its advisory nature reassured Member States' governments and supranational institutions of its potential for obstructing decision processes (Christiansen, 1996; Jeffery, 1997).

On the initiative of the Belgian delegation, the principle of subnational governmental representation in the Council of the EU was also established in Maastricht. Indeed, the rewording of Article 146 of the Treaty of Rome established that the Council was no longer the preserve of national ministers, but a Member State could be represented in the institution by regional ministers with full negotiating powers. The clause, it must be emphasised, does not allow regions to represent themselves in the Council, but regional ministers appearing there represent their Member State as a whole (Hooghe & Marks, 1996; Keating et al., 2015).

The final Treaty on the European Union reflected to a large extent regional aspirations. For the German *Länder*, the disappointment at some of the outcomes of their Third Level strategy<sup>24</sup> was mitigated by the feeling that Maastricht was just a first step and that future opportunities for improvement would arise (Jeffery, 1997).

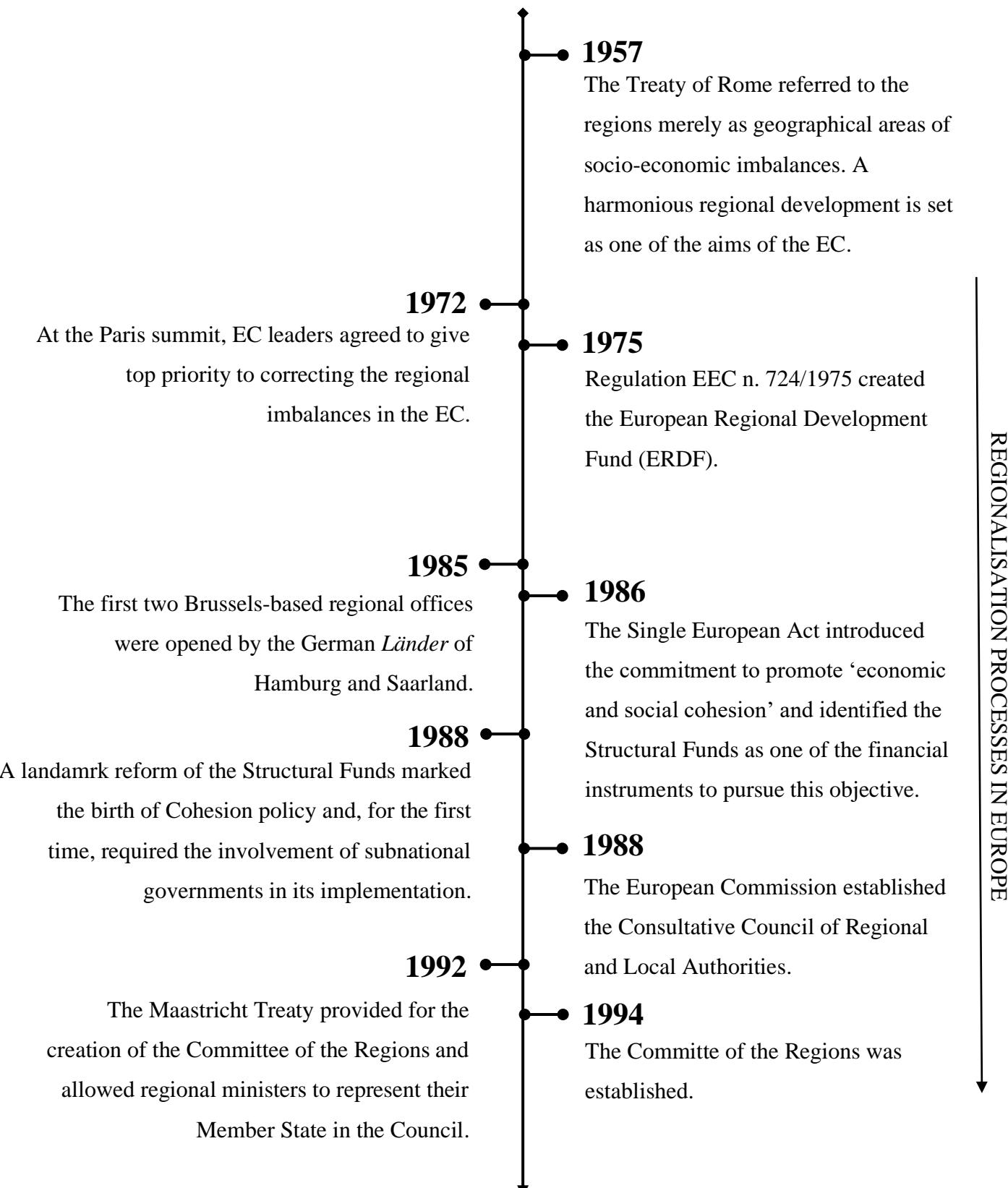
In Figure 1 the evolution of regional involvement in the EU governance is represented in a timeline. It can be seen how, following the adoption of the Treaty of Rome in 1957, for thirty years the European institutional framework was 'blind' to the regions, though in the 1970s the issue of regional imbalances entered the agenda of the Community. This long-lasting exclusion of regional authorities from the supranational arena came to an end in the late 1980s and early 1990s when, in a few years, European regions first saw the recognition of a role as partners in the implementation of Cohesion policy and then, with the Maastricht Treaty, the recognition of the principle of subnational representation in the EU institutional architecture. In a nutshell, for a long time regional governments were constrained to dyadic political relations with their domestic national institutions. Opportunities to defend their interests directly at the supranational level opened up only decades after the process of European integration had been set in motion.

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<sup>23</sup> From the point of view of the setting up of the Committee of the Regions, Loughlin (1997) highlighted the important role played by the Assembly of European Regions (AER), founded in 1984 and consisting of many regions from both the European Union and Eastern Europe. The AER, under a German guiding influence, was very active in lobbying for a Committee of the Regions during the negotiations leading to the Maastricht Treaty (Jeffery, 1997; Loughlin, 1997).

<sup>24</sup> Among the demands of the German *Länder* disappointed at Maastricht, there was the request for the regional level of government to have a right of appeal to the European Court of Justice in disputes over competencies. Moreover, the principle of subsidiarity was incorporated into the treaty, though not in the strong formulation - one which addressed the roles and competencies of subnational governments - which the *Länder* had hoped (Jeffery, 1997).

**Figure 1: Timeline of the involvement of regions in European governance from the 1950s to the 1990s**



Source: own elaboration

## 1.5 The debates on the EU ‘multilevel governance’ and a ‘Europe of the regions’

As pointed out in the previous paragraphs, the tradition of central state monopoly competence in European affairs, which had characterised the early stages of continental integration, was breached throughout the 1980s and 1990s, when subnational governmental actors became increasingly engaged with the institutions and processes of EU policymaking. Firstly, at the European level, new opportunities for subnational governments to access European decision-making emerged. Secondly, within several Member States, regions successfully claimed a right to access to European policy processes via state channels. Thirdly, there was a spectacular growth of regional representations in Brussels and of transnational regional associations. The latter constituted informal channels, which allowed European regions to independently seek to influence EU policymaking.

The increasing involvement of actors and institutions below the state in European decision-making prompted scholars to reflect on the implications for the nature of the emergent European polity. Some scholars argued that a new system of ‘multilevel governance’ was developing in the EU, in which the decision-making authority was increasingly exercised jointly by institutions at the supranational, national, and subnational tiers (Baun & Marek, 2014; Hepburn, 2016; Piattoni, 2010, 2016). The theory of multilevel governance thereby questioned the leading intergovernmental and neo-functional approaches to European integration, which were so focused on the interaction between the state and supranational levels that they ended up overlooking subnational mobilisation in the EU arena. The theory does not expect either that state executives dominate the process of European integration, having supranational institutions as their agents, nor the withering away of the nation-states in a European political union. Multilevel governance rejects a zero-sum game conception of intergovernmental relations, positing that state executives have lost their firm control over EU policymaking, though this has not led to an omnipotent European level. This is due to the EU’s way of decision-making, which involves a multiplicity of actors at different governmental levels, including actors below the state. The different political levels of a multilevel governance system are not isolated but interconnected and interdependent. Consequently, subnational actors are also active on both the national and supranational levels, creating their transnational links and coalitions in the process. Quoting Marks, to whom we owe the notoriety of the notion of multilevel governance, “instead of a net, two-sided process involving member states and Community institutions, one finds a complex, multi-layered,

decision-making process stretching beneath the state as well as above it" (Marks, 1992, p. 221).

The theory of multilevel governance was first fashioned to refer to developments in EU Cohesion policy. In fact, Cohesion policy revealed eloquently that Member States governments were ready to relinquish significant amounts of sovereign power - such as that of deciding autonomously the amount and the direction of the resources that would accrue to their more backward regions - and were willing to accept the recognition of a formal role to subnational authorities in the ideation, implementation, and evaluation of Structural Funds programmes (Piattoni, 2016).

While academics began to discuss the concept of multilevel governance, regional actors began to evoke the imagery of a 'Europe of the regions' (Hepburn, 2016). The slogan 'Europe of the regions' has its origins in the 'integral' federalist model of Europe, theorised in the aftermath of the Second World War by political thinkers such as Denis de Rougement and Guy Héraud. The latter advocated a federal Europe in which the nation-states would be replaced by subnational levels of government, and especially regions, as the constitutive units of the federation. Against the backdrop of the critical juncture for the role of regional authorities in the EU, this vision of a 'Europe of the regions' was invoked again (Loughlin, 1996; Borrás-Alomar et al., 1994). Leading players in the debate were once again the German *Länder*. The renewed popularity of the notion owed much to a series of conferences initiated by some of the Minister-Presidents of the *Länder* in 1989 and called precisely 'Europe of the regions'. These conferences were part of the Third Level strategy of the *Länder*, which were seeking to mobilise political support inside and outside Germany for their claims of an enhanced role for the regions in European politics (Loughlin, 1996, 1997; Börzel, 1999).

From the 1980s onwards, the concept of a 'Europe of the regions' was used in a wider sense than the one originally outlined by European federalists. As pointed out by Loughlin (1997), the slogan was not simply understood in its 'strong' sense, which refers to a federal Europe whose federated units would be the regions, but it was more often understood in a weaker and vaguer sense, whereby it pointed to a Europe in which the regions would find a new prominence at the supranational and national level, which had hitherto been denied them. Thereby, 'Europe of the regions' became an umbrella term, which meant different things to various constituencies: the transformation of territorial government for the proponents of a Europe where the regions would take the place of the states, on the one hand; a more serious contribution of regional actors to supranational decision-making for the proponents of a Europe where the regions would constitute a 'third level', on the other (Elias, 2008).

The slogan was also brandished by minority nationalist and regionalist political parties, symbolising widespread frustration with the predominantly intergovernmental workings of the EU, which failed to recognise the rights and identities of regions and stateless nations. In the 1990s, debates on the role of the regions in Europe encouraged these parties to tie their constitutional goals to the evolving structure of the EU. In the face of new possibilities for regional engagement in Europe, autonomy in a ‘Europe of the regions’ appeared to offer them a third way between state centralism and independence. It was not only regionalist parties that began to link regional autonomy with Europe, but regional branches of state-wide Christian Democratic and centre-left parties across Europe also became firm advocates of a ‘Europe of the regions’ (Hepburn, 2008, 2016).

## **1.6 Today’s European Union: a Europe with only some of the regions?**

If the drafting of the Maastricht Treaty aroused the enthusiasm of regional actors, from the late 1990s onwards, several developments began to shatter the optimism about an impending ‘Europe of the regions’ (Iurato, 2006; Elias, 2008; Hepburn, 2016).

First, the objective limitations of channels for direct regional engagement in the EU emerged. The Committee of the Regions, which was intended to give subnational authorities a formal role in European decision-making processes, was weakened in its powers and by its composition. As already discussed, the powers of the Committee are confined to consultation only. It does not have a co-decision right. As such, its impact on EU policy processes has been low. Its inherent heterogeneity, with the inclusion of both regional and local representatives, has diluted the clout of regions in the body. In this respect, it should be noted that even Member States where a regional level of government exists, such as Italy, have opted for a mixed membership of both regional and local representatives in the CoR (Falcon, 2001). Moreover, the membership of the Committee is defined along national lines. This is to say that the choice of who would represent the regions and local authorities in the CoR was left to the national governments, rather than to the authorities themselves. National politics is also felt in the allocation of committee chairs and memberships, and even in the allocation of own-initiative opinions by national quotas (Keating et al., 2015). The significance of national allegiances led Christiansen (1996) to refer to the CoR as a ‘committee of Member-State representatives’. Finally, the functioning of the CoR has displayed several lines of division -

notably the one between regional representatives of federal or regionalised states and local representatives of unitary states - which have undermined the common purpose in the body (Christiansen, 1996; Loughlin, 1997; McCarthy, 1997; Caciagli, 2003).

Participation of regional ministers in the Council, the other institutionalised channel for regional involvement in the EU policy process introduced by the Maastricht Treaty, has proved to be highly selective in practice. Article 203 of the Treaty, stipulating that regional representatives must have ministerial status, was designed for federal states. As such, only institutionally 'strong' regions, such as German and Austrian *Länder*, Spanish *Comunidades Autónomas*, Belgian regions and communities, and the UK devolved administrations, have exploited the opportunity to access Council meetings and there have occasionally represented their Member State. Furthermore, it should be underlined that the ultimate decision to allow regional participation in the Council emanates from the central states that, accordingly, have maintained a veto power. This implies that central governments can inhibit regional participation in relevant areas of EU policymaking. In this respect, it is illustrative the case of Spain where, as highlighted by Noferini (2012), the national government 'opened the gate' for subnational representatives in only four of the Council's configurations. Other configurations, in areas where still the *Comunidades Autónomas* share relevant competences - such as ECOFIN (Economic and Financial Affairs Council) or Competitiveness -, remain under the control of the Spanish state. Finally, as a regional minister who appears in the Council of the EU represents its Member State, there needs to be a prior agreement among the regions and the state as to what their interest is. In other words, the freedom of action of regional ministers is constrained (Tatham, 2008; Keating et al., 2015). Given this, Morass (1997, p. 84) argued that "it is necessary to be realistic: regional influence will be more successful in the phase of internal [i.e., intrastate] preparations rather than within the Council meeting".

Even Cohesion policy - whose reforms during the late 1980s and early 1990s were interpreted as the harbingers of a new 'multilevel' Europe - has had a highly differentiated impact on regional empowerment and mobilisation across EU Member States. In this respect, Domorenok (2014, pp. 542-543) argued that "if, in the context of cohesion policies, the loss of competences by the Member States in favour of the Community institutions and, in particular, of the Commission leaves no doubts, the thesis on the strengthening of the role of the regions must be carefully verified, considering the strong dependence of the latter on the central-periphery division of responsibilities defined at the national level as well as on the mechanisms of interinstitutional coordination consolidated within the States". Indeed, a key factor that has determined the degree to which European regions have been or have not

empowered by Cohesion policy is the national institutional set-up. This greatly affects the financial and administrative capacity of subnational authorities and, consequently, their ability to take advantage of the opportunities presented by Cohesion policy to empower themselves. In essence, only ‘strong’ regional institutions in federal or regionalised systems have been able to successfully exploit the opportunities for access to new resources and influence presented by the EU regional policy. While, in some traditionally more centralised EU15 Member States, with hardly any experience of collaborative and inclusive policymaking, such as France, UK, Ireland, Portugal, and Greece, Cohesion policy has led neither to significant empowerment of regional actors nor to real governmental decentralisation. Where regional authorities did not previously exist, in fact, the new regional bodies created for the purposes of Cohesion policy have been often purely administrative entities, having very little policy-making capacity or decision-making autonomy. Where, as in the case of France, regional authorities did already exist, they have remained fairly weak (Piattoni, 2010; Baun & Marek, 2014). ‘Weak’ subnational authorities, though entitled by the partnership principle to participate in the making of the EU regional policy, have often lacked the institutional capacity to activate such entitlement, becoming active partners of national governments and the European Commission (Bailey & De Propris, 2002). If regions are denied a significant role in Structural Funds implementation, they are unable to take advantage of the resources and opportunities for empowerment that Cohesion policy offers, and central state dominance may instead be reinforced.

Overall, it emerges how the few institutional channels that the EU makes available to the regions for their involvement in European policymaking are characterised by several shortcomings. The most relevant limitation is that they are configured as mere opportunities for participation, which the regions can seize only if - and to the extent that - they are so allowed by the ultimate decision of the central state concerned. As such, national governments still maintain a crucial gatekeeper position. While, as in the early stages of the integration process, the internal territorial articulation of the Member States still today is considered an exclusive state competence, which is not relevant to the European legal order (Iurato, 2006). As noted by Jeffery (1997a), after all, if the central state monopoly on European integration policy was breached, it should not be expected that central state institutions would simply throw it away.

The role of regions in the EU has not been formalised further in the treaties beyond the high point of the Maastricht Treaty. Jeffery (1997a, p. 208) argued that Maastricht “represented something of a high tide in opening up the European architecture to SNAs [i.e., subnational

authorities]; the tide has subsequently ebbed considerably”. This stagnation has been due to both political and legal reasons. Throughout Europe, territorial cleavages persist. As such, those Member States confronting regions that claim greater autonomy, if not fully independence, have opposed any reform that would enhance the European relevance of subnational authorities. They fear, in fact, that the recognition to the regions of autonomous rights of participation in European policy processes would indirectly strengthen regionalist or independence movements at home and encourage them to raise the bar of their claims. This stagnation should also be ascribed to the heterogeneity of European subnational governments, which differ enormously in terms of political, administrative, legal, and financial powers. As we have seen, decentralisation and regionalisation processes have not led to the creation of uniform regional structures in the different EU Member States. Rather, some states have no institutional regions, others recognise a special autonomy only to some territorial entities, others have the entire national territory divided into regions. These differences in territorial articulations have hindered the recognition to the regions of an autonomous right to take part in the formulation of European policies (Iurato, 2006; Moore, 2008). In this respect, Jeffery (1997, p. 66) pointed out that the Third Level strategy pursued by the German *Länder* “run up against the buffers not so much of the limitations of their achievements in the Maastricht Treaty, but rather a more insuperable problem: the sheer heterogeneity of forms of sub-national governmental organization in the EU”. This insuperable obstacle has scuppered the vision of the CoR evolving over time into a third legislative chamber representing the ‘third level’ in the EU, to which the *Länder* aspired. The transformation of the CoR into an institution exclusively representing the European regions, in fact, would exclude from representation all the Member States that do not have a regional level of government. In the absence of any real potential for the uniformity of the structure of subnational government, on which the political aspirations of the *Länder* hung, it seems unrealistic that these Member States could accept such a solution.

The European ambitions of the *Länder* scaled down also reflecting the constitutional participatory rights in the formulation and representation of the German bargaining position that the *Länder* received in 1992. Given these, Jeffery (1997, p. 67) maintained that “the extent to which the *Länder* felt the need to articulate and pursue their interests in the context of a wider Third Level in the EU could be much downgraded; the ‘introspective’, intra-state route held out much greater promise”.

Indeed, the observation of the numerous limitations that characterise the institutionalised channels available to the regions for their direct involvement in European policymaking, as

well as of the profound differences existing concerning their ability to exploit these channels, prompted some scholars (D'Atena, 1998; Jeffery, 1997a, 2000) to conclude that the most influential channels of access to European decision-making, and the main instrument to compensate the regions for the Europeanisation of their competences, are the intrastate channels, i.e., those mediated through the central states. The domestic legal framework, on the other hand, can overcome the obstacle of the heterogeneity of territorial articulations in Europe. Unfolding its effects solely in relation to the Member State concerned, it can take into account the constitutional peculiarities of this, thereby configuring itself as a tailor-made suit, modelled and calibrated on the specificities of the individual national system (D'Atena, 1998). To conclude, in the last three decades, there have been some departures from the 'old Europe of the nation states', in which the regions were nothing but the subordinate parts of their Member States and there was no room for their direct mobilisation at the supranational level. The integration of regions into the European polity has been a real fact. It is clear, however, that the regions are nowhere near to replacing Member States as the constituent units of a federal European Union. In this sense, hopes for a future 'Europe of the regions', understood in its more radical sense, are stillborn. Already in the post-Maastricht debate, it was evident (Borrás-Alomar et al., 1994; Loughlin, 1996) that this idea, so fashionable at the time, did not come to grips with the continuing significance and the staying power of the nation-states in the EU. As the Member States remain the masters of the treaties, it seems reasonable to assume that, even if they agreed to transform the EU into a federal state, they would not give up the role of federated units in favour of the regions (D'Atena, 1998). As such, it was suggested (Borrás-Alomar et al., 1994; Hooghe, 1995) that, without doing injustice to the developments of integration and regionalisation in the past decades, on the one hand, and to the continuing significance of the national level, on the other, the nature of the transformed European polity could be best captured by the notion of a 'Europe *with* - not *of* - the regions'. The scenario of a 'Europe with the regions' refers to what has been described in the literature as a system of 'multilevel governance', i.e., a three-tiered institutional architecture in which the regions constitute the 'third level' alongside the European and the national ones (Piattoni, 2010).

Nevertheless, as argued by Caciagli (2003), also the multilevel governance interpretative scheme seems unfit to understand the nature of today's European Union. Indeed, if it is clear that nowadays there are alternative channels for regional interests representation at the EU level to national governments, subnational territorial representation remains weak in the European institutional system. Moreover, the ability to use these channels is varied and

contingent on domestic factors. In this respect, the creation of new avenues for regional mobilisation has brought into focus persistent differences in the organizational and political capacities of regional actors. Regions well-funded, strongly institutionalised, and constitutionally endowed with extensive internal competencies, that is, regions belonging to federal or regionalised states, such as the German and Austrian *Länder*, the Belgian regions/communities, the Italian regions, and the Spanish *Comunidades Autónomas*, have been active in the European arena. The same privileged subset of regional actors has also obtained a higher level of influence on the formulation of national bargaining positions. At the other extreme, subnational authorities that are weakly institutionalised and resource-poor in their national systems are less present in the European decision-making process, as well as scarcely involved in the internal mechanisms of formulating the national interest regarding European affairs. This is the case of subnational actors in Greece, Ireland, Portugal, the Netherlands, and the Scandinavian countries. In other words, as contrasting regional actors have been brought together within an overarching European polity, a multilevel governance system has developed but there is no territorial uniformity in its operation (Hooghe & Marks, 1996). For this reason, Iurato (2006) suggested that it would be more appropriate to refer to today's European Union as a 'Europe with some of the Regions', notably, with those regions endowed with the most capacity and resources. As noted by Tatham (2015, p. 398), "this path-dependent cumulative advantage effect is likely to be of concern for systems wishing to generate an ever-closer union and a reduction - not a deepening - of inequalities between its members".

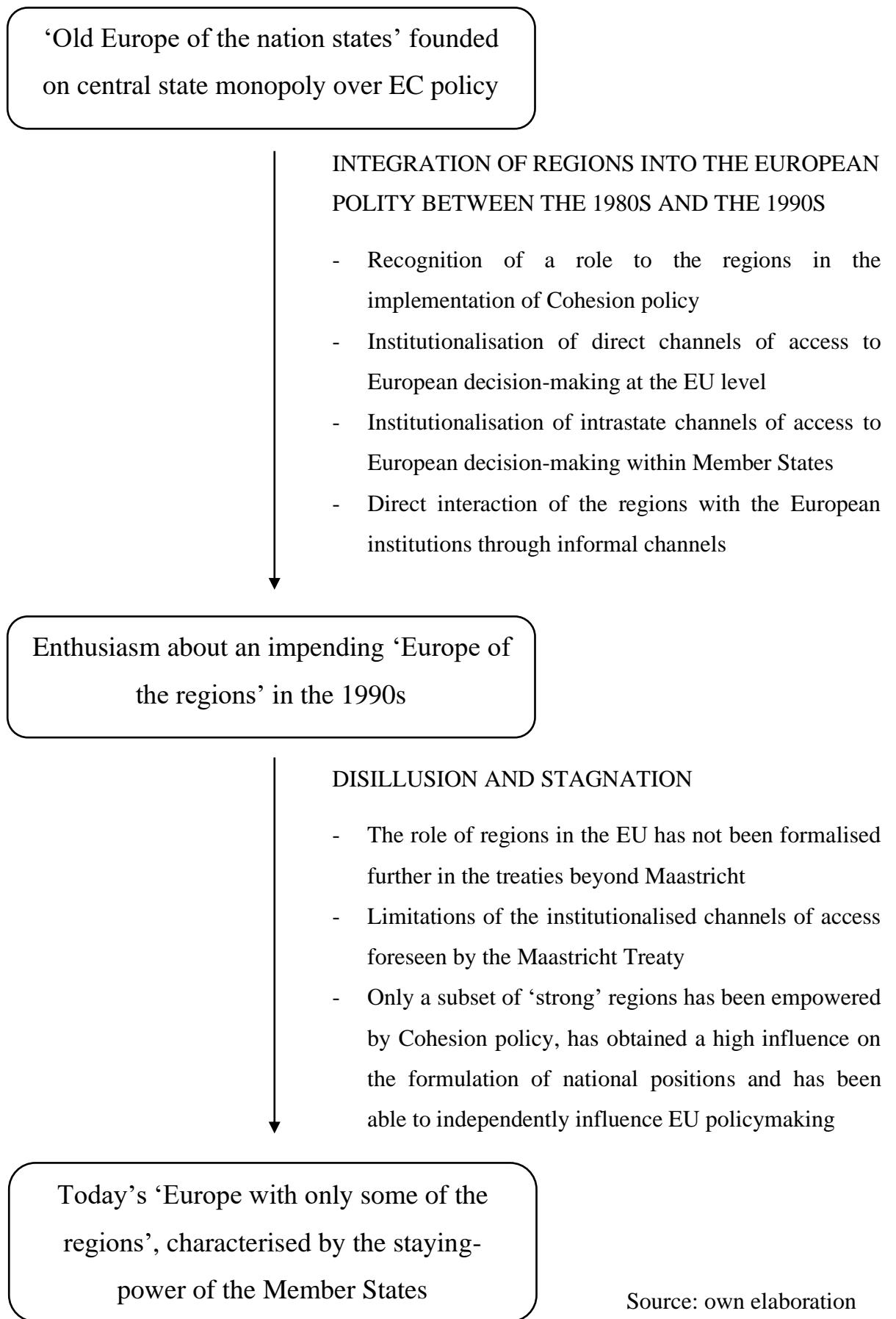
If the concept of a 'Europe of the regions' has largely been discredited and has generally fallen into oblivion, however, the level of regional engagement in Europe continues to grow substantially. As explained by Moore (2008), and as illustrated in this chapter, the relevance of EU policies and legislation for regional actors offers one explanation as to why they continue to mobilise in Brussels. Evidence of increasing levels of regional mobilisation is given by the consistent growth of the number of offices in Brussels representing regional authorities. This led some scholars (Moore, 2008; Huysseune & Jans, 2008) to conclude that the practice of representing regional interests in the EU through an independent office has become the norm for European regions. Ahead of the 2004 EU enlargement, regions from the new Member States raced to set up representations in Brussels which, in recent years, have been consolidated (Moore, 2008; Huysseune & Jans, 2008). Beyond this, the older and more established regional representations have strengthened their foothold in the European capital,

by deploying more resources, expanding their staff, and moving to larger, better-located premises in the city (Moore, 2006).

These regional offices do, of course, maintain direct links with the European institutions. However, as argued by Jeffery (1997a), and more recently by Keating et al. (2015), by providing information on upcoming policy initiatives, their work is primarily designed to serve the intrastate European policy operations of their sponsoring regional authorities. This is to say that it is primarily designed to better equip the home administrations with intelligence, which can be used in intergovernmental negotiations within the domestic realm. In addition, many offices have established close ties with their respective national Permanent Representations. The creation and consolidation of forms of exchange of information, coordination, and/or policy planning between regional offices in Brussels and their national Permanent Representation demonstrate the desire of subnational authorities to enhance their influence where it matters, namely, at the Council bargaining table: a table where Member States are represented (Moore, 2006; Huysseune & Jans, 2008). Indeed, regional lobbies are rarely powerful on their own in Brussels and they tend to cooperate with their Member State much more frequently than they bypass it. Regions do try, and occasionally succeed, to directly influence European policymaking, but such influence is limited, usually confined to narrowly circumscribed issues. Furthermore, it tends to be the privilege of the same group of larger and ‘stronger’ regions (Keating et al., 2015; Tatham, 2015).

Figure 2 gives an illustration of the evolution of the European polity we have just described, with a synthetic focus on its shift from an arena monopolised by Member States to an arena that ‘opened its gates’ to the participation of Member States’ subnational governments - giving rise to hope for an upcoming ‘Europe of the regions’ - to an arena where, contrary to these expectations, nowadays central governments largely maintain their role as gatekeepers between the domestic and the European levels and the ability of regional actors to use direct channels of access is extremely varied. If the influence of regional authorities on European decision-making remains limited, it shall not be underestimated how the whole conception of European affairs as a primordial state government competence has been reconsidered throughout the process of continental integration.

**Figure 2: Evolution of the European polity based on the level of involvement of regions**



Source: own elaboration

## **Chapter 2**

### **EU COHESION POLICY AND THE REGIONS**

Around one-third of the EU budget is set aside for Cohesion policy, which aims to promote the Union's overall harmonious development and to strengthen its economic, social, and territorial cohesion. These ambitious goals are to be achieved by projects financed by the European Structural and Investment Funds, the main financial instrument of Cohesion policy. The policy stands out for its unique and defining multilevel system of governance. Indeed, the implementation of the Structural Funds is undertaken through the 'shared management' model, involving the European, national, and subnational levels of government. The first paragraph of this chapter will examine in greater depth how Cohesion policy is executed, with the purpose of better understanding the 'rules of the game' within which regional authorities participate in its implementation. The second paragraph will retrace the stages which, based on the key principle of partnership, brought down the domination of national governments over the EU regional policy governance. This led to the inclusion of the European Commission and subnational governments, as well as of a growing number of nongovernmental actors, as participants in the 'game'. The third paragraph will highlight how the principle, however, has been applied unevenly across the EU and, accordingly, the decision-making autonomy and influence of regional authorities in the implementation process vary greatly from one Member State to another. An overview of the variables which may account for this variation will be offered.

#### **2.1 The implementation of Cohesion policy**

Before Cohesion policy could be implemented, in the run-up to every programming period, a policy formation stage takes place predominantly at the EU level. This involves first an intergovernmental agreement in the Council on the EU budget - the so-called Multiannual Financial Framework (MFF) - for the period ahead (currently with a duration of seven years), requiring the approval of the European Parliament. The agreement on the MFF determines the total financial amount dedicated to Cohesion policy, which is one of the EU budgetary headings. In this first phase, the general 'rules of the game' that Member States would have

to follow in implementing the policy are also defined. Regulations governing the execution of the Structural Funds are adopted by the Council and the Parliament, co-legislators under the ordinary legislative procedure. Every time a new seven-year funding period is initiated, the regulatory framework under which the funds operate is redefined. In this respect, the ‘Europeanisation’ of Cohesion policy is evident: in comparison to the situation before 1988, national governments are no longer able to exclusively determine on their own the rules by which the policy is formulated and how the policy is to be implemented on their territory. The formulation of the basic rules has been moved from the national to the European level (Leonardi, 2005; Baun & Marek, 2014).

The implementation phase has evolved considerably over successive programming cycles. Still, according to Baun and Marek (2014), it consists of three basic steps: area designation, programming, and programme management. These steps will be dealt with in detail in the next three sections of this paragraph.

### **2.1.1 Area designation**

The first of the steps identified by Baun and Marek (2014) is deciding the criteria to be used to determine which geographical areas will receive assistance under the objectives of Cohesion policy. In other words, this is the stage at which it is defined the spatial allocation of funding, i.e., *where* the EU money will be spent. This is a crucial issue that is discussed at the EU level during the negotiation phase, beyond the financial allocations.

Fundamental changes have been seen over time in the process of ‘area designation’. Before 1989 the distribution of Community resources to each Member State was linked to net budgetary balances and did not have a direct, explicit link to actual Community regional development needs. As such, up to the major reform of the Structural Funds at the end of the 1980s, Community regional funding mainly served as an instrument to meet compensatory demands, articulated by real or prospective losers of the integration process. Moreover, national governments retained the right to spend Community funds within their own domestically defined priority areas (Manzella & Mendez, 2009; Baun & Marek, 2014). Following the 1988 reform, the national quotas were eliminated and, instead, regions were incorporated into the policy based on their actual socio-economic needs. This is to say that European regions had to qualify for Cohesion funding according to objective eligibility criteria. A whole country could be covered, but this would be because all its regions qualified (Leonardi, 2005).

As highlighted by Bachtler and Mendez (2007), after the 1988 reform changed the system that defined the spatial allocation of funding, area designation has been the subject of a ‘tug-of-war’ between the Commission and the Member States. To be sure, when the rules for the inter-regional distribution of funds are determined, regions can pressure their interests through the different channels mentioned in the first chapter (i.e., their respective national governments, the Committee of the Regions, and transnational regional associations). But, in the end, regions are decoupled from decision-making on the basic framework of Cohesion policy, unless they represent their national government in the Council meetings - an opportunity which, as we have seen, only a few European regions have been able to seize (Benz & Eberlein, 1999).

Two interrelated issues have been at stake. First, while the Commission has sought to limit the overall proportion of the EU population eligible for Structural Funds - in accordance with the principle of concentration which requires focusing the EU financial resources on the most disadvantaged regions of the Union -, each Member State has tried to maximise the share of its national population eligible for support. In this respect, although various devices have been necessary to meet Member State concerns (e.g., transitional periods, safety nets, special provisions), a consistent aspect of spatial coverage has been the allocation of the bulk of the Structural Funds to lagging regions, variously termed in successive programming periods as Objective 1 regions (up to 2006), Convergence regions (up to 2013) and Less-Developed regions (from 2014)<sup>25</sup>. In each case, the regions in question have been defined as those whose GDP per head is lower than 75 percent of the EU average. Based on the ability of the European Commission to maintain the focus of the Structural Funds on the lagging regions, identified through a technical criterion, Bachtler & Mendez (2020, p. 237) argued that Cohesion policy is “the only EU budget heading that is allocated largely according to a country’s wealth (GDP) so that there is clear redistribution towards poorer member states and regions”. Until the 2000-2006 programming period, other regions were designated only if they were experiencing problems of industrial restructuring or rural development. Only from 2007, all regions became eligible for Structural Funds, making assistance available to even the most prosperous parts of the EU (Mendez & Bachtler, 2015; Bachtler & Mendez, 2020).

As shown by Table 1, it is notable, however, that the proportion of funding allocated to the lagging EU regions continuously fell and it reached a historic low of 53.5 percent in 2014-2020, before rising in the current programming cycle. Overall, the shift from the mid-2000s

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<sup>25</sup> The lagging regions have consistently been defined in nearly all cases at the NUTS-2 level.

onwards indicates that regional disadvantage played a diminishing role in the spatial coverage of Cohesion policy (Mendez & Bachtler, 2015; Bachtler & Mendez, 2020).

**Table 1: Distribution of Cohesion policy funding between categories of regions (%)**

	<b>1989-1993</b>	<b>1994-1999</b>	<b>2000-2004</b>	<b>2004-2006</b>	<b>2007-2013</b>	<b>2014-2020</b>	<b>2021-2027</b>
Less Developed regions	73.2	61.6	63.6	63.2	59.0	53.5	65,3
Transition regions	0.0	0.2	2.6	2.0	7.5	10.8	15,4
More Developed regions	23.6	27.4	24.3	19.1	12.9	16.5	8,8
Cohesion Fund	3.1	10.8	9.4	15.7	20.7	19.2	10,5
Less Developed regions and Cohesion Fund	76.4	72.4	73.1	78.9	79.7	72.8	75,8
Total	100	100	100	100	100	100	100
EU	EU-12	EU-15	EU-25	EU-25	EU-27	EU-28	EU-27

Source: for the programming periods until 2014-2020, Mendez & Bachtler (2015) and Bachtler & Mendez, (2020); for the 2021-2027 programming period, own calculations from the data available at <https://cohesiondata.ec.europa.eu/stories/s/2021-2027-EU-allocations-available-for-programming/2w8s-ci3y/> [accessed in March 2023].

Note: The categories of regions since 1989 were reduced from five in 1989–1993 and seven in 1994–1999 to three in 2007–2013 and the two latest periods (European Commission, 2014). The Cohesion Fund, established by the Maastricht Treaty, is designed to help poorer Member States - not regions - with a per capita GNI below 90 percent of the EU average (Baun & Marek, 2014).

Second, the process of area designation has been disputed by the Commission and the Member States since the former has sought to use uniform EU criteria for the spatial allocation of the Structural Funds, whereas the latter have asked for designation methodologies flexible enough to take account of national priorities and situations. The Commission drew up the list of eligible areas based on Community-wide criteria for the first

time under the 1988 Structural Funds reform<sup>26</sup>. Successive reforms of Cohesion policy introduced changes to the area designation procedures, allowing Member States to exert greater influence over the spatial allocation of funding. Notably, the bargaining power of the Member States has historically been higher for the definition of the eligibility of the regions other than the Objective 1 (or Convergence or Less-Developed) ones, as greater flexibility has been present for their designation<sup>27</sup>. But also in the case of lagging regions, though Member States have had a limited margin of manoeuvre in their designation, Structural Funds regulations have sometimes left enough space to allow for negotiations between the Member States and the Commission over which regions would receive support<sup>28</sup> (Bachtler & Mendez, 2007; Casula, 2020).

## 2.1.2 Programming

The second step in the Cohesion policy implementation process is ‘programming’. This is the phase at which it is defined the thematic allocation of funding, i.e., *how* EU money will be spent. This occurs at the very beginning of a programming period, usually before the first year for which EU funds have been allocated. This is the stage of the policy cycle at which regions come in. Indeed, at the programming stage, the Commission, national governments, subnational and non-governmental actors agree upon general plans for the use of allocated Structural Funds in each Member State for the multiannual period in question, as well as on

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<sup>26</sup> Under the 1988 reform of Cohesion policy, three of the five priority objectives interested single European regions that met Community-based eligibility criteria: Objective 1 (lagging regions) eligibility was based on regions having an average GDP per head less than 75 percent of the Community average; Objective 2 (industrial areas in decline) had three main eligibility criteria – unemployment rates, percentage of industrial employment and employment decline relative to Community averages; and Objective 5b (rural areas) eligibility used the designation criteria of levels of socio-economic development, agricultural employment and agricultural income (Manzella & Mendez, 2009). The other Community-wide objectives allocated funds at the national level for each Member State (Casula, 2020).

<sup>27</sup> The regions eligible for assistance under Objective 2 are illustrative cases. Unlike in 1989-1993, when eligible areas were determined unilaterally by the Commission, in the 1994-1999 programming period these areas were chosen based on proposals made by the Member States, although they still had to be negotiated with the Commission. The 2006 reform replaced Objective 2 with the new Regional Competitiveness and Cooperation objective, eventually granting full responsibility to the Member States to determine the NUTS-2 regions eligible for assistance within their territories (Baun & Marek, 2014). According to Bachtler and Mendez (2007, p. 544), the area designation system for 2007-2013 represented “the culmination of a trend of increasing national influence on the spatial coverage of this objective [Objective 2/Regional Competitiveness and Cooperation] since 1993”.

<sup>28</sup> As already mentioned, following the 1988 reform, eligibility for Objective 1 was based on NUTS-2 regions having a GDP per capita less than 75 percent of the Community average. However, regions whose GDP per head was ‘close to’ (that is, somewhat above) the qualifying threshold could also be included ‘for special reasons’. In the 1994-1999 programming period, Member States pushed for an extension to more regions of assistance ‘for special reasons’. As a result, 8 percent of the eligible population under Objective 1 in 1994-1999 lived in regions with a GDP per capita above the 75 percent threshold (Baun & Marek, 2014).

specific Operational Programmes (OPs) supported by those funds. Some of these programmes are national, covering the entire national territory and focusing on sectoral aspects of development, e.g., industrial competitiveness, development of human resources, environment, agriculture, or tourism. Others deal with regional development and cover one region at the NUTS-2 level. Others are multiregional, as they cover more regions in one Member State. The distribution of Structural Funds money across diverse national, regional, and multiregional OPs is largely at the discretion of Member States. OPs benefit from the resources of one (mono-fund) or more (multi-fund) Structural Funds (Bruszt, 2008; Baun & Marek, 2014).

The introduction of the programme approach was another key innovation of the 1988 reform, resulting in a shift from the use of Community resources for individual projects under Member State schemes to multiannual programmes, drawn up by Member States, in line with Community objectives and priorities, and approved by the European Commission. To give concrete expression to the principle of partnership, the 1988 reform established clearly defined procedures for policy formulation, replacing the earlier practice of informal bargaining between the European Commission and national governments. Notably, the regulations introduced a three-stage programming process. In the first stage, national or, more commonly, regional development plans were drafted by public authorities at various levels. In the second stage, based on the national or regional development plans, the Commission negotiated with the Member State a Community Support Framework (CSF). In essence, this was a form of contract between the Commission and the Member States for the allocation and use of the Structural Funds. In the negotiation of CSFs, the Commission was able to press national governments to modify development priorities and planned expenditures. As such, this new programming process gave the EU executive considerable potential influence over the use of Cohesion funds. In the third stage, national governments and regional authorities elaborated Operational Programmes, which detailed specific projects that would be funded to achieve the general priorities set out in the CSFs. Once OPs were formulated, they had to be approved by the Commission (Bachtler & Mendez, 2007; Baun & Marek, 2014).

In 1993, the revised regulations for the 1994-1999 period streamlined this three-stage process. Community Support Frameworks continued to be the key programming document. Nevertheless, for smaller programmes, a new two-stage procedure was introduced, as Member States were allowed to submit a Single Programming Document (SPD), which included the development plan and the Operational Programmes related to it. For Member States that opted to submit an SPD, the Commission would adopt a single decision on both

the CSFs and OPs combined, rather than two separate decisions, thereby eliminating a step (Bachtler & Mendez, 2007; Manzella & Mendez, 2009; Baun & Marek, 2014).

In the period 2000-2006, programming continued to be a two or three-stage process, utilising development plans, Community Support Frameworks, Single Programming Documents, and Operational Programmes. In a major change, the new regulations adopted in 1999 gave the Commission the authority to publish broad, indicative guidelines at the beginning of the programming process to help national and regional authorities draw up development plans<sup>29</sup> (Bachtler & Mendez, 2007; Baun & Marek, 2014). As a result of this innovation, as argued by Bachtler and Mendez (2007, p. 553), “the ‘hard influence’ of the Commission on these issues [management and delivery of the Structural Funds], on the basis of specific regulatory requirements, was complemented by the ‘soft influence’ which the Commission exerted through its guidelines”.

The planning of interventions underwent a substantial change after the negotiations for the 2007–2013 period. The number of programming instruments was reduced, with CSFs and SPDs no longer required. Instead, a new multilevel programming process was established, involving: 1. the adoption of Community Strategic Guidelines (CSG) on Cohesion policy at the EU level; 2. the drafting of National Strategic Reference Frameworks (NSRFs)<sup>30</sup> by each Member State, in compliance with the CSG and as a national framework for steering programmes towards Cohesion objectives; 3. the development of Operational Programmes by the national and regional authorities of the Member States. The OPs were approved by the Commission after it appraised each programme proposal and determined whether it was consistent with the priorities and objectives established in the Community Strategic Guidelines and the relevant NSRF. As such, the Commission’s role as a guide in the preparation of the national and subnational development strategies continued to be conducted first through the publication of specific European guidelines, and subsequently during the negotiations of the NSRFs and the OPs. Nevertheless, the changes introduced by the 2006 reform appeared to diminish the Commission’s influence in the programming process somewhat. To begin with, the indicative guidelines and priorities for Cohesion policy required

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<sup>29</sup> The Commission produced a set of guidelines addressing the strategic priorities (regional competitiveness, social cohesion and employment, the development of urban and rural areas) and two horizontal principles (sustainable development and equal opportunities) for EU-assisted programmes. It also drafted a *Vademecum* on the preparation of regional development plans and programme documents, as well as a series of working papers on various aspects of the implementation process to guide the Member States (Bachtler & Mendez, 2007; Baun & Marek, 2014).

<sup>30</sup> The NSRF, for the first time, enabled Member States to develop a single nationwide strategy, setting out the Member State’s economic strengths and weaknesses and specifying how it intended to implement the priorities of EU Cohesion policy. Its main purpose was to ensure that EU assistance was consistent with the CSG (Baun & Marek, 2014).

the approval of the Council, rather than being decided unilaterally by the Commission as was previously the case. Moreover, while previously the main programming documents for Cohesion policy (the CSFs and SPDs) were adopted by the Commission, the NSRFs were drawn up by the Member States ‘in dialogue with the Commission’. Finally, while the OPs for 2007-2013 required Commission approval, they were more general and strategic in nature than before (Bachtler & Mendez, 2007; Baun & Marek, 2014; Casula, 2020).

The 2013 reform of Cohesion policy reinforced the strategic approach to programming introduced in 2006. Strategic guidelines were once again adopted by the Commission (but without formal approval from the Council), through a Common Strategic Framework, which coordinated and provided guidance for the programming of all the Structural Funds, so they could be better utilised to achieve EU priorities. The primary programming document for Cohesion policy in 2014-2020 was the Partnership Agreement (PA), replacing the use of NSRFs. Each Member State - in cooperation with subnational and non-governmental partners and in dialogue with the Commission - was required to draw up a Partnership Agreement and then submit it to the Commission for approval. Based on this, Operational Programmes to implement the Structural Funds were prepared by national and regional authorities and then submitted to the Commission for review and approval. Starting from an analysis of each specific context, regional and national OPs identified the specific development needs of the territory of reference and, in light of these, a strategy to achieve the objectives established at the regional, national (Partnership Agreement), and European level (regulations and Common Strategic Framework). To provide a framework for dialogue before the formal negotiations and to help guide the Member States in preparing the Partnership Agreements and programmes, the Commission drafted detailed Position Papers for each Member State setting out the Commission’s views on the main challenges and priorities in the programming period (Baun & Marek, 2014; Simonato, 2017).

In the current 2021-2027 period, Cohesion policy has been increasingly integrated into the EU economic and fiscal policy coordination cycle, i.e., the European Semester. Indeed, in February 2019, the European Commission published an Investment Guidance on Cohesion Policy Funding 2021-2027 for all Member States in an annex to the Country Reports under the European Semester process. The aim was to provide a framework for dialogue on future Partnership Agreements and Operational Programmes by presenting the preliminary views of the Commission on policy objectives, priority investment areas, and framework conditions for the effective delivery of Cohesion policy (Bachtler et al., 2020). Moreover, the European Semester’s country-specific recommendations (CSRs) should be taken into account twice

during the current cycle: first, they were a roadmap for the programming of the funds and the design of Cohesion policy programmes; subsequently, the latest country-specific recommendations will guide a mid-term review of the programmes in 2024, to adjust to new or persistent challenges (OJEU, 2021).

**Table 2: The core strategic features of EU Cohesion policy over time**

1975-1978, 1979-1983, 1984-1988	1989-1993	1994-1999	2000-2006	2007-2013	2014-2020	2021-2027
No EU-level strategy	Commission indicative guidelines	Commission indicative guidelines	Commission indicative guidelines	Community Strategic Guidelines (proposed by the EC and adopted by the Council)	Common Strategic Framework (adopted by the EC)	CSRs as guidelines for programming
MSs submitted regional development programmes to the EC for coordination purposes	MSs drafted regional development plans as the basis for the negotiation of CSFs with the EC	Regional development plans and CSF mainly restricted to Objective 1	Regional development plans and CSF restricted to Objective 1	All MSs defined National Strategic Reference Frameworks	All MSs defined Partnership Agreements, to be approved by the EC	All MSs defined Partnership Agreements, to be approved by the EC

Source: Manzella & Mendez (2009) for the programming periods until 2013, own elaboration for the programming periods 2014-2020 and 2021-2027.

Note: MSs = Member States; EC = European Commission; CSRs = Country-specific recommendations.

Table 2 provides an overview of how the programming phase, at its strategic level, has evolved over the decades. A clear trend can be identified whereby a policy grounded exclusively on national strategies has turned into one firmly aligned with EU priorities and objectives (Manzella & Mendez, 2009). For much of Cohesion policy's history, in fact, there was not an overarching European strategy guiding its operation. After the 1988 reform, various periodic reports and guidelines were produced by the Commission to make operative the treaty commitment to economic and social cohesion and to provide guidance to policy formulation. However, it was only with the third (2000-2006) and, more so, with the fourth

(2007-2013) programming period that there was an embedding of Cohesion policy within the EU's general strategy for economic and social development, namely the Lisbon Strategy. For the 2007-2013 period, indeed, the Community Strategic Guidelines identified objectives for Cohesion policy in line with the wider EU objectives of the Lisbon Strategy. From this point, Cohesion policy essentially developed into a powerful instrument - a 'delivery vehicle' in the words of Bachtler and Mendez (2020) - placed in service of the EU's medium-term growth and competitiveness strategies: initially the Lisbon Strategy, subsequently Europe 2020<sup>31</sup>.

This was made crystal clear in the Europe 2020 strategy document, stating that "Cohesion policy and its structural funds, while important in their own right, are key delivery mechanisms to achieve the priorities of smart, sustainable and inclusive growth in member states and regions<sup>32</sup>" (European Commission, 2010). In the 2014-2020 period, the regulations governing Cohesion policy incorporated a binding set of 11 thematic priorities that limited the range of interventions to some growth-enhancing areas, directly derived from the Europe 2020 agenda. These thematic priorities formed a new version of the 'Lisbon earmarking' mechanism of the 2007-2013 period, which first obliged Member States to concentrate a large proportion of their programme allocations to specific areas reflecting overall the EU's Lisbon Strategy objectives<sup>33</sup>. Moreover, the countries and regions receiving Cohesion funding were explicitly required to indicate how the projects funded contributed towards the achievement of the Europe 2020 strategy.

For the current 2021-2027 programming cycle, the thematic priorities were repackaged into five policy objectives. Namely, Regulation 2021/1060 states that "the ERDF, the ESF+, the Cohesion Fund and the EMFAF shall support the following policy objectives:

- (a) a more competitive and smarter Europe by promoting innovative and smart economic transformation and regional ICT connectivity;

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<sup>31</sup> Europe 2020 replaced the Lisbon Strategy once the latter expired in 2010, pursuing essentially the same objectives (Tömmel, 2016).

<sup>32</sup> These were the three priorities identified by the Europe 2020 strategy which, as a matter of fact, by 2020 was supposed to "turn the EU into a smart, sustainable and inclusive economy" (European Commission, 2010).

<sup>33</sup> The operationalisation of the earmarking condition required 60% of expenditure under Convergence programmes and 75% under Regional Competitiveness and Employment programmes to be allocated to certain categories of expenditure: innovation, the knowledge economy, information and communication technology, employment, human capital, entrepreneurship, small and medium-sized enterprise support, and access to risk capital (Bachtler & Ferry, 2015). The earmarking requirement was used by the European Commission at the programme negotiation stage to further 'Lisbonise' the final versions of the programmes. Data on the thematic allocation of funding to Lisbon priorities pointed to the effects on the policy content of programmes: in Convergence programmes 65% of funding was earmarked, representing an increase of 11% points compared with the previous 2000-2006 period. Earmarking under the Competitiveness programmes was much higher at 82%, though not representing an increase, as these programmes already had a strong focus on Lisbon. This resulted in a shift in the focus of programmes, involving a major increase in funding for R&D and innovation, away from infrastructure (Mendez, 2011).

- (b) a greener, low-carbon transitioning towards a net zero carbon economy and resilient Europe by promoting clean and fair energy transition, green and blue investment, the circular economy, climate change mitigation and adaptation, risk prevention and management, and sustainable urban mobility;
- (c) a more connected Europe by enhancing mobility;
- (d) a more social and inclusive Europe implementing the European Pillar of Social Rights;
- (e) a Europe closer to citizens by fostering the sustainable and integrated development of all types of territories and local initiatives” (OJEU, 2021).

If previous reforms embedded Cohesion policy in wider EU missions, these five repackaged policy objectives of the current period lack an overarching EU strategic framework (Manzella & Mendez, 2009; Avdikos & Chardas, 2016; Bachtler & Mendez, 2020).

It should be noted that, while Cohesion policy became the primary mechanism through which the EU treaty commitment to promote economic and social cohesion was to be pursued, the 'strategic turn' has brought about the weakening of this underlying principle of solidarity between Member States upon which the policy is founded. To be sure, these objectives enshrined in the treaties are notoriously loose and they have not provided a steer to operational implementation. Nevertheless, as illustrated in the previous paragraph, Cohesion policy has always been biased towards the least prosperous EU regions. Even though the intensity of EU support still varies in accordance with gross domestic product measurements, the 'Lisbonization' of the Structural Funds implied a shift in priorities, aimed at pursuing economic growth for all EU regions, rather than just the disadvantaged ones<sup>34</sup> (Begg, 2010; Avdikos & Chardas, 2016).

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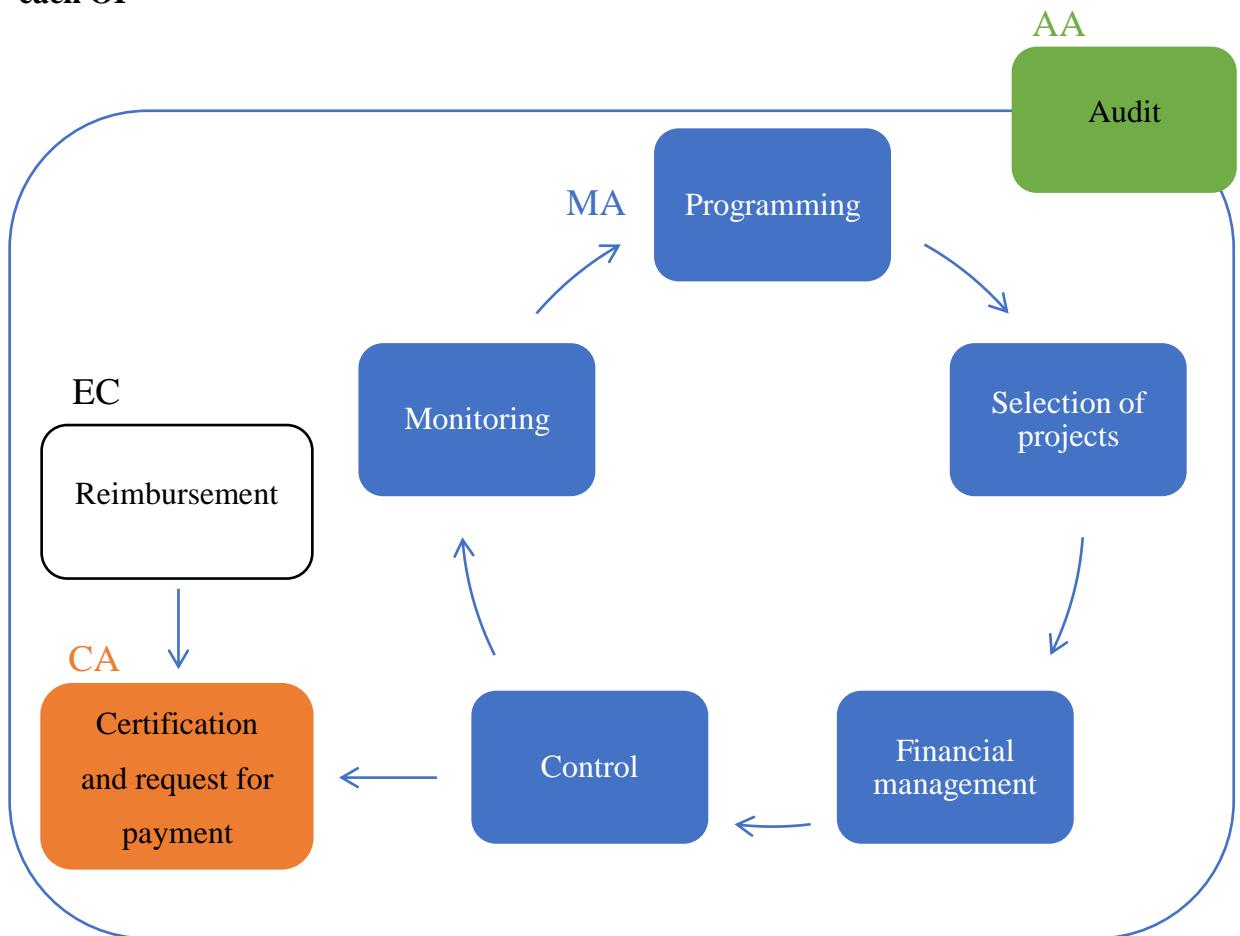
<sup>34</sup> This reorientation towards growth-oriented goals, at the expense of convergence objectives, resulted also from policy dynamics internal to Cohesion policy. Since the early 2000s, the unwillingness of the major net-contributor Member States to accept any increases in the EU budget became evident. In addition, the publication of the Sapir report in 2004, attacking Cohesion policy as basically ineffective, costly, and unnecessarily bureaucratic, provided further ammunition to the net contributors. These, sceptical of a system that allocated resources to the more prosperous Member States, advocated for a reduction of funding and their concentration only to the poorest regions of the EU. The beneficiary countries, in collaboration with the Commission, managed to keep much of the spending intact. However, as a trade-off to secure the continuation of Structural Funds outside the least-developed regions, the Commission proposed the alignment of Cohesion policy objectives with the goals of the Lisbon Strategy (Bachtler & Mendez, 2007; Avdikos & Chardas, 2016). As Bachtler and Ferry (2015, p. 1270) put it, “For the net contributor countries it was a way of diverting EU funding to their preferred objectives, and for the net recipient member states it was a ‘price worth paying’ for securing an EU budget agreement that would provide sizeable receipts under Structural and Cohesion Funds”.

### **2.1.3 Programme management**

The management phase of Cohesion policy starts after the final approval of Operational Programmes. As in the case of the regulatory framework governing the programming phase, the rules for the management of EU-funded programmes have evolved considerably over the decades. In the first programming period after the 1988 reform of the Structural Funds, Operational Programmes were centrally managed by national authorities (central government departments or agencies), which were also responsible for the selection of specific projects. To monitor the implementation on the ground, the 1988 regulations required the creation of Monitoring Committees (MCs) - consisting of Commission delegates, central authorities, and, in the following periods, lower-level authorities and a host of socio-economic partners - for all CSFs and Operational Programmes. They aimed to periodically review the progress of each OP and, if necessary, propose modifications in its structure and alterations in the nature of the programming interventions (Baun & Marek, 2014; Casula, 2020).

A clear trend that characterised the following programming cycles is the decentralisation of programme management tasks (see Figure 3). Member States' authorities have assumed greater responsibility for programme administration. While the Commission, stepping back from a direct role in programme management, has assumed a larger oversight role when it comes to ensuring Member State accountability for financial management and control, assessing the performance of structural operations and their contribution to EU strategic goals. Among other changes, from the 1999 reform onwards, Member States have been required to designate a Managing Authority (MA) for each Operational Programme. Following its creation, for the first time, the responsibility for each OP has been formally conferred to a domestic institutional body, covering all its main phases, and becoming a reference point for all the final beneficiaries, i.e., those public bodies, private firms, or social groups which are allocated EU programme support to carry out a project. Member States have been requested to introduce two other new institutions for each OP. As responsibilities concerning financial control and programme evaluation were also devolved, national and regional administrations must establish an independent Auditing Authority for each OP to ensure the effective functioning of the programme's financial management and control systems. In addition, a Certifying Authority has been assigned the responsibility to draw up and submit to the Commission both the payment applications and the certified expenditure statements (Baun & Marek, 2014; Casula, 2020).

**Figure 3: Programme cycle management and the role of the authorities designated for each OP**



Source: own elaboration.

Note: MA = Managing Authority; CA = Certifying Authority; AA = Audit Authority; EC = European Commission.

The request to introduce new institutional bodies with specific competencies in the different phases of the policy cycle represented a challenge for domestic actors. Indeed, it asked them to independently choose the collocation of these new authorities within the previous system of multilevel governance. This is to say, Member States have been required to choose whether the institutional bodies associated with each OP belong to national or subnational administrative structures (Casula, 2020).

In light of the abovementioned devolution of management responsibilities, it was argued in the literature (Blom-hansen, 2005; Bachtler & Ferry, 2015) that, at this stage of the implementation process, the Commission acts as the principal, with Member States' authorities as its agents. For the Commission, the 'principal's problem' is how to ensure that - once the Structural Funds regulations are determined and the objectives for Cohesion policy

set - Member States comply with regulatory requirements and fulfil the policy goals<sup>35</sup>. This problem has become particularly acute since 1999 when, as illustrated, the Commission devolved greater implementation responsibilities to the Member States. The Commission has sought to compensate for this loss of influence over operational decisions at programme level with the introduction of conditionalities, i.e., control mechanisms that aim at limiting national or regional flexibility to implement the Structural Funds, thereby reducing the risk of 'agency drift'. Moreover, to keep in check national and regional implementers of Cohesion programmes, the Commission has institutionalised regular informational channels from the national arenas to the European level (e.g., policy evaluation, reporting duties) and included interested third parties (i.e., non-governmental actors) into the implementation networks as 'fire alarms' (Bauer, 2006).

## 2.2 The introduction of the partnership principle

A crucial innovation of the landmark 1988 reform of Cohesion policy, as already recalled in the first chapter, was the introduction of partnership. Since its designation, this principle has required that state actors from different territorial levels - supranational, national, and subnational - collaborate with non-state actors in all the phases of the Structural Funds implementation process described above, from the drafting of national development strategies to the management of specific Operational Programmes. As such, the 1988 reform brought an unprecedented challenge to the domination of national governments over Community regional policy. Member States governments, in fact, had hitherto firmly controlled decisions on how money from the Structural Funds were spent and it had been entirely at their discretion the extent to which subnational and non-governmental actors were consulted. Generally, regional development initiatives did not specifically foresee a role for regional institutions in the decision-making process, nor was a role on the part of subnational administrations considered to be necessary or advisable in achieving the objectives of the policy (Leonardi, 2005; Bache, 2010). To be sure, during the early years of Community regional policy, the Commission was able to exercise some influence on national development planning, but only by persuading the respective authorities to submit appropriate projects. In particular, the Commission used the procedure of adopting projects for elucidating its objectives, as well as its preferences and

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<sup>35</sup> Quoting Blom-Hansen (2005, p. 629), "An agency relationship exists between two parties when one, designated as the agent, acts for, on behalf of, or as representative of the other, designated as the principal". The principal's problem refers to the challenge it faces in delegating a task to an agent and resting assured that the agent will remain loyal.

selection criteria, though in a rather informal and *ad hoc* manner. As previously seen, the reform of 1988, by introducing the system of partnership, implied establishing a formalised procedure for negotiating the elaboration and adoption of programmes between the European Commission, and national and regional governments (Tömmel, 2016). In the words of Tömmel (1998, p. 59), the partnership principle has mainly provided “a framework for both the formalization of the position of the Commission and the improvement of that of the regions, particularly those which lack governmental status, at the expense of national governments”.

The involvement of subnational and non-governmental actors in Community regional policy implementation had long been a goal of the European Commission. Already in its 1973 legislative proposal for the creation of a European Regional Development Fund, the Commission declared that it “[attached] great importance to finding appropriate means for associating the social partners, local authorities and regional organisations with the development of Community regional policy”. Nevertheless, the 1975 ERDF regulation eventually contained no provisions requiring the participation of these actors in the policy, because this idea was strongly opposed by Member States (Baun & Marek, 2014). The larger and wealthier Member States, notably France and Britain, also resisted Commission interference. In other words, national governments initially secured an implementation mechanism designed to ensure that regional policy could not be used as an instrument to undermine their power either from above (the Commission) or from below (regional authorities) (Pollack, 1995; Bache, 1999).

Pollack (1995) suggested that an intergovernmental analysis of changing national interests is necessary to understand why the Member States eventually agreed to the new partnership and monitoring procedures of the 1988 reform, while earlier Commission’s proposals had been rejected or diluted. The author pointed out that, in the run-up to the reform, the interests of net contributors to the European budget, such as Britain, France, and Germany, had changed. Indeed, after the Greek and Iberian enlargements, the proportion of Structural Funds received by the ‘big three’ Member States decreased significantly. Accordingly, for these governments, “The idea of greater Commission oversight seemed less like an intrusion into the internal affairs of one’s own state, where EC spending was minimal, and more like a necessary oversight of the poor member states where the bulk of EC money was being spent” (Pollack, 1995, p. 372). Furthermore, in the 1980s, the spiralling costs of both the CAP and the Structural Funds made the level and efficiency of EC spending a political issue of increasing concern to the same governments of France, Germany, and Britain. The converging

preferences of national governments thereby created a policy window of increased Member State receptiveness to the Commission's proposals for Structural Funds reform.

If member governments were persuaded of the need for a prominent role of the European Commission in deciding 'how' and 'what' Cohesion policy addressed for the sake of the more efficient use of funds, the European level also became involved in deciding 'who' was to participate in the implementation phases of the policy (Leonardi, 2005). As regards the involvement of subnational authorities, the 1988 reform reflected the scientific orientation of the 'new regionalism' (Dąbrowski et al., 2014). This paradigm of regional development predicated the mobilisation of the endogenous potential of the less favoured regions, such that these disadvantaged areas could be competitive in the medium term without the provision of further aid. The participation of regional actors in economic development planning was considered the way to pursue this objective. As such, the 'new regionalism' triggered a paradigmatic shift from the previous approach to regional development, based on the assumption that ready-made policies, managed by national administrative structures, could be applied universally to all types of regions, as it had been the rule from the 1950s to the 1970s (Amin, 1999; Piattoni, 2006; Bachtler & McMaster, 2008). With the discovery of territory, the Commission identified the region as an adequate scale for strategic planning, while the participation of regional authorities and stakeholders in the implementation phase was supposed to increase the effectiveness of development policies, by involving those actors closer to the problems and priorities of targeted areas (Dąbrowski et al., 2014). This was the main justification for adopting a decentralised implementation system. Indeed, partnership, having most to do at the stage of programming (when programmes, priorities, and objectives are defined) and at the stage of management (when project selection for financing and implementation on the ground takes place), should support better targeting of action and improved focusing on territorial needs. In this respect, the European Commission defended partnership also as an important and practical expression of the EU principle of 'subsidiarity', according to which, as stated in the Treaty on European Union, governmental decisions should be made "as closely as possible to the citizen" (Baun & Marek, 2014).

In emphasizing the regional level, the EU had to devise a system for classifying territorial units if it wanted to avoid a nation-by-nation approach. It resolved the problem by adopting the definition of territorial units, developed by Eurostat at the beginning of the 1980s to differentiate the European territory into three levels of geographic aggregations. The regional tier was defined as NUTS-2, and this became the spatial level at which the Structural Funds

were directed. NUTS-2 ‘Cohesion regions’ correspond to a mix of administrative and purely statistical entities<sup>36</sup> (Leonardi, 2005).

After the 1988 reform introduced an entirely new delivery system, Cohesion policy brought together the European Commission, national governments, and subnational (regional and local) authorities to make decisions over the spending of Structural Funds in the EU Member States. It should be highlighted that this multilevel policymaking system established for the purpose of Cohesion policy clashed not only with the previous domination of Member States over Community regional policy but, more in general, with the existing centralised approach to European affairs, whereby, as pointed out in Chapter 1, national governments were the sole gatekeepers which mediated between their respective domestic political system and the European institutions; while subnational authorities were prevented from establishing direct links with the latter (Fargion et al., 2006). For this reason, in several Member States, there was resistance to the incursion into their policymaking territory implied by the partnership principle. While regional partnerships were set up across the EU12<sup>37</sup>, initially they were often largely to comply with the requirements of funding, as central governments continued to dominate the implementation process as they had done previously. Already from the second programming period (1994–1999), however, there were the first signs of learning taking place in some countries, leading to less resistance to the partnership instrument. While the initial effects of the principle were limited, it did at least result in the creation of multilevel partnerships, bringing together supranational, national, and subnational actors into a process of formal dialogue unique to EU policymaking (Bache, 2010).

The partnership instrument was deepened and expanded in subsequent Cohesion policy reforms (Bache, 2010; Tömmel, 2016). Once undermined the monopoly of national governments in Cohesion policy, the European Commission persistently pursued its strategy to promote the involvement in the policymaking process of a wider range of actors. Notably, besides establishing a vertical nexus between government levels, the Commission put emphasis on horizontal cooperation, calling for the participation in the delivery of Cohesion policy of non-governmental actors, alongside public institutions. In this respect, the

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<sup>36</sup> To get an idea of how the definition of NUTS-2 regions, used for the purpose of Cohesion policy, varies across the EU we could look at Central and Eastern European Member States. Bachtler and McMaster (2008) highlighted that Polish regions (the *voivodships*) obtained the status of NUTS-2 regions and form a rational basis for regional Structural Funds programmes; in the Czech Republic the NUTS-2 ‘Cohesion regions’ combine two or three elected regional self-governments; in Slovenia, Estonia, Latvia, and Lithuania, the country as a whole is a single NUTS-2 region.

<sup>37</sup> EU12 refers to the composition of the European Union from 1 January 1986 and up until the 1995 enlargement: Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, the Netherlands, Portugal, Spain and the UK.

regulations for the 1994-1999 programming period extended the definition of partnership to require the involvement of economic and social partners (e.g., trade unions and business associations). The Commission expected that these, and in general non-state actors, would guarantee a better adaptation of public policies to the needs of private enterprises, but also to specific regional and local contexts (Tömmel, 1998). Stakeholders would not only bring interests and requests but also offer ideas, expertise, resources, and ultimately legitimacy to the process. Programmes widely shared and grounded on diverse and plural knowledge were expected to be more likely to succeed than programmes ideated in isolation by a group of technocrats (Piattoni, 2006). Nevertheless, the ambition to involve the economic and social organisations in the implementation of Cohesion policy had to be balanced with the possible degree of a misfit in partnership arrangements within those Member States less comfortable with the idea. For this reason, in the 1993 reform of the Structural Funds, the European Commission specified that the participation of the socioeconomic partners designated by a Member State should be realised within its national framework (Casula, 2020).

The 1999 reform further extended the horizontal dimension of the partnership principle, through the involvement of new actors in addition to the economic and social ones: the environmental partners and gender equity organisations. Finally, the reform of 2006, and similarly those of 2014 and 2021, defined as partners “any other appropriate body representing civil society, environmental partners, non-governmental organisations, and bodies responsible for promoting equality between men and women” (OJEU, 2006). In essence, partnership is meant to ensure the simultaneous consideration of a growing number of objectives related to economic development, such as environmental and equal opportunity goals. It does so by involving subnational and noninstitutional actors in the preparation as well as management of EU-funded programmes (Piattoni, 2006).

Fargion et al. (2006, p. 759) pointed out that the vertical dimension of the partnership principle, allowing subnational authorities to participate in the implementation of Cohesion policy, has required the regions “to give a single voice, at a national and supranational level, to the interests of its territory”, as they have become ‘actors’ in a multi-tiered system of governance. The establishment of the horizontal dimension of the partnership principle, on the other hand, has structured “a set of recurrent patterns of relations among actors, private and public, *within* [emphasis added] each region” (Fargion et al., 2006, p. 759), contributing to the creation and consolidation (if pre-existing) of regional ‘arenas’. Horizontal partnerships at the subnational level, in fact, have become an established part of the landscape of EU Member States, whether the domestic traditions were statist or corporatist, though in the former case,

partnership has often been embraced slowly and reluctantly. The new role and powers which have been granted to regional governments in the field of Cohesion policy have increased their attractiveness in the eyes of interest groups, thereby triggering a reorganisation of their structure at the regional level, so that they could more effectively interact with public authorities at this tier. In other words, in the Cohesion policy multilevel system of governance, there is a linkage between intergovernmental negotiations (i.e., the negotiations between the Commission, and national and regional governments on development programmes) and intraregional negotiations (i.e., the negotiations between public and private regional actors on their development programmes) (Fargion et al., 2006; Bache, 2010).

Finally, the role of subnational and non-governmental actors has been strengthened by the three most recent reforms, which have required Member States to involve the relevant partners in the different stages of programming, including therefore the drafting of the Partnership Agreements (the NSRFs in the period 2007-2013) and the preparation of Operational Programmes to be submitted to the Commission (Baun & Marek, 2014). In the wording of Regulation 2021/1060, governing the current 2021-2027 programming cycle, “For the Partnership Agreement and each programme, each Member State shall organise and implement a comprehensive partnership in accordance with its institutional and legal framework and taking into account the specificities of the Funds. That partnership shall include at least the following partners:

- (a) regional, local, urban and other public authorities;
- (b) economic and social partners;
- (c) relevant bodies representing civil society, such as environmental partners, non-governmental organisations, and bodies responsible for promoting social inclusion, fundamental rights, rights of persons with disabilities, gender equality and non-discrimination;
- (d) research organisations and universities, where appropriate”.

In addition, the Regulation in question states that Member States shall involve partners “in the preparation of the Partnership Agreement and throughout the preparation, implementation and evaluation of programmes, including through participation in monitoring committees” (OJEU, 2021).

At this point, it should be clear that, based on the principle of partnership, subnational authorities are supposed to be involved in all the stages of the Cohesion policy implementation cycle. Table 3, adapted from the study of Bachtler & McMaster (2008),

provides an overview of the roles that regional institutions might play in each of the steps of the process.

**Table 3: The potential role of regions in Structural Funds implementation**

Stage of the implementation process	Potential role of regions
Programming	<ul style="list-style-type: none"> <li>- Regions make an input to nationwide development strategies through formal consultations.</li> <li>- Regions participate in the development of sectoral National Operational Programmes.</li> <li>- Regions develop their 'own' Regional Operational Programmes.</li> </ul>
Management	<ul style="list-style-type: none"> <li>- Regional institutions as Managing Authorities for ROPs, responsible for project generation, selection, and monitoring activities.</li> <li>- Regional responsibility for the management of regional interventions.</li> <li>- Regions participate in Monitoring Committees.</li> </ul>
Project implementation	<ul style="list-style-type: none"> <li>- Regions receive resources from the state to fund projects.</li> <li>- Regions as final beneficiaries, active in developing projects and applying for funds.</li> </ul>

Source: own elaboration based on Bachtler and McMaster (2008).

Before concluding, it is worth underlining that the European Commission, besides defining the partners and their role in the EU regulations, has made many efforts to connect them with each other by organising policy and issue networks or establishing favourable framework conditions, so that they could organise themselves at a European scale (Tömmel, 2016). The Open Days - European Week of Cities and Regions, for instance, are an important and influential annual event for regional and local stakeholders, bringing together more than 5,000 experts, practitioners, policymakers, and EU institutional representatives to discuss issues of EU Cohesion policy in more than 100 workshops and debates in Brussels and other participating territories. Launched by the Committee of the Regions in 2003 with the idea to make the work of regional offices in Brussels more visible and to create an open network between them, starting from the following year, the Open Days were co-organised by the

European Commission's Regional and Urban Policy Directorate General (DG REGIO). Since then, the array of partners of the Open Days has grown, and the event has become one of the central platforms for the exchange of ideas and research on regional policy (Neacsu & Petzold, 2015; Schönlau, 2016). The data reported by Neacsu and Petzold (2015) show the relevance of the Open Days for subnational authorities. The authors pointed out that about half of the audience is represented by regional or local administrators. Moreover, the participation rates demonstrate how the event has become a regular appointment for European regions: based on the data they gathered, between 40% and 50% of European regions participated in at least six Open Days editions. A survey among representatives of regional and local authorities, also reported by Neacsu and Petzold (2015), revealed that networking was the main objective of the event, followed closely by giving visibility to the stakeholders involved in the organisation of workshops and their projects, as well as providing a platform for the exchange of know-how and good practices in the implementation of Cohesion policy programmes. On the other hand, the European institutions have used the Open Days to disseminate information about the evolving EU legislative framework of Cohesion policy, especially in times of policy reform.

## **2.3 The application of partnership across the EU**

As illustrated in the previous paragraph, from 1989 to the most recent programming period, the partnership principle has remained a central feature of EU Cohesion policy. Nonetheless, putting partnership into practice has proven challenging. The Commission sets the rules governing the Structural Funds, dictating an implementation mechanism based on the vertical and horizontal partnership principle, intending to include subnational institutional subjects as well as economic and social interests in the definition and management of interventions co-financed by the Structural Funds. The Commission, however, lacks legal instruments to force a particular mode of governance on the Member States. As mentioned in the first chapter, the structure and status of subnational institutions remain the sole responsibility of the Member States. Consequently, national policymakers have ample room for manoeuvre to decide the means of implementation of Cohesion policy and the authorities responsible for the management of the Structural Funds, adjusting the partnership requirement to diverse domestic institutional realities. The same EU regulations, on the other hand, foresee that the participation of state and non-state actors should be realised in accordance with the national institutional and legal frameworks (Bruszt, 2008).

Against this background, the interaction between EU conditionalities and diverse domestic conditions has resulted in a very uneven application of the instrument of partnership across and, in some cases, within Member States. Notably, what interests us is that this has determined a considerable national variation in the role that regions play in Cohesion policy implementation (Bruszt, 2008). While the partnership requirement is usually formally fulfilled, and therefore subnational authorities are formally involved in the programming and the management phases, their influence in the implementation process indeed varies greatly. As a matter of fact, regional participation does not necessarily translate into influence. The extremely varied picture of regional influence in Structural Funds delivery is emphasised by the words of Baun and Marek (2017, p. 864), arguing that “while in some member states regions play a substantial role and enjoy considerable autonomy in managing the Structural Funds, the main financial instrument of Cohesion Policy, in others Cohesion Policy is implemented in a fairly centralised manner, dominated by national government agencies and with regional actors having little influence or control. Other member states have adopted “mixed” implementation systems, with both national governments and regions having substantial responsibility for Structural Funds management”.

The authors themselves (Baun and Marek, 2017) provided an overview of the main explanatory factors identified in the literature accounting for the clout that subnational governments have in Cohesion policy implementation. Since the mid-1990s, the standard explanation has focused on the different national constitutional arrangements concerning territorial governance (Pollack, 1995; Marks, 1996). The latter determine the distribution of political and financial powers between the central and regional governments in each Member State. On these grounds, in federal states like Germany, Austria, and Belgium, where regional self-governments have substantial legal authority, significant budgetary and fiscal powers, and are accustomed to being involved in policy processes, a regionalised model of Cohesion policy implementation has generally been adopted, with management responsibilities largely in the hands of regional authorities. These have dealt directly with the Commission in the roll-out of Regional Operational Programmes. In centralised unitary states like Greece, Portugal, Ireland, Denmark, and Finland, on the other hand, more centralised implementation systems are typical, with Structural Funds delivery dominated by national government ministries, agencies, or regional offices of the state (Baun & Marek, 2017). Within the broad outlines of Cohesion policy regulations, in these Member States, national governments have controlled sufficient resources to dominate partnerships and limit the involvement of subnational actors exclusively to the steps legally required by EU regulations. As already been argued in the first

chapter, ‘weak’ subnational authorities, though entitled by the partnership principle to participate in the making of Cohesion policy, have often been unable to muster the institutional capabilities and competencies to activate such entitlement (Bache, 1999; Bailey & De Propis, 2002). To put it clearly, the clout of subnational authorities in partnership arrangements has been largely interpreted as a function of the pre-existing configuration of territorial relations in the domestic polity of each Member State.

As noted by Baun and Marek (2017, p. 868), this independent variable, though “certainly important and a necessary place to begin”, is not by itself sufficient to explain the variation in the institutional arrangements of Structural Funds implementation, i.e., the dependent variable we are interested in. Indeed, as the national institutional set-up is a static factor, it can not account for changes in the role and responsibilities of regional actors in Cohesion policy execution from one programming period to another. Some examples of implementation arrangements that have changed over time were provided by Bachtler and Mendez (2020). The authors referred to the cases of Poland and France, as Member States which over following programming cycles have decentralised the implementation of Structural Funds, and to the cases of the Czech Republic, Denmark, Finland, and Sweden, as Member States where instead a process of renationalisation of Cohesion policy has taken place<sup>38</sup>. The territorial state organisation can not account for these movements from a centralised to a more regionalised implementation model, or in the opposite direction, at least in situations where constitutional arrangements have not also changed. Nor, Baun and Marek (2017) also highlighted, it can fully explain outcomes in regionalised Member States, where the relationship between national governments and regions - i.e., the distribution of competencies, the budgetary and fiscal powers of regions, etc. - is often not as fixed as in federal states, and intergovernmental relations are more in a state of flux and a matter of ongoing contention. For these reasons, the scholars suggested that there is a need for a clearer understanding of the factors affecting the dynamics of contention between central governments and subnational actors over Structural Funds implementation. The role of subnational governments, they maintained, is more than a simple reflex of domestic constitutional arrangements. Hence,

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<sup>38</sup> The authors highlighted that Poland progressed from having a series of thematic OPs and a single Integrated Regional Operational Programme in 2004-2006, all centrally managed, to having devolved programmes managed by regional self-governments in 2014-2020. France has progressively transferred the management of Cohesion policy from prefectures to regional councils. As it will be illustrated below, the Czech Republic regionalised Cohesion policy management for 2007-2013 but then recentralised it for 2014-2020. A process of centralisation and rationalisation of Cohesion policy over time is also evident in Denmark, Finland, and Sweden as funding allocations to these countries declined (Bachtler & Mendez, 2020).

based on a review of the literature on EU Cohesion policy, Baun and Marek (2017) identified several additional factors that may explain national variation in governance systems.

One is domestic politics. Subnational influence in Cohesion policy could be subject to political contention and, as such, sensitive to the preferences of key decision-makers. Notably, potentially significant is the ideological preferences of governing parties concerning governmental decentralisation and regional empowerment. For instance, Chapman (2009), studying Cohesion policy implementation in the United Kingdom, noted that for years, under Conservative governments, the EU partnership principle met with resistance<sup>39</sup>. In line with the requirements of the regulations, the Conservatives established regional partnerships after 1989 to ensure continued funding, but they limited the involvement to local authorities. In addition, central governmental actors maintained control of all the key positions within the implementation process, chairing the major committees and administering all of the programmes (Bache, 2010). Nonetheless, in 1997, the election of a Labour government committed to devolution, thus more favourably disposed toward decentralisation, strengthened the development of multilevel governance in the country, and the application of partnership in Structural Funds delivery more specifically. In England, in fact, the devolution entailed the creation of nine Regional Development Agencies, which played a key role in Cohesion policy partnerships. As argued by Chapman (2009, p. 37), “These developments [...] have been largely explained by domestic, as opposed to EU-level processes”.

Also important in the case of federal or regionalised states is the extent of congruence between parties controlling the national and subnational levels of government. In this respect, we could refer to the study of Brusis (2014), which analysed the dynamics of subnational government mobilisation in three Central and Eastern European Member States: Poland, Hungary, and the Czech Republic. In all the Member States under consideration, in the first funding period after their EU accession (2004-2006), the formulation and management of single Joint or Integrated Regional Operational Programmes (i.e., multiregional programmes,

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<sup>39</sup> According to Chapman (2009, p. 35), “In the period between 1989 and 1993, partnership composition was seen to be narrow, societal partners (trade unions and employers’ representatives) and elected local authority members were generally excluded, and research pointed to the dominance and gate-keeping powers of the UK central government”.

incorporating priorities for all the regions) were centralised<sup>40</sup>. Much of the potential regional value of the programming process, in terms of implementing measures and disbursing Structural Funds resources in line with priorities seen as regionally relevant, was therefore considered to be diluted (Bachtler & McMaster, 2008; Bruszt, 2008). In the following period (2007-2013), all three states agreed with the European Commission to replace multiregional programmes with separate ROPs tailored to their NUTS-2 ‘Cohesion regions’: sixteen, one for each of the *voivodships*, in Poland; seven in Hungary and eight in the Czech Republic. However, the role which regional governments adopted in the delivery of Cohesion programmes diverged from country to country. In Poland, ‘vertically unified’<sup>41</sup> territorial governments after 2007 facilitated the recognition of a strong role for the regions in Cohesion policy implementation: the role of Managing Authority for the ROPs, in fact, passed from the Ministry of Regional Development to the self-governing regions and their executive bodies. Moreover, Polish *voivodships* appointed ROP Monitoring Committees. Hungary, though experiencing long periods of congruent political majorities, has ‘weak’ regional governments<sup>42</sup>. This is a variable which, according to Brusis (2014), explains why the country, contrary to Poland, established centralised management structures in 2007-2013. Hungary defined indeed one department of its National Development Agency, an institution belonging to the central state administration, as the Managing Authority of its seven ROPs. The partnership principle was applied through the participation of delegates of Hungarian *megyék* governments in ROP Monitoring Committees. Finally, the ‘vertically divided’ government in the Czech Republic - a country where political majorities in *kraje* governments most frequently have differed from the majority in central government - has led to significant contestation over Structural Funds implementation. In the period 2004-2006, the Czech Social Democratic Party government decided to adopt the model of a single Joint ROP, centrally managed. The party had supported the process of regionalisation which, in 1997, led to the

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<sup>40</sup> Despite substantial institutional reforms undertaken in the pre-accession period, induced by EU conditionality and related pre-accession assistance programmes, regions in these countries were not initially granted the autonomy to make developmental policies on their own. Concerns about the administrative capacity of subnational governments to manage and absorb EU funds were a key factor, which persuaded national governments in CEE Member States, pressured by the European Commission, to limit the role recognised to regions in the 2004-2006 programming period. Single programmes specifically targeting regional development had central government institutions as their Managing Authorities: the Ministry of Regional Development in Poland and the Czech Republic, and the National Regional Development Office in Hungary (Bruszt, 2008; Bachtler & McMaster, 2008).

<sup>41</sup> Brusis (2014) used the terms ‘vertically unified’ and ‘vertically divided’ to describe concordant and opposed political majorities in national and regional governments, respectively.

<sup>42</sup> Brusis (2014) argued that the Hungarian *megyék* do not have legal powers and financial resources comparable to Czech *kraje* and Polish *voivodships*: the former indeed fulfil a limited range of public tasks and are exclusively financed by grants from the central state budget, thereby lacking own revenues required to co-finance regional development programmes.

creation of a new ‘meso’ level of government in the Czech Republic. Nevertheless, in the first elections for the new regional assemblies which took place in 2000, the Social Democrats performed poorly: the centre-right opposition parties controlled the governments of thirteen of the fourteen *kraje* from 2000 to 2004. As such, Baun and Marek (2017) suggested that partisan political considerations may have played a role in the national government’s decision to prevent the Czech regions from managing their own ROPs. An entirely new system for implementing Cohesion policy was adopted in 2007–2013, with management responsibilities of seven ROPs devolved to the *kraje*. The Czech Republic, however, decided to return to a more centralised governance system in 2014–2020. Regional self-governments lost in fact the right to directly manage EU-funded programmes, which they had enjoyed in the previous funding period, and the scheme of a centrally managed Integrated ROP was restored. The political disjunction between the national and regional levels once again influenced this decision. The results of both the 2008 and the 2012 regional elections left the Social Democrats in control of most of the *kraje* governments. While, after the 2010 parliamentary elections, the national government consisted of a centre-right coalition led by the Civic Democratic Party (ODS). Against this background, the return to a centralised implementation system was interpreted as a “revenge of the ODS-led government against the regions governed by the left or centre-left coalitions” (governor of the Southern Moravia Region, quoted in Baun and Marek, 2017, p. 877). Quoting Baun and Marek (2017, p. 867), we can conclude that “electoral outcomes, at both the national and regional levels, in other words, could have consequences for Cohesion policy implementation, leading to changes in the role of regional authorities in Structural Funds management from one programming period to another”.

Another variable believed to affect the degree of decentralisation of Cohesion policy governance is regional administrative capacity and performance. This factor goes beyond the matter of formal competencies and budgetary resources of regions, although these are clearly important, and includes elements like the quality and effectiveness of government. The argument is that the actual performance of regional authorities, when they were given certain governmental responsibilities, can either foster or hinder the decentralisation of Structural Funds implementation responsibilities (Baun & Marek, 2017). Indeed, several studies showed a clear link between regional institutional capacity and the role of regions in Cohesion programmes development and delivery. According to Grote (1996), administrative failure led to a reduced implementation role for Southern regions in Italy after 1988. The author argued that the poor record of regional programmes in the south of the peninsula resulted in the

recentralisation of Structural Funds management, as resources were diverted from the regions to national programmes, managed by the Minister for the *Mezzogiorno*. Furthermore, we could refer once again to the interesting case study of the Czech Republic: a country which, as we have seen, experienced considerable variation in Cohesion policy implementation systems over the course of the three programming periods since its EU accession, in a context in which national constitutional arrangements concerning territorial governance remained unchanged. On the one hand, an optimistic view of regional administrative capacity, based on the experience with using EU funds acquired in the previous programming period, impacted the Czech government's decision to adopt a more regionalised system of Structural Funds implementation for the cycle 2007-2013. On the other hand, a more critical view of regional administrative capacity was the main reason for the Czech government's reversion to a more centralised governance model for Cohesion policy in 2014–2020, though the decision was undoubtedly influenced by conflicts between 'vertically divided' governments. In the previous 2007-2013 programming cycle, in fact, the Commission found serious flaws in the management of several regional programmes, including financial irregularities, problems with public contracting procedures, and deficient systems for project approval, monitoring, and assessment. There were also several corruption scandals involving the ROPs. As such, the Czech government explained its decision to abandon the ROPs mainly in terms of administrative efficiency and transparency, and as an appropriate response to the problems with utilising EU funds experienced in 2007–2013. In their study of the Czech case, Baun and Marek (2017) concluded that "in the struggle of self-governing regions for greater influence in Structural Funds management, adequate regional administrative capacity and - perhaps even more important when opportunities to exercise management responsibilities are provided - *performance* are necessary, although not sufficient, conditions of regional empowerment" (Baun & Marek, 2017, p. 879).

A final factor which, according to Baun and Marek (2017), affects Cohesion policy implementation arrangements concerns EU-level influences. Notably, the variable to be considered is the Commission's implementation preferences. Indeed, the Commission's intervention could influence national institutional arrangements for the administration of Structural Funds. However, not all the Member States are believed to be equally open to the Commission's advice. As Baun and Marek (2017, p. 868) maintained, "While the framework rules in a given programming period are the same for every member state and thus cannot be a factor explaining differentiation, the intervention of the Commission in the implementation process can and does vary across countries". In this respect, both Marks (1996) and Tömmel

(1998) suggested that the influence of the Commission depends, in the first place, on its relative financial role. This is to say that it is greater in economically weaker Member States, which are more dependent on the Structural Funds for regional development resources. Marks, in addition, assumed that the position of the Commission is stronger vis-à-vis Member States with weakly institutionalised or fluctuating systems of territorial relations.

## **Chapter 3**

### **COHESION POLICY IN THE TUSCANY REGION**

This chapter will focus on Cohesion policy in the Italian regions, with a focus on Tuscany. The rationale behind this case selection brings together subjective and objective reasons. First, there is the traineeship experience, under the Erasmus Programme, which I had in summer 2021 at the EU liaison office of the Tuscany Region. This subjective criterion is backed by pragmatic aspects also, concerning greater ease of building contacts with the regional administration, a valuable aspect regarding the semi-structured interviews included in the final discussion. The objective criterion is related to the fact that the literature agrees on considering Tuscany among the most adapted Italian regions to the increased complexity of Cohesion policy (Fargion, 2006; Lippi, 2006). Before examining this specific region, the first paragraph will provide a more general picture of Cohesion policy implementation in Italy. The starting point of the analysis will be the post-war Italian regional policy. The misfit between the logic of governance of the latter and the guiding principles of the newly created Cohesion policy will help us to understand the difficulties faced by Italy - and notably by its Southern regions - in using the Structural Funds. The second paragraph will consider the management of Tuscany with regard to Cohesion funding. Notably, I will look at the receptiveness of the region to the partnership principle. The last two paragraphs will examine the application of the two dimensions of partnership in the elaboration of ROPs Tuscany ERDF. On the one hand, as concerns the horizontal dimension, I will investigate the Tuscany Region as an ‘arena’, where public decision-makers and private interests sit at the same negotiation tables to elaborate Cohesion programmes. On the other hand, as concerns the vertical dimension, I will analyse the Tuscany Region as an ‘actor’, which - in its dialogue with the European Commission for the design of programmes guiding the disbursement of the ERDF resources - voices the interests of its territory at the supranational level.

### 3.1 Regional policy in Italy: from the Extraordinary Intervention to Cohesion policy

At the time of the negotiations of the Treaty of Rome, Italy had just launched the Extraordinary Intervention (*Intervento Straordinario*)<sup>43</sup>, its post-war regional policy which aimed to solve the ‘southern problem’, that is, the persistence of socio-economic imbalances between the industrialised north of the peninsula and its underdeveloped south and islands (the so-called *Mezzogiorno*). At the Messina Conference in 1955, within the Italian delegation, there was concern that the freedom of movement of capital, labour, and goods in the Community which were being discussed - and the consequent exposure to international competition - could even aggravate the underdevelopment conditions of the Southern regions. In response to these concerns, the Italian government obtained the drafting of a specific Protocol for the *Mezzogiorno*, attached to the Treaty of Rome. The Protocol was an important instrument intended to protect public intervention in Southern Italy, as it introduced an explicit exception to the application of the Community prohibition of state aid, enshrined in Article 92 of the Treaty. Moreover, in Messina, the Italian delegation supported the need to provide tools at the Community level to foster the development of less favoured regions, wishing the help of EC partners to address its national issue with the *Mezzogiorno*, which was the most backward area of the Europe of the six (Amoroso, 2022).

For the reasons illustrated in Chapter 1, however, it was not until after the first EC enlargement - when an alliance was struck between Great Britain, Ireland, and Italy for the acceleration in the adoption of a Community regional policy - that the ERDF, the financial instrument which aimed at correcting regional imbalances in the Community, was established. Based on the national quotas set in 1975, Italy became the main beneficiary of the ERDF allocations, receiving 40% of the funding, followed by the United Kingdom (28%) and France (15%). After the creation of Cohesion policy in 1988, the country has remained one of the main beneficiaries of the Structural Funds. Table 4 shows how in the last three programming periods, those which have followed the EU Eastern enlargement, Italy has been the second (in 2014-2020 and 2021-2027) or the third (in 2007-2013) biggest beneficiary of the main Cohesion funds.

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<sup>43</sup> The public intervention in the South was extraordinary both in quantitative terms, as the funds allocated to this macro-area by the national government were additional to the ordinary ones, and in qualitative terms, as these funds were managed through special administrative procedures and by specific institutions, such as the *Cassa per il Mezzogiorno* (Brunazzo, 2007).

**Table 4: Breakdown by Member State of resources from the ERDF, the ESF and the Cohesion Fund for the programming periods 2007-2013, 2014-2020 and 2021-2027 (€ million)**

	<b>2007-2013*</b>	<b>2014-2020**</b>	<b>2021-2027***</b>
Austria	1.204,5	884,1	830,7
Belgium	2.063,5	1.830,5	2.070,4
Bulgaria	6.673,6	6.971,9	8.925,2
Croatia	/	7.825,0	7.919,0
Cyprus	612,4	702,9	822,4
Czech Republic	26.526,4	20.048,2	19.121,3
Denmark	509,6	373,8	232,6
Estonia	3.403,5	3.276,4	2.913,3
Finland	1.596,0	1.182,5	1.331,4
France	13.449,2	13.268,3	14.048,1
Germany	25.488,6	16.280,3	15.560,7
Greece	20.210,3	14.973,4	18.942,9
Hungary	24.921,1	20.093,3	19.824,4
Ireland	750,7	867,8	806,7
<b>Italy</b>	<b>27.957,8</b>	<b>29.579,4</b>	<b>36.715,9</b>
Latvia	4.530,4	4.136,6	4.060,8
Lithuania	6.775,5	6.307,5	5.750,5
Luxembourg	50,5	38,6	26,4
Malta	840,1	666,1	726,6
Netherlands	1.660,0	908,9	820,9
Poland	67.185,5	71.905,8	66.262,7
Portugal	21.411,6	19.403,7	20.903,0
Romania	19.213,0	21.304,1	26.616,5
Slovakia	11.498,3	12.776,2	11.241,0
Slovenia	4.101,0	2.872,2	2.857,0
Spain	34.657,7	26.256,1	30.954,4
Sweden	1.626,1	1.514,9	1.400,0
United Kingdom	9.890,9	9.590,6	/

Source: <https://cohesiondata.ec.europa.eu/2007-2013-Finances/Total-EU-Allocations-Per-MS-For-2007-2013/4taz-54g9/data> [accessed in March 2023]; OJEU (2016); OJEU (2021a).

Note: \* 2006 prices; \*\*2011 prices; \*\*\* 2018 prices.

When the ERDF was created, in 1975, in Italy the legislation that made operational the constitutional provisions envisaging the *Regioni* as a ‘meso’ level of government had been adopted since a few years (in 1970). While most of the administrative functions would be transferred from the central state in 1977. At this point, the extent of the competencies attributed to the Italian regions was more or less defined. Nevertheless, the latter for quite a long time were conceived by the state essentially as bodies implementing the policies of the central government and in charge of spending the resources transferred - and controlled - from

the national level. Moreover, in the absence of institutional *fora* for cooperation, the interplay between the centre and the regions was sporadic and poorly structured. This is to say that, though Italy had become a fully-fledged regionalised state, the application of vertical partnership was not embedded within the traditional operation of the Italian government. This made Italy different from countries, such as Germany, where regional self-governments were accustomed to being involved in policymaking processes.

Regional policy was managed accordingly, following a top-down approach. Indeed, the so-called Extraordinary Intervention directed towards Southern Italy was operated and controlled by the central government, mainly through the ‘Fund for the South’ (*Cassa per il Mezzogiorno*), an independent agency (Bull & Baudner, 2004; Milio, 2012). As Giannelli and Profeti (2006, p. 225) put it, referring to regional policy in Italy before the 1990s, “In such a ‘game’, the principle of partnership with regional governments and social partners was practically non-existent: the various dynamics of representation and negotiation to reach decisions over the allocation of resources saw the central government and political parties as the main protagonists”. Neither the principle of additionality, according to which the beneficiaries of funds (regions or municipalities, in particular) should have co-financed the development projects, nor the principle of programming, according to which the interventions should have been programmed for a certain number of years, had a place in the extraordinary investment plan for the South. As such, before the start of the 1989-1993 programming cycle, Italian regional policy witnessed a high degree of misfit with the guiding philosophy of the new Cohesion policy. This certainly did not create the conditions for an easy and swift adaptation of domestic structures to European regulations requirements (Brunazzo, 2007; Casula, 2020).

As a matter of fact, a mere preservation of the existing structures of governance, rather than an incorporation of Community rules and procedures, characterised the Italian case during the first two programming periods of Cohesion policy at both national and regional levels. In the 1989-1993 and 1994-1999 cycles, the application of vertical partnership was poor, especially in the south. Of the funds intended for Italy’s lagging regions less than half was allocated to ROPs<sup>44</sup>. The Southern regions had no say in the programming of the bulk of the Structural Funds for the *Mezzogiorno*, which was allocated to multiregional programmes, managed at the central level. More generally, a large share of resources (about 50%) was managed at the national level. The application of the horizontal dimension of partnership was equally

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<sup>44</sup> If we take into consideration only the funding intended for the Southern regions, in the 1994-1999 cycle, just 47% was allocated to regional programmes, managed by regional authorities; while the remaining 53% was allocated to multiregional programmes, managed by central ministries (Giannelli & Profeti, 2006).

deficient: the economic and social partners were scarcely involved in drawing up the 1994-1999 Community Support Framework and Operational Programmes (Graziano, 2006).

In the first two cycles, the Southern regions performed particularly poorly as concerns their spending capacity of Structural Funds (Giannelli & Profeti, 2006). In this respect, it should be highlighted that, for these regions, interested by the Extraordinary Intervention of the Fund for the South, the Structural Funds represented a limited financial opportunity - a ‘meagre booty’ in the words of Fargion et al. (2006) - compared to the flows of national resources. It should be added that European funds required binding procedures, - much stricter than the loose provisions related to national sources of financing - which rendered them unattractive in the eyes of politicians accustomed to making discretionary use of public resources<sup>45</sup>. In a nutshell, in Southern Italy, the game was perceived to not worth its candle. As such, the challenge deriving from Cohesion policy was faced without due commitment: until the end of the 1990s, most of the Southern regions were refractory, if not openly hostile, in embracing the logic and guiding principles promoted by Cohesion policy, often trying to re-propose a traditional *modus operandi* also for those operations required by EU regulations. This resulted in a low Structural Funds absorption capacity (Giannelli & Profeti, 2006).

The aim of restructuring Italian regional policy and harmonising it with European regulations as soon as possible was pursued from 1996 by the new centre-left government led by Romano Prodi and, more specifically, by the new Minister of Treasury, Carlo Azeglio Ciampi. While from the first programming period to the middle of the second, the Structural Funds had often attracted scarce interest in Italy because of their small entity and their binding implementing rules, the new centre-left coalition, faced with a financial crisis and with the constraints imposed on the state budget by the process of monetary integration, first identified the European funding as a “window of opportunity useful to partially replace the funds that the state could no longer provide to the regions or the backward areas” (Di Quirico, 2006, p. 121). After his appointment, Ciampi immediately elaborated *ad hoc* solutions to maximise the use of 1994-1999 funds and to prepare in the best possible way for the third programming period (Di Quirico, 2006; Domorenok, 2014; Casula, 2020).

Ahead of the beginning of the 2000-2006 cycle, a new ‘season’ for Italian regional policy was launched in 1998: the so-called ‘New Programming’ (*Nuova Programmazione*), a term used to indicate a new approach to the problem of regional underdevelopment based on the mobilisation of knowledge of territorial actors, prominent attention to evaluation at every

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<sup>45</sup> Brunazzo (2007, p. 243) argued that “if the Extraordinary Intervention was based on the logic of ‘funds in search of a project’, Cohesion policy reversed this approach, basing itself on the logic of ‘a project in search of funds’”.

stage of the decision-making process, the decentralisation of responsibilities and the multiannual programming of interventions (Brunazzo, 2007). Among the elements characterising the *Nuova Programmazione*, it is relevant for this analysis that the new governance of the Structural Funds recognised a centrality to the regions, in terms of both institutional responsibilities and the amount of financial resources directly managed by them. This is clearly visible analysing both the percentage of allocation of EU funding between the national and the regional governments and the physical collocation of the new institutional bodies required by EU regulations. Either the 2000-2006 and 2007-2013 CSFs assigned to the regions responsibility for managing an unprecedented amount of financial resources: around 70% of the Structural Funds available for Italy, a percentage slightly dropped to around two-thirds in the current 2021-2027 programming period<sup>46</sup>. Moreover, the CSFs (and, more recently, the 2014-2020 and 2021-2027 Partnership Agreements) opted for the collocation of the Managing Authority, the Certifying Authority, and the Audit Authority associated with each ROP under the umbrella of the regional administrations. In the context of the New Programming, not only were the regions entrusted with the responsibility of formulating their respective OPs, but they were also given the possibility to contribute to the definition of national strategic perspectives (Di Quirico, 2006; Domorenok, 2014; Casula, 2020). The central government maintained an overall address and coordination role, even though its interference remained high in the Southern regions (Profeti, 2013). Finally, the procedures ruling the Structural Funds were no longer considered a constraint, but rather an opportunity to promote and foster a process of administrative modernisation. This was especially true in the Southern regions where, according to Giannelli and Profeti (2006, p. 252), the national government adopted “a real ‘paternalistic’ strategy, which took the shape of a ‘saving mission’, resorting to the expedient of the Structural Funds to promote a real process of modernisation of the public administrations of Southern Italy”.

As highlighted by Casula (2020), though gradually the technical and political Italian elites adopted the administrative principles proposed by Cohesion regulations, several problems have persisted in the last programming periods as concerns the management of Structural Funds. Formal adaptation to new rules, in fact, has mostly prevailed over real learning and the development of new forms of organisation and procedures. In this respect, analysing the implementation of the *Nuova Programmazione* and the results it had in reinforcing administrative capacity building in Southern Italy, La Spina (2007, quoted in Casula, 2020, p.

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<sup>46</sup> See [https://temi.camera.it/leg19/temi/19\\_3\\_i-fondi-europei-per-la-politica-di-coesione-2021-2027.html](https://temi.camera.it/leg19/temi/19_3_i-fondi-europei-per-la-politica-di-coesione-2021-2027.html) [accessed in March 2023].

153) concluded that “Southern regions were required to show mostly formal allegiance to national rules. Therefore, what they possibly “learned” [was] that it was not important to modify in-depth bureaucratic features: it is sufficient to exhibit the appearance of innovation”. Likewise, as concerns the strategic choices of Italian programming authorities, some traditional problems continue to be present. The former is related to the strong fragmentation of EU funding. Cohesion resources have not been concentrated on significant, strategic, and effective projects. Rather, the inclusion of a large number of ‘deadweight’ projects has prevailed. Casula (2020, p. 147) argued that “this high level of pulverization was made to respond to the many and various political and social demands which can no longer be satisfied from national funding”. This approach to structural investments based on short-term opportunities helps to explain why, in Italy, in the medium to long-term Cohesion policy failed to produce impacts on regional economic growth and employment (Crescenzi & Giua, 2020). A lack of integration among regional OPs and the general national development strategy, moreover, persists in Italy (Casula, 2020).

Table 5 provides an overall picture of how Cohesion policy in Italy has changed across programming periods with respect to features such as the number of programmes, eligibility, and implementation approaches. It is worth noting that central-northern regions enjoyed a wide room for manoeuvre from the national level with respect to the programming of interventions already before the launch of the *Nuova Programmazione*. Classified as Objective 2, these regions prepared autonomous regional programmes, the Single Programming Documents. By contrast, Southern regions, classified as Objective 1, based on EU rules had to link their programmes to a single Community Support Framework negotiated by the central government. This greater interference by the central government in the regions participating in Objective 1 concerned also the following phase of management of programmes (Profeti, 2013). The regions in the South have been given more autonomy in the administration of the Structural Funds only after their governance was reformed in 1998.

**Table 5: Number of Cohesion policy programmes, eligibility and implementation approaches across programming periods in Italy**

	1989-1993	1994-1999	2000-2006	2007-2013	2014-2020	2021-2027
Programmes	CSF I (7 MOPs, 8 ROPs), 9 Objective 2 SPDs, 10 Objective 5b SPDs	CSF II (15 NOPs, 8 ROPs), 22 Objective 2 SPDs, 13 Objective 5b SPDs	CSF III (7 ROPs and 7 MOPs), 14 Objectives 2 SPDs	9 NOPs, 43 ROPs	12 NOPs, 39 ROPs	10 NOPs, 38 ROPs
Cohesion Fund	No	No	No	No	No	No
Less-Developed Regions (of 20 total)	8	7	8 (of which 2 Phasing-out)	5 (of which 1 Phasing-out)	5 + 3 transition	7 + 3 transition
Implementation approach	centralised (south)/ devolved (centre-north)	centralised (south)/ devolved (centre-north)	devolved	devolved	devolved	devolved

Source: Polverari (2016) for the programming periods until 2014-2020; <https://www.agenziacoesione.gov.it/> for the programming period 2021-2027.

Note: Implementation approach category based on how the majority of funding was administered and which type of authority - that is, national ministry or regional institution - played the role of Managing Authority. Community Initiative Programmes, Global Grants and European territorial cooperation programmes are not included.

MOP = Multiregional Operational Programme; NOP = National Operational Programme.

Thereby, following the launch of the *Nuova Programmazione*, the Italian regions, which hitherto mostly managed state transfers allocated for pre-established purposes<sup>47</sup>, have controlled an amount of European funds whose allocation they could decide with more discretionary margins. To be sure, Di Quirico (2006) noted that the overall impact of the Structural Funds on the budget of the Italian regions was modest in most cases. Nevertheless, the author also pointed out that European financing does not concern health spending, the

<sup>47</sup> During the 1980s and the 1990s, the financing system of the regions was mainly based on transfers from the central state, supplemented by revenues of regional taxes. However, the state transfers were often allocated for the purposes set out at the central level, while the revenues due to regional taxes were totally absorbed by the operating costs of the subnational administrations. This implied a limited autonomy of the regional authorities in determining the policies to be implemented in their territory (Di Quirico, 2006).

major expenditure item, covering 65-70% of regional budgets. European funding is focused on the remaining items, where instead it had a significant quantitative impact. In concrete terms, this means that, if overall the Structural Funds amounted just to 5% of the regions' total revenues, they constituted 20-25% of the funds used for interventions in the economic field or for transport and communications.

**Table 6: Cohesion funding allocations for the category of regions in Italy, programming periods 2007-2013, 2014-2020 and 2021-2027 (€ million)**

	2007-2013	2014-2020	2021-2027
Competitiveness or More-Developed regions (Central-northern regions)	5.625,8	7.712,5	9.533,7
Transition regions	/	1.505,0	1.528,4
Convergence or Less-Developed regions (Southern regions)	19.206,6	23.546,5	30.087,9

Source: Italian National Strategic Reference Framework 2007-2013; OJEU (2016); OJEU (2021a).

Note: In the programming period 2007-2013, the Convergence regions were Basilicata, Calabria, Campania, Puglia, and Sicilia. In the programming period 2014-2020, the Less-Developed regions were Basilicata, Calabria, Campania, Puglia, and Sicilia, while Abruzzo, Molise, and Sardegna were classified as Transition regions. In the current 2021-2027 period, the Less-Developed regions are Campania, Molise, Puglia, Basilicata, Calabria, Sicilia, and Sardegna, while Abruzzo, Umbria, and Marche are Transition regions. The remaining regions in central-northern Italy were classified as 'Competitiveness' in 2007-2013 and 'More-Developed' in the last two programming cycles.

It should be stressed that the relevance of European funding for the Italian regions has varied greatly (Fargion, 2006). The first distinction to be made is the one between special-statute regions and ordinary-statute regions. The substantial financial transfers of the state, which the former have always enjoyed, have made the opportunity offered by the Structural Funds less impactful there. The differences existing between ordinary-statute regions in terms of the significance of the European funds for regional coffers have also been considerable. The Southern regions, whose GDP per capita was lower than 75 percent of the EU average, until 2006 qualified as Objective 1 regions (as Convergence regions up to 2013, and as Less-Developed regions from 2014), the category to which - as we have seen in the second chapter

- the EU has always focused the largest share of its Cohesion budget, based on the principle of concentration. While central-northern regions qualified until 2006 as Objective 2 regions (as Competitiveness regions up to 2013, and as More-Developed regions from 2014), on the contrary, a category which has always received a small amount of Cohesion funding. Consequently, since the first programming period, the regions of the *Mezzogiorno* have been earmarked a far larger part of the Structural Funds in Italy. Table 6 illustrates the allocations of the Cohesion funding available for the country in the last three cycles. The Southern regions - classified as 'Convergence' and more recently as 'Less-Developed' - stand out for receiving the lion's share of the Structural Funds. This helps to explain why the central government has scrutinized more closely their implementation in the regions of the south of the peninsula than in the centre and north.

For the Italian regions, as for European regions in general, in addition to a good amount of money into their coffers, the Structural Funds represented an opportunity to establish themselves both as 'actors' - entertaining a direct, institutionalised relationship with the European Commission, to give a voice to the interests of their territory in the implementation of their ROPs - and as 'arenas', developing or fine-tuning formal consultation procedures to involve territorial stakeholders in policymaking, as the partnership principle requires for the design and management of Cohesion programmes.

As concerns the first point, thanks to the Structural Funds, Italian regions became far more legitimate actors in European decision-making. This contributed to an important change in domestic legislation, which hitherto had recognised the power to represent national interests at the European level only to the Ministry of Foreign Affairs<sup>48</sup>: with Law no. 52/1996 Italian regions were finally allowed to establish liaison offices in Brussels, to maintain direct and unmediated relations with the EU institutions, to participate in the activities of the Italian Permanent Representation in the European capital and to participate in the definition of the national positions through the State-Regions Conference. This finally marked the introduction also within the Italian legal system of the distinction between subnational authorities' international activities and their EU engagement (Brunazzo, 2004; Fargion et al., 2006).

As concerns the second point, before the appearance of the Structural Funds, the Italian regions had neither the power nor the resources to deal with development policies. As such, regional governments had struggled to establish themselves as a point of reference for

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<sup>48</sup> Until the mid-1990s, the Italian regions were precluded from establishing direct relations with the European institutions. Article 4.2 of Presidential Decree no. 616/1977 indeed stipulated that "The Regions cannot conduct promotional activities abroad related to the subjects of their competence without prior agreement with the government and in the context of the guidelines and coordination acts".

territorial interests, which were articulated and organised mostly at the provincial level (Profeti, 2006). Cohesion policy, providing them with new funds and a new role in this policy area, enhanced the regions' appeal in the eyes of organised interests and contributed to the reinforcement of their regional dimension vis-à-vis the national and local levels. This fostered the creation and consolidation of regional arenas of representation (Fargion et al., 2006). In other terms, Cohesion policy reinforced the 'politicization of the regional territory', redefining the role of the Italian regions not only as mere administrative units but also as relevant 'spaces for politics' (Graziano, 2010).

In the effort to comply with the procedures dictated by the EU regulations, common 'rules of the game', that each region would have to respect to guarantee full compliance with the horizontal partnership principle, were established by resolution no. 140/1998 of the Inter-ministerial Committee for Economic Planning (*Comitato interministeriale per la programmazione economica*). The latter foresaw that bargaining tables should be set up, including representatives of social and economic organisations, as well as members of cultural and environmental associations, to negotiate Cohesion programmes and follow their implementation (Lippi, 2006; Fargion et al., 2006). Because of the binding nature of the policy procedures established by the EU, and enforced by the national government, starting from the programming of the 2000-2006 cycle, a formal convergence of the regional systems of interest representation emerged (Graziano, 2006). Still, both Lippi (2006) - analysing the application of horizontal partnership in the central-northern regions - and Graziano (2006, 2010) - analysing the application of the same principle in the Southern regions - highlighted that substantial differences persisted in the actual involvement of socio-economic forces in the planning of the Structural Funds. To explain these different outcomes in various Italian regions, Fargion et al. (2006) argued that the funds and their principles did not operate in 'neutral' fields, but faced twenty-year-old regional political systems, characterised by their own deeply rooted institutional features and pre-existing styles of decision-making, more or less consistent with the procedures dictated by both European and national institutions. Graziano (2010) added that the strength of non-governmental actors and civil society groups was also a mediating factor for the effect of Europeanisation. As a matter of fact, in regions with a weak and poorly organised civil society, "even if regional governments were willing to 'listen' to social actors and eventually incorporate their proposals in their documents and policies, there was not much to listen to" (Graziano, 2010, p. 8). Fargion et al. (2006, p. 780) concluded by maintaining that "if in general terms we can assert that the structural funds contributed to changing the opportunity structure of Italian regions by strengthening their role

as both actors and arenas of representation, at the same time we must point out that such ‘empowerment’ took on different shapes from one region to another”.

Since empirical research showed that Italian regions reacted to Structural Funds in a distinctive way, the next paragraph will explore the specific case study of Tuscany and its response to the abovementioned opportunities opened up by Cohesion policy.

### **3.2 The response of Tuscany to the challenge of Cohesion policy**

The literature (Fargion, 2006; Fargion et al., 2006; Profeti, 2006, 2013) underlined how Tuscany stood out among the Italian regions for its ability to seize the opportunities offered by Cohesion policy and, consequently, for its successful management of the Structural Funds. As regards its mobilisation as an actor at the supranational level, Tuscany belongs to a leading group of ‘proactive regions’ - including Lombardy, Emilia-Romagna, Veneto, and the two autonomous provinces of Trent and Bolzano - which acted early, opening a liaison office in Brussels before Law no. 52/1996 allowed them to do so. To circumvent national legislation, which prevented Italian subnational authorities from establishing direct links with the EU institutions, since 1995 Tuscany relied upon the headquarters in Brussels of its holding company (FIDI Toscana S.p.a.) as a non-institutional representation (Brunazzo, 2004). Tuscany stood out not only for the timing of its activation in the European capital but also as concerns the intensity of its EU engagement. Indeed, Tuscan regional leaders have always shown a high degree of commitment towards Europe. Looking at the other channels of direct participation in EU policymaking, Tuscany has occupied a leading position among the Italian regions both in terms of membership of interregional associations - having played the role of initiator and covered important positions within some of them<sup>49</sup> - and in terms of participation to the activities of the Committee of the Regions<sup>50</sup> (Profeti, 2013).

In terms of acceptance of horizontal partnership, Tuscany proved to be equally ready to face the challenge posed by Cohesion policy. Consultation procedures with socio-economic forces

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<sup>49</sup> For instance, Tuscan presidents chaired the Conference of Peripheral Maritime Regions (CPMR) three times between 1996 and 2008 and the Conference of European Regional Legislative Assemblies (CALRE) between 2002 and 2004 (Profeti, 2013).

<sup>50</sup> Profeti (2013) argued that, between 2000 and 2008, Tuscan presidents had one of the highest participation rates in the plenaries of the CoR among the presidents of the Italian regions. The author also recalled that Tuscan presidents played key roles within the institution: Vannino Chiti was appointed vice-president of the CoR between 1994 and 1998, while Claudio Martini was entrusted with the task of leading the delegation of European regions with legislative power, sent by the CoR to the European Convention from 2001 to 2003.

and local authorities on the elaboration of regional development policies were established in the 1980s. This is to say that a regional ‘arena’ already existed in Tuscany before the creation of Cohesion policy. Against this background, the region provided a fertile ground for the participatory decisional style promoted by the Structural Funds. As a matter of fact, since the first programming period (1989-1993), the involvement of local governments, - in particular the provinces - and economic and social partners in the formulation of regional programmes was very high. Negotiation tables were set up before input came from the 1998 national provision, pointing to a natural propensity of Tuscany towards the embrace of the partnership principle. Over time the interplay between regional institutions and private interests was increasingly institutionalised, since the region laid down by law the existence of these tables intended for consultations with stakeholders, as well as the timing and methods of consultation. The range of actors called to contribute to Structural Funds programming was also gradually extended, to include, from the mid-1990s, a wide range of territorial interests. Moreover, the partnership method was identified as a veritable pattern of decision-making by Regional Law no. 49/1999 and progressively extended from the Structural Funds to other policy areas. In other words, negotiation was made ‘the only game in town’<sup>51</sup> (Fargion et al., 2006; Profeti, 2006).

Last but not least, it is worth referring to the analysis of the application of horizontal partnership in central-northern regions carried out by Lippi in 2006. The author underlined that Tuscany was among the few Italian regions where stakeholders were not merely consulted by the Regional Government but were given the possibility to influence decisions concerning Structural Funds programmes. Indeed, Lippi (2006, p. 202) highlighted that in Tuscany partnership was understood as a form of “public decision-making on the basis of commitments and programmes defined in a negotiated way”, while in other Italian regions, it was little more than a form of ratification of regional governments’ choices. Furthermore, the author found out that in Italian regions formal occasions of debate were provided for the negotiation of Operational Programmes, especially after the national requirement, but - most of the time - these aimed at ratifying the decisions previously taken by means of informal contacts between officials of regional governments and interest associations. This was not the

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<sup>51</sup> Partnership found a legal basis also in the Article 48 of the Statute of the Tuscany Region, which states that “The president of the Regional Government can promote formal phases of concertation or discussion with institutional and social representatives to seek prior agreement, in the case of acts falling within the competence of the governing bodies, or to verify the respective orientations, in the case of acts to be submitted to the approval of the Regional Council: in the latter case, the start of the formal phases of concertation is preceded by the provision of adequate information to the Council, which can approve specific guidelines”.

case of Tuscany. According to Lippi (2006), informal negotiations in the region were minimal. Bargaining was almost entirely absorbed by the official tables.

The remainder of this chapter is concerned with the application in Tuscany of the two dimensions of the partnership principle in the programming of Structural Funds, the phase of the Cohesion policy implementation process at which regions step in, as illustrated in the second chapter. On the one hand, the vertical dimension: in this respect, I will take into consideration the role of the Tuscany Region as an ‘actor’ entitled to directly engage with its EU governmental partner, the European Commission. On the other hand, the horizontal one: in this sense, I will analyse how in Tuscany public and private actors interact in the regional ‘arena’ of representation. Before investigating in the fourth chapter the informal aspects of the interplay with the European Commission and territorial interests, the next two paragraphs will review how the Tuscan Regional Government formally engaged with these actors in the planning of its Cohesion programmes. In other terms, I will look at the formal procedures established to comply with the EU partnership clause. The sources on which I relied for this analysis were the Regional Operational Programmes of the Tuscany Region, the other official documents related to the programming of Structural Funds, as well as the information available on the institutional website of the region.

Due to space limitations, the analysis will consider the programming of Structural Funds in Tuscany only in the last three cycles (2007-2013, 2014-2020 and 2021-2027), those which have followed the ‘Lisbonization’ of Cohesion policy. Moreover, I will take into account the elaboration of a specific mono-fund regional programme, namely the ROP Tuscany ERDF. Among the two Cohesion programmes managed by the Tuscany Region in the periods in question, i.e., the ROP ERDF and the ROP ESF, the choice to focus on the formulation of the programmes which concern the European Regional Development Fund was due to the higher amount of resources available from this fund as compared to the European Social Fund. In the last three Cohesion policy cycles, the budgets of the Tuscany-managed ROPs have been the following:

- In 2007-2013, the ROP Tuscany ESF was allocated €665 million (of which €313 million of EU funding and €352 million of national/regional co-financing), while the ROP Tuscany ERDF was allocated €1.023 million (of which €338 million of EU funding and €684 million of national/regional co-financing).
- In 2014-2020, the ROP ESF was allocated €733 million (of which €366 million of EU funding and €366 million of national/regional co-financing), while the ROP ERDF

was allocated €779 million (of which €390 million of EU funding and €390 million of national/regional co-financing).

- In 2021-2027, the RP ESF<sup>52</sup> is allocated €1.084 million (of which €433 million of EU funding and €650 million of national/regional co-financing), while the RP ERDF is allocated €1.229 million (of which €492 million of EU funding and €737 million of national/regional co-financing).

The higher stakes for both the region and private interests were thus considered to make the ROPs Tuscany ERDF a more interesting case study.

### **3.3 Tuscany as an ‘arena’: horizontal partnership in the elaboration of ROPs ERDF**

As highlighted by the same regional administration<sup>53</sup>, the programming of ROPs in Tuscany consists of three phases: a consultation phase, a phase dedicated to the elaboration of programmes, and a phase of negotiations with the European Commission. In this paragraph, I will look at the first of these phases, the one in which - as prescribed by the horizontal dimension of the partnership principle - institutional and private interests are called by the Tuscan Regional Government to participate actively in the planning of Structural Funds. This is a phase of intraregional negotiations (see Figure 4).

Since 1999, based on Regional Law no. 49/1999, in Tuscany the involvement of institutional, economic, and social actors in the definition of the most important regional development policy choices has taken place through the *fora* of the General negotiation table (*Tavolo di concertazione generale*) and the Institutional negotiation table (*Tavolo di concertazione istituzionale*). Governed by Resolution no. 328 of 2/04/2001 of the Regional Government, the former brings together representatives of local institutions, trade associations, trade unions, environmental associations, the regional Equal Opportunities Commission, professionals, and cooperatives. It deals with issues of general interest and policies of strategic/programmatic

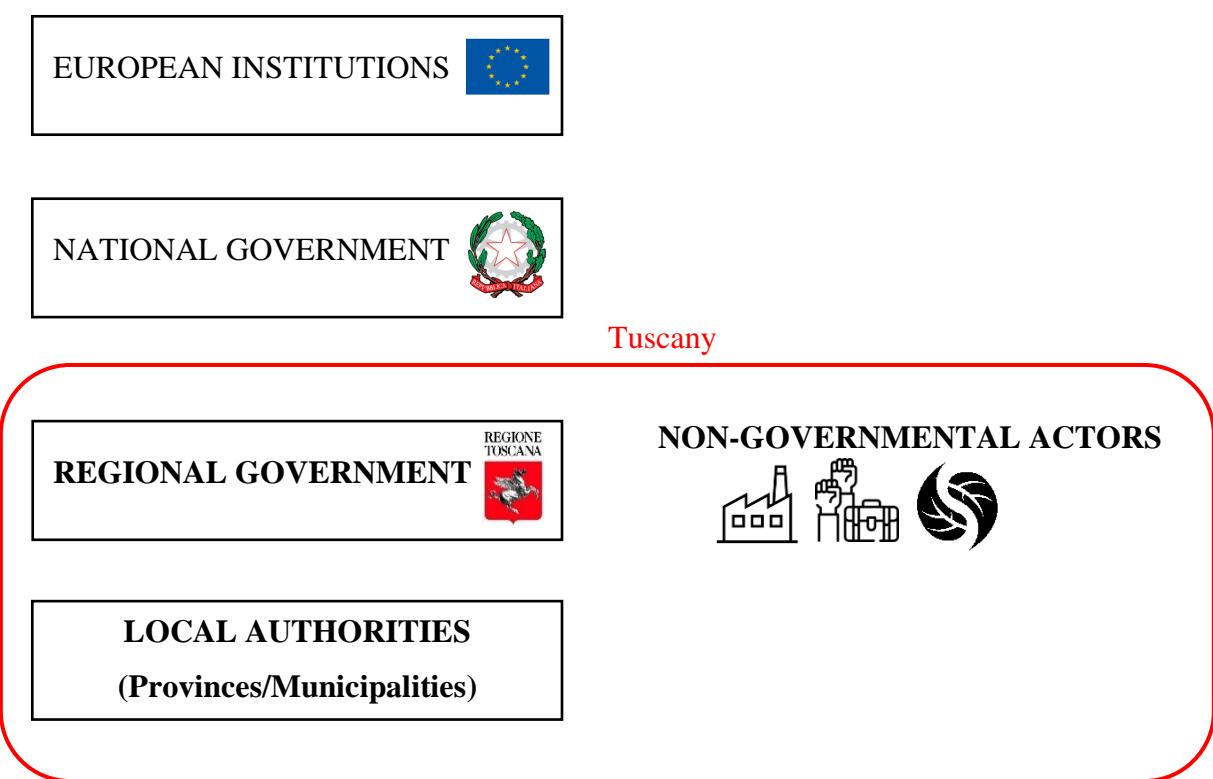
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<sup>52</sup> In the 2021-2027 programming period, the ‘Operational Programmes’ were renamed simply as ‘Programmes’. For this reason, the regional development plans of Tuscany for the current cycle will be referred to hereafter as RP (Regional Programmes), rather than ROP.

<sup>53</sup> See paragraph 4, Annex A of the decision no. 38/2021 of the Tuscan Regional Government: [http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5298482&nomeFile=Decisione\\_n.38\\_del\\_26-07-2021-Allegato-A](http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5298482&nomeFile=Decisione_n.38_del_26-07-2021-Allegato-A) [accessed in April 2023].

relevance<sup>54</sup>. The latter, governed by Resolution no. 1222 of 19/12/2005, is an instrument of interinstitutional cooperation as it brings together the members of the Regional Government and representatives of local authorities' associations (ANCI for the municipalities, UPI for the provinces, UNCEM until 2017 for the unions of mountain municipalities)<sup>55</sup>. Furthermore, for what concerns education and labour policies, consultations with economic, social, and institutional partners are governed by Regional Law no. 32 of 26/07/2002. This foresees that the programmatic choices of the Tuscany Region on these policy fields are discussed in two bodies: the Tripartite Permanent Regional Commission (*Commissione regionale permanente tripartita*), composed of members of the most representative social partners at the regional level, and the Institutional Coordination Committee (*Comitato di coordinamento istituzionale*), composed of institutional actors, notably representatives of local authorities<sup>56</sup>.

**Figure 4: Actors involved in the consultation phase for the programming of ROPs in Tuscany**



Source: own elaboration.

<sup>54</sup> See <https://www.regione.toscana.it/-/concertazione-generale-della-regione> [accessed in April 2023].

<sup>55</sup> See <https://www.regione.toscana.it/-/concertazione-istituzionale> [accessed in April 2023].

<sup>56</sup> See Articles 23 and 24 of Regional Law no. 32 of 26 July 2002:

[http://raccoltanormativa.consiglio.regione.toscana.it/articolo?urndoc=urn:nir:regione.toscana:legge:20020726;32&dl\\_t=text/xml&dl\\_a=y&dl\\_id=&pr=idx;0;artic,0;articparziale,1&anc=tit2](http://raccoltanormativa.consiglio.regione.toscana.it/articolo?urndoc=urn:nir:regione.toscana:legge:20020726;32&dl_t=text/xml&dl_a=y&dl_id=&pr=idx;0;artic,0;articparziale,1&anc=tit2) [accessed in April 2023].

The involvement of various stakeholders in the programming of ROPs in Tuscany has been guaranteed mainly through the methods of consultation just described, primarily through the joint meetings of the General and Institutional negotiation tables (*Tavolo di concertazione generale e istituzionale*)<sup>57</sup>. Indeed, the analysis of the ROPs ERDF and ESF 2007-2013, 2014-2020 and 2021-2027 revealed that the General and Institutional negotiation tables were convened at the very beginning of each programming phase to discuss the main strategic guidelines and intervention priorities of regional programmes. Based on the information provided by the ROPs, these tables gathering all the main institutional, economic, and social partners were convened four times between 14 November 2006 and 22 February 2007 ahead of the 2007-2013 cycle, three times between 18 March 2013 and 22 January 2014 ahead of the 2014-2020 cycle and two times on 3 December 2020 and on 19/20 May 2021 ahead of the 2021-2027 cycle. Notably, one learns that on these occasions the General and Institutional tables were called to discuss the ‘Regional strategic framework’ (*Quadro strategico regionale*). This document, defining the overall strategy of the Tuscany Region for a programming period of the Structural Funds, represents the reference framework for the elaboration of ROPs<sup>58</sup> and a starting point of negotiations with territorial stakeholders.

The analysis showed that formal consultations with stakeholders took place not only at the general level, in the context of the General and Institutional negotiation tables, but also at the sectoral and local level, in the context of tables dealing with issues of specific interest. These represented a further opportunity for institutional and private interests to make their claims before the Regional Government ahead of the drafting of ROPs, as well as a further opportunity for the Regional Government to collect information on the socio-economic needs of the regional territory.

For the elaboration of ROPs ESF, the actors interested in education, professional training, and labour policies gathered in the abovementioned *Commissione regionale permanente tripartita* and *Comitato di coordinamento istituzionale*.

As concerns the ROPs ERDF, based on the reconstruction provided by the last three programmes, apparently, there were no institutionalised sectoral tables regularly convened, but different tables were convened in each period to involve the stakeholders, on the sidelines of the General and Institutional negotiation tables. The ROP ERDF 2007-2013 states that, to

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<sup>57</sup> In the following phase of management of regional programmes, the involvement of stakeholders is guaranteed through their membership of the programmes’ Monitoring Committees.

<sup>58</sup> This is how the document is described in the preamble of the latest *Quadro strategico regionale* 2021-2027: [https://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5242815&nomeFile=Delibera\\_n.78\\_del\\_03-022020AllegatoA#:~:text=Il%20Quadro%20Strategico%20Regionale%20\(QSR.operativi%20regionali%20della%20Regione%20Toscana.](https://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5242815&nomeFile=Delibera_n.78_del_03-022020AllegatoA#:~:text=Il%20Quadro%20Strategico%20Regionale%20(QSR.operativi%20regionali%20della%20Regione%20Toscana.) [accessed in April 2023].

ensure the widest participation of territorial interests, in the consultation phase, 11 more tables were established at the local level - one for each of the Tuscan provinces plus one for the territory of *Empolese Valdelsa* - involving the municipalities, the mountain communities, local socio-economic actors and local environmental associations interested in the programme<sup>59</sup>.

The ROP ERDF 2014-2020 points out that eight thematic tables (dedicated to made in Tuscany, agri-food business, green economy, smart cities, emerging clusters, human capital, capital and technology-intensive sectors, tourism) and a final plenary session were held between 14 and 21 February 2014 - in the presence of representatives of businesses, research centres, public bodies, and universities - to debate the contents of the regional Smart Specialisation Strategy (S3)<sup>60</sup>. Moreover, civil society representatives - notably representatives of the Gender Policy Table, the third sector, and consumer associations - were convened in two sessions on 26 and 27 June 2014 to discuss the guidelines for the planning of interventions concerning the urban agenda, cultural heritage, transport, and aid to businesses. Finally, participatory processes engaging territorial partners were activated for the implementation at the regional level of the National Strategy for Internal Areas (*Strategia nazionale per le aree interne*) and for the definition of the strategy for Sustainable Urban Development (*strategia per lo Sviluppo Urbano Sostenibile*)<sup>61</sup>.

For the elaboration of the RP ERDF 2021-2027, a meeting in the presence of all the Tuscan universities was held in March 2021. Moreover, stakeholders were involved in the consultation phase through four thematic tables convened by the President of the Regional Government and the competent Councillors in June 2021. Five more meetings were held in July 2021 aimed at updating the regional Smart Specialisation Strategy<sup>62</sup>.

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<sup>59</sup> See section 1.5, ROP Tuscany ERDF 2007-2013:

[https://www.regione.toscana.it/documents/12959571/13060386/Delibera\\_n.1236\\_del\\_21-12-2015-Allegato-1.pdf/12a1fc38-b1bb-4e3c-864b-89458be90106](https://www.regione.toscana.it/documents/12959571/13060386/Delibera_n.1236_del_21-12-2015-Allegato-1.pdf/12a1fc38-b1bb-4e3c-864b-89458be90106) [accessed in April 2023].

<sup>60</sup> In the institutional website of the Tuscany Region, we read that “The Smart Specialisation Strategy (S3) is the research and innovation strategy that regions and Member States have been called upon to adopt since 2014, implementing the innovation policies co-financed with the Structural Funds of the EU Cohesion policy”. <https://www.regione.toscana.it/-/strategia-di-ricerca-e-innovazione-toscana-s3-cos-%C3%A8> [accessed in April 2023]. The adoption of the S3 is one of the enabling conditions, established by EU Regulation n. 2021/1060, preliminary to the implementation of the specific objectives envisaged for the ERDF and ESF.

<sup>61</sup> See section 7.2, ROP Tuscany ERDF 2014-2020:

[https://www.regione.toscana.it/documents/10180/23870501/3c%29+POR\\_FESR\\_Toscana\\_201420Vers\\_7\\_clean.pdf/823996a7-5438-3024-753e-ff8c83611343?t=1600240423797](https://www.regione.toscana.it/documents/10180/23870501/3c%29+POR_FESR_Toscana_201420Vers_7_clean.pdf/823996a7-5438-3024-753e-ff8c83611343?t=1600240423797) [accessed in April 2023].

<sup>62</sup> See section 6, RP Tuscany ERDF 2021-2027: [https://www.regione.toscana.it/documents/10180/0/sfc2021-PRG-2021IT16RFPR017-1.4\\_dec.C%282022%297144+del+3+ottobre+2022\\_clean.pdf/e5441695-d61efea2-c457-5542aa927fe4?t=1668072369738](https://www.regione.toscana.it/documents/10180/0/sfc2021-PRG-2021IT16RFPR017-1.4_dec.C%282022%297144+del+3+ottobre+2022_clean.pdf/e5441695-d61efea2-c457-5542aa927fe4?t=1668072369738) [accessed in April 2023].

In the next section of this paragraph, I will look in more detail at the consultation phase in the 2021-2027 cycle of the Structural Funds, highlighting how general concertation in the General and Institutional tables went hand in hand with sectoral concertation in thematic tables.

### **3.3.1 Horizontal partnership in the elaboration of the RP Tuscany ERDF 2021-2027**

Analysing the RPs Tuscany ERDF<sup>63</sup> and ESF 2021-2027<sup>64</sup>, it emerges that the main formal consultation procedures for their elaboration were the same. In other words, the programmes were negotiated with the stakeholders at the same general and sectoral tables. The consultation phase formally kicked off on 3 December 2020. On that day the Tuscan Regional Government convened a first joint meeting of the General and Institutional negotiation tables to present the contents of the ‘Regional strategic framework 2021-2027’ (*Quadro strategico regionale 2021-2027*), which had been approved by the executive on 3 February 2020. On 19 and 20 May 2021, a further opportunity to discuss the main strategic guidelines and intervention priorities of 2021-2027 Regional Programmes (*‘Principali linee strategiche e priorità di intervento della nuova programmazione europea 2021 – 2027’*) at a general concertation level was provided.

In parallel, from March to June 2021, the President of the Regional Government and the Councillors competent for the policy areas in question organised the following five specific thematic tables, in the presence of the most representative actors of civil society, for the elaboration of RPs 2021-2027:

- The University and Research meeting, convened on 5 March 2021, in the presence of representatives of all Tuscan universities.
- The negotiation table ‘Education, orientation, professional training, and employment’ (*Tavolo di confronto partenariale “Educazione, istruzione, orientamento, formazione professionale e lavoro”*), convened on 10 June 2021 within the framework of the Tripartite Permanent Regional Commission, in the presence of employers' organisations, trade unions and associations representing disabled people.
- The negotiation table ‘Youth and youth policies’ (*Tavolo di confronto partenariale “Giovani e politiche Giovanili”*), convened on 11 June 2021, in the presence of youth

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<sup>63</sup> *Ibidem*.

<sup>64</sup> See section 6, RP Tuscany ESF+ 2021-2027:

<https://www.regione.toscana.it/documents/10180/12973382/sfc2021-PRG-2021IT05SFPR0151.1.pdf/36d2a65b-56fd-10f0-90ce-f3e6cb551ad0?t=1661938696984> [accessed in April 2023].

associations and youth sections of all the main associations representing the economic and social categories, trade unions, the third sector, and public institutions.

- The negotiation table ‘With the Third Sector, inclusion and social integration’ (*Tavolo di confronto tematico con il Terzo settore, inclusione e integrazione sociale*), convened on 14 June 2021, in the presence of representatives of local institutions and all the main actors of the third sector.
- The negotiation table ‘Innovation, Competitiveness, Research for the Programming of European Funds’ (*Tavolo confronto "Innovazione, Competitività, Ricerca per la Programmazione Fondi Europei"*), convened on 15 June 2021, in the presence of representatives of local institutions, universities, research and technology transfer centres, trade associations, trade unions, and professionals.

These were followed by five more thematic meetings, convened on 7 and 9 July 2021, focused on innovation and aimed at updating the regional Smart Specialisation Strategy. These meetings were attended by representatives of technological districts, universities, schools of higher education, inter-university consortia, research centres, scientific and technological parks, subjects operating on the technology transfer, businesses, employers' associations, trade unions, and local authorities. They were divided into five sessions, dedicated to the following topics: "The strategic framework of the S3 in Tuscany for 2021-2027", in a plenary session; "Priority - Digital Technologies"; "Priority - Technologies for life and the environment"; "Priority - Technologies for advanced manufacturing"; "Priority - Advanced materials and nanotechnologies".

At the end of the consultation phase, the Tuscan Regional Government updated its overall programming strategy ‘*Principali linee strategiche e priorità d'intervento della nuova programmazione europea 2021 – 2027*’ with the Decision no. 38 of 26 July 2021. The document in question contained a draft of the RP ERDF and the RP ESF, as it set out the Specific Objectives to be pursued by the programmes among those identified by Regulation 2021/1060, the allocation of resources between them and the interventions to be funded for their achievement<sup>65</sup>.

Table 7 provides an overview of the formal negotiation tables set up by the Tuscany Region for the programming of its RPs 2021-2027 and the stakeholders represented in each of them.

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<sup>65</sup> See

[http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5298482&nomeFile=Decisione\\_n.38\\_del\\_26-07-2021-Allegato-A](http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5298482&nomeFile=Decisione_n.38_del_26-07-2021-Allegato-A) [accessed in April 2023].

**Table 7: Negotiation tables set up by the Tuscany Region for the programming of RPs 2021-2027**

<b>Date</b>	<b>Type of negotiation table</b>	<b>Main participants</b>
03/12/2020	Tavolo di concertazione Istituzionale e Generale on the "Quadro strategico regionale 2021 - 2027"	Anci Toscana, Upi Toscana, Confindustria Toscana, Confapi, Confservizi Cispel Toscana, Confcooperative, Ass. Cooperative Italiane, Confcommercio, Confesercenti, Cgil, Cisl, Uil, Cna, Confartigianato, Cia Toscana, Coldiretti, Confagricoltura, Commissione Pari Opportunità, Associazioni Ambientaliste, Commissione Regionale soggetti Professionali
05/03/2021	University and Research meeting	Università di Pisa, Università di Siena, Università di Firenze, Scuola Superiore Sant'Anna di Pisa, Scuola Normale Superiore di Pisa, Università per Stranieri di Siena, Scuola IMT Lucca
19/05/2021 and 20/05/2021	Tavoli di concertazione Istituzionale e Generale on the "Principali linee strategiche e priorità di intervento della nuova programmazione europea 2021 - 2027"	Anci Toscana, Upi Toscana, Confindustria Toscana, Confapi, Confservizi Cispel Toscana, Confcooperative, Ass. Cooperative Italiane, Confcommercio, Confesercenti, Cgil, Cisl, Uil, Cna, Confartigianato, Cia Toscana, Coldiretti, Confagricoltura, Commissione Pari Opportunità, Associazioni Ambientaliste, Commissione Regionale Dei Soggetti Professionali, Casartigiani, Legacoop
10/06/2021	Tavolo di confronto partenariale "Educazione, istruzione, orientamento, formazione professionale e lavoro"	Employers' organisations, trade unions, and associations representing disabled people.

11/06/2021	Tavolo di confronto partenariale "Giovani e politiche Giovanili"	ADI (Associazione Dottorandi e dotti di ricerca Italiani), AGCI (Associazione Generale Cooperative Italiane), AGESCI Toscana, ANCI Toscana, ANPAS Comitato Regionale Toscano, ARCI Toscana, Arci Ragazzi Toscana, AROG Toscana, AVIS Toscana, CARITAS Toscana, CESVOT (Centro Servizi Volontariato Toscana), CGIL Toscana, CIA - AGIA Toscana, CISL Toscana, CNA Toscana, CNCA Toscana, CNV, CRESCIT, Confagricoltura Toscana, Confartigianato Imprese Toscana, Confcooperative Toscana, Confesercenti Toscana, Confindustria Toscana, Coldiretti Toscana, Commissione regionale dei soggetti professionali, CSI Toscana, ESN (Erasmus Student Network ), Siena Ges, FAND Toscana, Federmanager Toscana, FISH Toscana, Forum Toscano del Terzo Settore, LegaCoop Toscana, Libera Toscana, Federazione regionale delle Misericordie della Toscana, M.C.L. Unione regionale della Toscana, Parlamento Regionale degli Studenti della Toscana, RETE ERGO, TOSCANA IMPEGNO COMUNE, UIL Toscana, UISP Comitato regionale Toscana aps, UPI Toscana, Associazione Progetto Itaca, Impact Hub Firenze
14/06/2021	Tavolo di confronto tematico con il Terzo settore, inclusione e integrazione sociale	ANCI Toscana, UPI Toscana, Consulta regionale del servizio civile, Forum Terzo settore della Toscana, Segreteria regionale CGIL, Segreteria regionale CISL, Segreteria regionale UIL, Presidente Commissione Pari Opportunità, Garante regionale per l'infanzia e l'adolescenza, Garante regionale per i diritti dei detenuti, Ance Toscana, Rete delle Professioni della Toscana, CNA Toscana, Cispel, FISH (Federazione Italiana Superamento Handicap), FAND (Federazione Associazioni Nazionali Disabili), Coordinamento Di Poi, Coordinamento Salute Mentale, Forum Associazioni Toscane Malattie Rare, Associazione Toscana Paraplegici, Habilia onlus, Associazione Vita Indipendente
15/06/2021	Tavolo confronto "Innovazione, Competitività Ricerca" per la Programmazione Fondi Europei	Università della Toscana e Scuole superiori di alta formazione, CNR, Parchi scientifici e tecnologici e altri soggetti che operano nel campo della diffusione e del trasferimento della conoscenza e dei risultati della ricerca, Consiglio delle Autonomie Locali, Unioncamere Toscana, Distretti tecnologici, Associazioni datoriali delle imprese, Associazioni dei Lavoratori delle imprese, Rappresentante delle Associazioni ambientaliste che siede al Tavolo di concertazione generale, Vicepresidente delle Professioni ordinistiche della Commissione regionale delle Professioni, Vicepresidente delle Professioni associate di prestatori d'opera intellettuali della Commissione regionale delle Professioni, ANCI, UPI

07/07/2021 and 09/07/2021	Meetings for the definition of the regional Smart specialisation strategy (S3) - “Verso la Strategia S3 2021-2027”	Università della Toscana, Scuole superiori di alta formazione, Enti Consorzi interuniversitari, Studenti universitari, Istituti del CNR, Parchi scientifici tecnologici ed altri soggetti che operano nel campo della diffusione e del trasferimento della conoscenza e dei risultati della ricerca, Distretti tecnologici regionali, Imprese, Associazioni datoriali delle imprese, Associazioni datoriali dei lavoratori, ISPRA, Enti locali, UPI
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Source: paragraph 4, Annex A, decision no. 38 of 26 July 2021 of the Tuscan Regional Government. See [http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5298482&nomeFile=Decisione\\_n.38\\_del\\_26-07-2021-Allegato-A](http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5298482&nomeFile=Decisione_n.38_del_26-07-2021-Allegato-A) [accessed in April 2023].

Looking at the dates, it could be seen that the consultation phase formally developed over a period of more than six months, going from December 2020 to July 2021. It is noteworthy that consultation procedures for the design of Regional Programmes were still ongoing in the first semester of 2021, when the current programming period was begun. In this respect, I could understand from the officials of the Tuscany Region interviewed for this research that the programming phase was delayed relative to previous cycles because of the outbreak of the COVID-19 pandemic. At the regional level, due to the challenges posed by the pandemic, the Tuscan Regional Government took some time to decide whether to rethink its Regional Strategic Framework 2021-2027, which had been approved shortly before the outbreak (on 3 February 2020), and which was meant to function as a starting point for consultations with local authorities and non-governmental partners. As such, it was not before December 2020 that the General and Institutional negotiation tables were convened and, consequently, that institutional and private interests formally had the chance to exchange views with public actors on the regional development strategy for the upcoming 2021-2027 programming period.

Looking at the list of participants, it could be seen that many subjects were granted access to the decision-making process by Tuscan regional authorities. In accordance with EU regulations, these represented a wide array of territorial interests: notably, institutional (e.g., the Tuscan universities and the local authorities' associations), private (e.g., employers' associations and trade unions), and public interests (e.g., environmental associations and bodies responsible for promoting gender equality). Less organised and weaker interests, which were not represented in the General and Institutional negotiation tables (e.g., non-governmental organisations, associations promoting social inclusion, the rights of persons

with disabilities, students' rights, etc.) also reached the decisional arena, participating in the consultation phase via the channel of thematic tables. Thus, it could be argued that the decisional arena showed a high level of inclusiveness vis-à-vis territorial stakeholders.

It should be added that consultations with local authorities and socio-economic forces were frequent. Indeed, as it could be noticed looking at the list of participants, local authorities' associations (i.e., ANCI Toscana and UPI Toscana), business associations, and trade unions were represented in all the tables convened by the Regional Government and, thereby, were provided with several formal occasions to inform regional policymakers about their preferences. While the Regional Government had repeated occasions to collect appropriate information from them on the territorial needs and socio-economic problems.

In conclusion, in formal terms at least, participatory consultation procedures, characterised by a stable and recurring pattern of interaction between the public sphere and private interests, were carried out for the formulation of Regional Programmes 2021-2027 in Tuscany. This comes as no surprise. The political culture has been identified (Baun & Marek, 2014) as one of the main determining factors for the highly variable impact of Cohesion policy on horizontal multilevel governance across EU Member States. In this respect, as previously discussed in this chapter, since horizontal partnership was part of the regional political heritage, local authorities and a wide range of organised interests have actively participated in the planning of Structural Funds in Tuscany from the very first programming periods.

### **3.4. Tuscany as an 'actor': vertical partnership in the elaboration of ROPs ERDF**

In this paragraph I will look at the third of the three phases which characterise the programming of ROPs in Tuscany: the intergovernmental negotiations between the regional administration and the European Commission, which come after the intraregional negotiations during the consultation phase. This is the stage in the implementation of Cohesion policy at which, based on the system of partnership, a vertical nexus is established between the regional and European governmental levels for the elaboration and adoption of Cohesion programmes. The breakthrough represented by the recognition to subnational authorities of this opportunity to entertain an unmediated, institutionalised relationship with Brussels in the planning of Structural Funds was dealt with in the previous chapters.

The formal interactions between the two partners of the Tuscan Regional Government and the European Commission in the programming of ROPs ERDF 2007-2013, 2014-2020 and 2021-2027 were retraced based on the information provided by official documents. Notably, the primary sources of information were the Commission Implementing Decisions approving the ROPs as, in their preamble, they give a summary of the negotiations which took place between the regional and the European levels of government before the adoption of the programme in question<sup>66</sup>.

Once the consultation phase came to an end, gained awareness of the demands and needs of institutional, socio, and economic stakeholders, the Tuscan Regional Government approved a draft ROP ERDF to be sent to Brussels. In the programming periods 2007-2013, 2014-2020 and 2021-2027, the regional administration submitted its programme proposal to the European Commission on 23 March 2007, 22 July 2014, and 15 April 2022 respectively.

At this point, it began the final phase of formal negotiations between the Regional Government and the Commission. The analysis of documents showed that formal negotiations were conducted following these steps:

- The Commission assessed the draft Operational Programme submitted by the region and made some observations on it in accordance with EU regulations<sup>67</sup>. In this respect, paragraph 2 of Article 23 of Regulation 2021/1060 states that “The Commission may make observations within 3 months of the date of submission of the programme by the Member State”, a formulation similar to the ones of Article 32 of Regulation 2006/1083 and Article 29 of Regulation 2013/1303, governing the previous Structural Fund cycles. Based on the same regulations, in each period the Commission was called to assess the consistency of programmes with the Common Provision Regulation, with the ERDF-specific rules, with the national Partnership Agreement (or the National Strategic Reference Framework in the 2007-2013 period), as well as their contribution to the EU priorities and objectives for Cohesion policy.
- The Tuscan Regional Government provided additional information to respond to the comments made by the Commission.

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<sup>66</sup> See Commission Implementing Decision no. 3785 of 1 August 2007, Commission Implementing Decision no. 930 of 12 February 2015 and Commission Implementing Decision no. 7144 of 3 October 2022.

<sup>67</sup> The Commission made its observations on the draft ROPs ERDF submitted on 29 October 2014 and on 13 June 2022 respectively, in the programming periods 2014-2020 and 2021-2027; while no information could be found on the date the Commission gave its assessment in the 2007-2013 cycle.

- At the end of formal negotiations, the Regional Government submitted a revised ROP ERDF, which accounted for the observations of the Commission<sup>68</sup>. For the current programming period, this was explicitly foreseen by paragraph 3 of Article 23 of Regulation 2021/1060, stating that “The Member State shall review the programme, taking into account the observations made by the Commission”.
- Provided that any observation made was adequately considered, the European Commission finally approved the definitive version of the ROPs Tuscany ERDF with an Implementing Decision on 1 August 2007, 12 February 2015, and 3 October 2022 respectively, in the programming cycles 2007-2013, 2014-2020 and 2021-2027.

In the second chapter, we have seen that the introduction of the system of partnership implied setting up a formalised procedure for negotiating the elaboration and adoption of Cohesion programmes between governmental levels. This overview of formal negotiations between the Tuscany Region and the European Commission allows us to take a closer look at the procedural avenue enshrined in EU regulations.

We have also discussed how, after the landmark 1988 reform of the Structural Funds, Operational Programmes had to respect European objectives and criteria as explicitly laid down in the regulations for Cohesion policy. In this regard, this analysis of formal negotiations between the Commission and the Tuscany Region shows how the former - having the scope under EU regulations to appraise programme proposals, to request additional information and revisions, and ultimately to adopt (or reject) programmes - can put pressure on national and regional authorities to subject their development plans to these objectives and criteria, if they fail to comply with them. In this regard, it could be argued that, during negotiations, the Commission held an active role, while the Tuscan Regional Government a reactive one.

In the next section of this paragraph, I will look in more detail at the phase of negotiations between the Tuscan regional executive and the European Commission in the elaboration of the RP ERDF 2021-2027. The analysis of the official documents related to the programme revealed that a phase of informal negotiations between the two governmental actors, aimed at providing guidance for the definition of a draft regional programme, accompanied and preceded the formalised bargaining procedures.

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<sup>68</sup> The Tuscany Region submitted its revised ERDF programmes on 16 December 2014 and on 13 September 2022 respectively, in the programming periods 2014-2020 and 2021-2027.

### 3.4.1. Vertical partnership in the elaboration of the RP Tuscany ERDF

#### 2021-2027

As argued in the previous paragraph, at the end of the consultation phase, the Tuscan Regional Government defined the main strategic guidelines and intervention priorities for its RP ERDF for the programming period 2021-2027 with the Decision no. 38 of 26 July 2021.

In autumn 2021, notably in November and December, the regional administration then opened informal negotiations with its governmental partner at the European level, the European Commission, to receive indications on the contents of its draft ERDF programme, as outlined in the Decision in question<sup>69</sup>. Hence, already before the start of formal negotiations, the Commission exerted leverage on the design of the programme through its advisory role.

On 17 January 2022, with the Decision no. 2 of the Tuscan Regional Government, the Strategic and Specific Objectives of the RP ERDF 2021-2027 were finally approved.

Following further informal exchanges with the European Commission<sup>70</sup>, on 6 April 2022, with the Resolution no. 367/2022, the final proposal for the RP Tuscany ERDF 2021-2027 was adopted by the Regional Government. On 15 April 2022, the latter was submitted to the European Commission. At this stage formal negotiations with Brussels began to determine the definitive text of the programme.

On 13 June 2022, in accordance with Article 23 paragraph 2 of Regulation 2021/1060, the European Commission assessed the RP ERDF and made its observations on it<sup>71</sup>.

On 15 July 2022, the Commission approved the Italian Partnership Agreement, which had been submitted by the national government on 17 January. The Tuscan Regional Government, with the Resolution no. 944/2022 of 8 August 2022, modifying the Resolution no. 367 of 6 April, then re-determined the Specific Objectives of its RP ERDF 2021-2027 in line with the provisions of Italy's Partnership Agreement.

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<sup>69</sup> Discussions which took place based on what we can read from the preamble of the Decision no. 2 of 17 January 2022 of the Tuscan Regional Government. See

[http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5316012&nomeFile=Decisione\\_n.2\\_del\\_17-01-2022](http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5316012&nomeFile=Decisione_n.2_del_17-01-2022) [accessed in April 2023].

<sup>70</sup> Informal exchanges reported in the preamble of the Decision no. 367 of 6 April 2022 of the Tuscan Regional Government.

See [http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5324647&nomeFile=Delibera\\_n.367\\_del\\_06-04-2022](http://www301.regione.toscana.it/bancadati/atti/Contenuto.xml?id=5324647&nomeFile=Delibera_n.367_del_06-04-2022) [accessed in April 2023].

<sup>71</sup> This is what we read in the preamble of the Commission Implementing Decision no. 2022/7144 of 3 October 2022:

[https://www.regione.toscana.it/documents/10180/23814707/C\\_2022\\_7144\\_F1\\_COMMISION\\_IMPLEMENTING\\_DECISION\\_IT\\_V2\\_P1\\_2255231.PDF/8c0d7482-7898-9941-4957-6ad30b8e040f?t=1666265260403](https://www.regione.toscana.it/documents/10180/23814707/C_2022_7144_F1_COMMISION_IMPLEMENTING_DECISION_IT_V2_P1_2255231.PDF/8c0d7482-7898-9941-4957-6ad30b8e040f?t=1666265260403) [accessed in April 2023].

The Tuscany Region provided additional information to the Commission between 17 August 2022 and 25 August 2022 and then submitted a revision of its programme on 13 September 2022<sup>72</sup>.

The European Commission concluded that the latest version of the programme complied with Regulation 2021/1060 and Regulation 2021/1058, was consistent with Italy's Partnership Agreement, and took into account the relevant country-specific recommendations, the relevant challenges identified in the integrated national energy and climate plan and the principles of the European Pillar of Social Rights. As such, with the Implementing Decision 2022/7144 of 3 October 2022, it approved the definitive version of the RP Tuscany ERDF 2021-2027, setting the maximum amount of support from the EU at €491.534.446,00<sup>73</sup>.

Combining the information gathered on the application of the horizontal and vertical dimensions of partnership, the decision-making process that led to the adoption of the RP Tuscany ERDF 2021-2027 is retraced in its main phases in the timeline of Figure 5. It is worth underlining the variety of actors involved in the process at different - regional, national, and European - levels. Indeed, it can be seen how the policy cycle began within Tuscany's borders, as intraregional negotiations were conducted with institutional, economic, and social partners to formulate a draft programme. In the meantime, at the national level, with the contribution of the Italian regions and socio-economic partners, the central government elaborated the Italian Partnership Agreement 2021-2027, that is, the country development strategy for the programming cycle in question, to which the Italian regions shall ensure the consistency of their RPs. Once the Partnership Agreement was submitted, Tuscany and the other regions had three months to send to Brussels their draft Regional Programmes, based on Article 21 of Regulation 2021/1060. The RP Tuscany ERDF was formally submitted to Brussels shortly before this deadline, on 15 April 2022. The decision-making process ended with formal negotiations between regional and supranational governmental actors and the final approval of the programme by the European Commission, in a revised version, on 3 October 2022.

From this overview, it can be understood that the RP Tuscany ERDF 2021-2027 was elaborated throughout this whole process, taking shape stepwise all along the phases of consultation with regional stakeholders and (informal and formal) negotiations with the European Commission, based on the demands and observations made by both the state and non-state partners of the Tuscan Regional Government.

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<sup>72</sup> *Ibidem*.

<sup>73</sup> *Ibidem*.

**Figure 5: Main steps of the decision-making process leading to the final adoption of the RP Tuscany ERDF 2021-2027**



Source: own elaboration.

### 3.5 Results and shortcomings of the document analysis

The analysis of the programming phase of the last three ROPs Tuscany ERDF showed how, in formal terms, the partnership principle, one of the mainstays of Cohesion policy governance, was fulfilled at this stage of the implementation process. As concerns its horizontal dimension, related to the involvement of non-governmental actors in the elaboration of Cohesion programmes, it was illustrated that general and thematic negotiation tables were convened by the Tuscan Regional Government, ensuring wide-ranging participation of organised interests. As concerns the ‘close consultations’ between governmental levels - in the wording of the 1988 EC regulation which introduced the partnership principle in its vertical dimension - the analysis found that formal negotiations between the Tuscan regional administration and the European Commission for the adoption of regional programmes were structured by the procedures for joint decision-making prescribed by Structural Funds regulations.

Taken note of the formal involvement of the European Commission and territorial stakeholders in the policymaking process, information is still missing about the way the Tuscany Region interacted with its partners. It remains to be investigated *who* in the regional administration engaged with the Commission and interest organisations. We also need to gain a deeper and fuller understanding of *how* the partners were consulted. Based on the analysis of official documents, it is not clear whether regional programmes were negotiated with territorial stakeholders exclusively in the context of the formal tables set up to comply with EU requirements; or whether a double track was followed and, behind the scenes of formal debates, informal consultations took place between regional authorities and interest associations. While we do not have a clue on whether some kind of institutional *forum* gathering regional and European Commission officials exists, or whether their interplay was completely informal and non-institutionalised.

We also need to get more insight about *what* regional officials discussed with their partners. The minutes of the meetings of the General and Institutional negotiation tables are available online<sup>74</sup>. Based on the reconstructions of the meetings convened for the programming of the 2021-2027 cycle of Cohesion policy, it emerges that the stakeholders participating in the tables simply formulated generic expectations on the use of Structural Funds in Tuscany. Nevertheless, the minutes also indicate that several of them argued that they would have submitted written observations on the draft regional programmes at a later time. From what

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<sup>74</sup> See <https://www.regione.toscana.it/-/verbali-delle-sedute-legislatura-2020-2025> [accessed in May 2023].

we read in the minute of the meeting of the General and Institutional negotiation tables held on 20 May 2021, the President of the Tuscany Region himself encouraged representatives of interest organisations to send their written comments on the draft regional programmes before thematic tables were convened. As such, it needs to be understood whether regional officials and territorial stakeholders engaged in deeper discussions on RPs outside the context of formal tables. As concerns bargaining with the European Commission, the official documents of the 2021-2027 cycle<sup>75</sup> reveal that, in the phase of informal negotiations, the region received guidance from Brussels on the correct allocation of the policy initiatives envisaged by its draft RP ERDF between the Specific Objectives identified by Cohesion policy regulations. However, no mention could be found on the subject of the formal negotiations with the Commission.

Finally, it remains to be figured out whether interest representation was influential. Realised that a wide array of private actors participated in the policymaking process, having several formal opportunities to lobby regional administrators, we still do not know whether they were able to exert some influence on the elaboration of regional programmes. On the other hand, taken note that Tuscan authorities engaged in negotiations with Commission officials, we do not know whether they were able to defend their discretion in pursuing regional interests - as identified by the Regional Government in the phase of intraregional negotiations and reflected in the draft programmes submitted - from the pressures of the Commission to follow a strict European route. In other terms, we are unaware of which was the degree of interference 'from above' or, conversely, the extent of autonomy 'from below' in the drafting of programmes. These missing elements of the analysis of the interplay between the Tuscany Region and its partners in the elaboration of Cohesion programmes will be investigated in the next chapter. In order to do that, semi-structured interviews were conducted with public servants of the Tuscany Region, who were directly involved in the programming of the RP ERDF and RP ESF 2021-2027.

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<sup>75</sup> See the preamble of the Decision no. 367 of 6 April 2022 of the Tuscan Regional Government.

## **Chapter 4**

### **THE PROGRAMMING OF STRUCTURAL FUNDS IN TUSCANY: AN INTERVIEWS-BASED RESEARCH**

The research question only partially found an answer in the previous chapter. As we have seen, some aspects of the way the Tuscany Region interacts with its governmental and non-governmental partners in the programming of Structural Funds remain to be explained.

To gain a better understanding of this interplay, qualitative research was carried out. Notably, four online semi-structured interviews were conducted in June and July 2023. The interviewees were four officials of the Tuscany Region who were involved in the negotiations for the formulation and adoption of Regional Programmes for the programming cycle 2021-2027. The first two respondents were involved in the elaboration of the RP Tuscany ERDF, and the second two in the planning of the RP Tuscany ESF. Faced with difficulties in finding more regional officials dealing with the ERDF available for an interview, I thought that the choice to interview some regional officials dealing with the ESF could be justified. If it is true that, in the previous chapter, it was specifically analysed the programming in Tuscany of the ERDF resources, this was due to space limitations, not to a specific interest of this research on this fund. Rather, we are interested in understanding the dynamics of the interplay between the Tuscany Region and its partners in the programming of Structural Funds. In this respect, it was highlighted in Chapter 2 that the partnership principle - which created a vertical nexus between governmental levels and a horizontal nexus between state and non-state actors - is a cornerstone of the defining governance system through which the Structural Funds, not only the ERDF, are delivered. Furthermore, in support of this choice to include in the research sample regional officials dealing with the ESF, as noted in Chapter 3, the formal consultation procedures for the elaboration of the RP ERDF and the RP ESF 2021-2027 were the same. More generally, respondent n. 1 confirmed that the decision-making processes leading to the adoption of the two programmes followed the same steps and that their design went hand in hand, as regional authorities strived to create synergies in the use of the two funds.

The number of interviews conducted is clearly too small for the study's sample to be representative. Nevertheless, the aim of the research was not breadth, via representativeness, but depth via rich insights about the respondents. As a matter of fact, these were recruited and

took part in the sample precisely because, based on their first-hand experience, they were expected to be rich in information about the programming of Structural Funds in Tuscany useful for answering the research question. I used my contacts in the EU liaison office of the Tuscany Region to establish links with the interviewees n. 1 and n. 3. A 'snowballing' technique was used to recruit the other two regional officials interviewed: this is to say that the participants n. 1 and n. 3 both pointed me out another regional official I could talk to.

Before the interviews, I developed a topic guide to help me stay on track with the main themes I would like to cover, based on the literature review and the empirical insights provided by Chapters 2 and 3. More specifically, the main topics were:

- T1: the type of education and professional path of the interviewee
- T2: the way the Tuscany Region engaged with its partners in the programming of RPs 2021-2027 (*who* engaged with the partners and *how*)
- T3: the subject of discussion with the partners
- T4: the role that the partners had in the formulation of Regional Programmes

I followed the same guide when conducting all the interviews to ensure their comparability. Obtained the consent of the participants for recording, a recording device was used to capture what they said *verbatim*. The interview audio recordings were subsequently transformed into written transcripts to make them suitable for the process of data analysis. At the beginning of the interviews, participants were assured that the interview material would be kept confidential and used exclusively for the purpose of this research. Standard ethical norms were applied; respondents were also assured that their names and other unnecessary personal details would not be used. To guarantee the anonymity of the officials of the Tuscany Region, in the following discussion, they will be referred to with cardinal numbers, according to the chronological order in which they were interviewed (see Table 8).

In the next paragraph, I will discuss the analytic insights that could be gleaned from the interview material collected, trying to link the specific findings of the research to the extant literature on Structural Funds governance.

**Table 8: Details of the interviews conducted with officials of the Tuscany Region**

<b>N. of the interviewee</b>	<b>Date of the interview</b>	<b>Length of the interview</b>	<b>Regional official interviewed</b>
Interviewee n. 1	15/06/2023	45 min.	Official of the ERDF Managing Authority
Interviewee n. 2	23/06/2023	19 min.	Official of the ERDF Managing Authority
Interviewee n. 3	10/07/2023	43 min.	Official of the ESF Managing Authority
Interviewee n. 4	28/07/2023	40 min.	Official of the ESF Managing Authority

## 4.1 Research results

At the beginning of each interview, participants were asked about their education and professional career. I was interested in understanding how the officials of the Tuscany Region recruited developed their technical expertise in the field of Structural Funds.

In 2006, in her interview-based research on the implementation of Cohesion policy in Italian regions, Fargion maintained that regional officials dealing with the Structural Funds commonly shared biographical and professional paths marked by an experience in Brussels or, in any case, by an early exposure to European policymaking. Interviewee n. 1 fits this kind of job profile, as she took classes in Structural Funds already during her university studies. She said to have then gained experience in the field within the Tuscan regional administration, where she has dealt with Structural Funds programmes from the very beginning. Notably, she started her career as a regional official by working on the evaluation of EU-funded projects before joining the ERDF Managing Authority more recently. By contrast, the educational and professional background of the other three interviewees seems different from the typical background of the regional officials dealing with Structural Funds, as identified by Fargion (2006). The participant n. 2 had a university education in economics and statistics. Early in her career, she also carried out research in economics. Though she claimed to have always been interested in public policies, she highlighted that she has never done studies focused on the European Union. As far as I understood, she developed an expertise in the specific field of the Structural Funds only once she joined the regional administration. The interviewee n. 3 maintained that her education was focused on labour market policies. As respondent n. 2 did,

for many years in her career, she also carried out research on the topic in a research institute. She later became a public official, first at the Ministry of Labour and then at the Tuscany Region. As a regional official, she initially dealt with environmental policies. While involved in environmental issues, she claimed that she started getting familiar with the programming of public funds: an experience that, she told me, proved useful when she joined those branches of the regional machine managing the Structural Funds. Finally, the interviewee n. 4 graduated in economics. As a civil servant of the Tuscany Region, for a long time, she dealt with performance audit processes, before working on the implementation of Structural Funds in the last ten years.

The number of interviews conducted is too small to conclude whether the professional profiles of public officials handling the Structural Funds in the Tuscany Region largely fit the profile portrayed by Fargion (2006) or whether they are more varied. Still, I found it interesting that, except for the participant n. 1, all the other interviewees lacked any specific professional education not only in EU Structural Funds but in EU affairs in general. In 2006, Fargion (p. 145) argued that a previous experience in Brussels or the previous involvement in EU policymaking processes were “conditions that make it possible to explore organisational territories different from the usual ones, to build ‘bridges’ between the repertoires of the organisation to which one belongs and different worlds”. In other terms, in the first programming periods, when Italian regions struggled to respond to the challenges posed by the newborn Cohesion policy, the expertise of officials who had ‘explored’ the operating mechanisms of EU institutions was extremely valuable for regional administrative machines which often lacked any previous experience concerning the correct programming, management, and evaluation of public funds. The competencies gained by these professionals equipped them to cope with European requirements and, consequently, allowed regional bureaucracies to react more quickly to the new opportunities afforded. As programming cycles go by, however, the then ‘uncharted territory’ of Structural Funds has become familiar, as Fargion (2006) herself highlighted. As such, we can suppose that, for regional bureaucracies which have internalised the European management culture, specific training in EU affairs is no more a critical resource. Consequently, the administrative apparatus managing the Structural Funds might have become more accessible for professionals who previously pursued careers in other fields, as in the case of interviewees n. 2, n. 3 and n. 4. On the other hand, I was told by interviewee n. 4 that the European Commission requires that officials dealing with the funds regularly attend training courses on their implementation. As

respondent n. 4 recognised, “If they receive appropriate training, people with other types of education are then able to deal with them [the Structural Funds]”.

The conversations I had with the participants subsequently delved into the programming of Structural Funds in Tuscany in the 2021-2027 cycle. The testimonies collected confirmed that the decision-making process leading to the formulation and final adoption of Regional Programmes followed the main stages outlined in Figure 5<sup>76</sup>.

In the consultation phase, interviewee n. 1 argued that socio-economic organisations “basically tell us their needs. They ask us to adjust the programme accordingly”. As already emerged in Chapter 3, respondents referred to the joint meetings of the General and Institutional negotiation tables as the main formal venue where consultations between the Regional Government and socioeconomic forces took place ahead of the elaboration of Cohesion programmes 2021-2027. In addition, I could understand that stakeholders played a role in the design of RPs through their participation in the Monitoring Committees, the institutional bodies charged with overseeing the progress in the execution of each programme. Indeed, the planning of a new cycle of the Structural Funds is intertwined with the evaluation of the previous cycle and, as participant n. 3 reported, in 2021-2027 “some measures were re-proposed because they had been positively evaluated [by the stakeholders participating in the programmes’ Monitoring Committees]”.

Remarkably, the testimonies gathered shed light on the interplay between regional authorities and non-governmental partners occurring outside these formal venues set up to guarantee compliance with the EU partnership principle. In fact, as a reading of the minutes of the meetings of the General and Institutional negotiation tables suggested, I understood that the Regional Government and territorial stakeholders engaged in deeper discussions on the RPs Tuscany 2021-2027 during informal occasions.

Interviewee n. 1 observed that, as concerns the formulation of the RP Tuscany ERDF 2021-2027, she had a thorough knowledge only of the work done in the formal bargaining tables and, most notably, in the thematic tables convened to draft the regional Smart Specialisation Strategy. Even though she claimed it is something she could not ‘see’ nor ‘live’, she asserted that, based on her impression, there were informal negotiations with socio-economic forces held outside the institutional tables. This was more clearly stressed by respondent n. 2, who said that “[The convening of] negotiation tables kick-start a series of meetings, which are not

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<sup>76</sup> However, I learnt that the policy process began even before 2020. Indeed, I was told that already in 2019 regional officials attended several meetings convened by national authorities - in the presence of both representatives of the Italian regions and socio-economic organisations - to elaborate the Italian Partnership Agreement.

scheduled” and which serve for an “in-depth analysis of certain issues”. To better understand what she meant, I asked her if she was referring to the meetings of the thematic tables, convened by the Regional Government to deal with issues of specific interest. She answered that she was referring to meetings apart from these. As such, it emerged from her words that, in the consultation phase for the formulation of RPs 2021-2027, informal negotiations went hand in hand with negotiations taking place in the context of institutional tables. Interviewee n. 2 pointed out that informal meetings involved the single Departments of the Tuscan Regional Government and the interest organisations concerned. For instance, she argued that, at this stage of the programming process, “The Department of Productive Activities (*Assessorato alle Attività Produttive*) is used to hold meetings with partners such as Confindustria, Confartigianato, etc. [i.e., business associations], focused on issues of interest to the manufacturing sector” (interviewee n. 2). As further evidence of the unstructured nature of these consultations, the respondent n. 2 clarified that it is entirely at the discretion of the single Departments of the Regional Government whether to follow up specific policy issues with territorial stakeholders outside the formal tables and, in case, how many meetings with them to convene. More specifically, she maintained that “The Department of Productive Activities may hold three of them [informal meetings], but others [Departments] may not even hold one” (interviewee n. 2). The interviewee n. 3 confirmed that “Bargaining can follow both the [formal and informal] channels”. She reiterated what respondent n. 2 said, arguing that, simultaneously to bargaining in the context of formal venues, “The different sectors [of the Regional Government] hold targeted exchange of views with the partners, related to their specific policy fields” (interviewee n. 3). In addition, referring to the socio-economic partners interested in deepening policy measures outside formal bargaining tables, she said that “We [officials of the ESF Managing Authority] listened to some of them, we met them. Others interacted only with the President” (interviewee n. 3). As such, trying to answer the question of *who* in the regional administration engaged with non-governmental partners, both political and bureaucratic actors functioned as gatekeepers, filtering the social and economic contributions to the programming process. This is in line with the findings of Fargion et al. (2006), who argued that bureaucratic actors, possessing the appropriate technical skills to cope with the complex procedures ruling the Structural Funds, are given the opportunity to play an active role in the representation process by carrying out negotiations with socio-economic forces, sometimes overriding politicians.

The existence of an informal track for the bargaining of Cohesion programmes in Tuscany contradicts the results of the research conducted in 2006 by Lippi. As mentioned in the

previous chapter, the author - considering in his analysis the time span which covered the first two programming periods of Structural Funds (1989-1999) and the first phase of the third period (2000-2006) - found that Tuscany was, together with Emilia-Romagna, the Italian region which showed the highest degree of formalisation of consultation procedures. According to Lippi, in these two regions, negotiations of Structural Funds programmes with territorial stakeholders followed almost exclusively the track indicated by institutional tables. Remarkably, the author reported that, for this very reason, the officials of the Tuscany Region, Emilia-Romagna Region, and Tuscan and Emilian interest organisations he interviewed expressed their shared desire for a greater reliance on informal contacts, blaming the distinctive decision-making style of their regions, which was participatory and transparent, yet cumbersome and complex. Based on this review of the programming experience in 2021-2027, it could be argued that, in the last Structural Funds cycles, the Tuscan regional administration has listened to these complaints and has indeed aimed for a less formalised negotiation process. As such, Tuscany nowadays seems no more an exception to the rule: a double track of formal and informal negotiations for the programming of Structural Funds is followed there as, according to Lippi (2006), it was often the case in the other Italian ordinary regions.

A consideration should be added about how in Tuscany formal consultation procedures have changed over successive programming periods. In the first cycles of Cohesion policy, formal procedures strictly channelled policy decisions. The Tuscany Region, in fact, set up a hierarchical system, made up of bargaining tables organised on a provincial level, which at the highest level converged in the General and Institutional negotiation tables, the venue where the Regional Government was called to mediate between local interests (Lippi, 2006). As we have seen in Chapter 3, this system of tables widely spread across the regional territory was adopted up until the 2007-2013 programming period. It was then abandoned in the last two programming periods when, for the planning of Cohesion funds, in addition to the General and Institutional negotiation tables, the Tuscany Region resorted to thematic tables to involve socio-economic organisations and local authorities. Since 2014-2020, formal consultation procedures apparently have been simplified.

In light of this further consideration, the programming process of Structural Funds in Tuscany appears today less as “cumbersome, too articulated and obsessed with the search of consensus” as Lippi (2006, pp. 202-203) argued, pointing at the highly formalised processes in Tuscany and Emilia-Romagna.

Given the words of the interviewees, organised interests did not merely participate in the programming process, through formal and informal channels, but did have an influence in the drafting of Regional Programmes. Respondent n. 2 argued that the Regional Government “certainly takes into consideration” the needs of its non-governmental partners. These words were echoed by respondent n. 4, who affirmed that the needs of territorial stakeholders “as far as possible are taken into consideration”. Remarkably, though, the interviewee n. 3 said that “One of the things which emerged in the discussions with the partners was that they told us: ‘sometimes we do not have the ability’... this is to say, sometimes they complained about the fact that they do not always have the expertise to intervene or to bring their own contribution”. This questions the current ability to influence the choices made for regional development of weaker and less organised territorial interests, those for whom the inherent complexity of Cohesion policy - and consequently the specific technical skills which are required to make an impact on the formulation of Cohesion programmes - might constitute a barrier, as underlined by Fargion et al. (2006) and Milio (2012).

Nevertheless, as interviewee n. 2 pointed out, taking into consideration the needs of territorial stakeholders “does not mean slavishly following their indications”. The regional administration “takes them [the indications of territorial stakeholders] into consideration and then it decides whether to take them fully or not. It is well understood that, putting together all the indications and requests, not all of them are consistent with each other” (interviewee n. 2). In this respect, respondent n. 2 highlighted that the role played by the Tuscan Regional Government in the negotiation process is that of a mediator of (divergent) territorial interests, arguing that “Obviously it [the Regional Government] mediates between these requests, besides... making these requests consistent with what is essentially the government programme. As it happens at the national level, the social partners, Confindustria, and other trade unions make their requests and then the government decides. It is the same here, it is the same thing” (interviewee n. 2). It is worth emphasising that, as it played this role of interests’ mediator, the interviewee reported that the regional executive assessed the consistency with its legislative programme of the requests it received from the stakeholders. In this regard, a Regional Government mindful to make its policy decisions consistent with its legislative programme appears more inclined to favour some interests - arguably the interests of its electoral constituency - than “obsessed with the search of consensus” among stakeholders, in the wording used by Lippi (2006, p. 203). Similarly, interviewee n. 4 affirmed that “It is always a mediation, it is obvious, isn’t it? At the negotiation tables, they [the territorial stakeholders] make a hundred proposals, something is taken, something is skimmed a bit”.

Lippi (2006, p. 219) concluded that Tuscany, Emilia-Romagna, Marche, and Umbria - the Italian regions which, according to the author, were characterised by a participatory model of representation - aspired to a “deinstitutionalisation from below, by introducing greater elements of discretion to simplify a procedure which is not particularly streamlined”. The research results suggest that, in the last Cohesion policy cycles, this kind of deinstitutionalisation of the negotiations of Structural Funds programmes has actually occurred in Tuscany, as apparently the regional administration has been committed to streamlining its participatory decision-making process. As a result, bargaining with territorial interests nowadays is less structured and formalised. As the Regional Government is less bound by cumbersome formal procedures, its decision-making discretion in the programming process is arguably wider.

At the end of consultations with institutional, economic, and social partners, respondent n. 1 argued that the ERDF and ESF Managing Authorities “receive a political address concerning the strategic orientations of the programmes”. I could understand that the political interface of the Managing Authorities is the President of the Tuscany Region himself who, in the current Regional Government, is the one responsible for the programming and managing of Structural Funds. This suggests that the current President (Eugenio Giani) has followed in the footsteps of his predecessors at the top of the Tuscan Regional Government who, according to Fargion (2006), since the early years demonstrated high receptiveness towards the opportunities offered by European integration.

In light of the political input received, regional officials of the Managing Authorities “dealt with the technical aspects to elaborate a draft programme” (interviewee n. 1). As already emerged from the analysis of official documents relating to the 2021-2027 period, the respondents highlighted that the programme proposals drafted by the Managing Authorities were subsequently shared with the European Commission for a first phase of informal bargaining, lasting a few months. The negotiations with the European Commission were directly managed by the ERDF and ESF Managing Authorities. As a matter of fact, I was told that EU regulations require that programmes’ Managing Authorities act as an interface between regional (or national, in the case of National Programmes) and European institutions. While investigating *who* in the regional administration engaged with the Commission, I was told that the EU liaison office of the Tuscany Region “was not very much involved [in the negotiations of the RPs 2021-2027]” (interviewee n. 3). This might come as a surprise as Tuscany has stood out among the Italian regions for the timing of its activation in Brussels and the number of permanent personnel assigned to its representation in the EU capital

(D'Arnese, 2020). The interviewee n. 3, however, argued that there are some caveats in this regard. First, she pointed out that, at the beginning of the current programming period, when Regional Programmes were elaborated, an executive in charge of the regional office in Brussels was missing and this compromised its involvement in the policy formulation phase. Secondly, she stressed that the involvement of the Brussels-based delegation was made difficult by the COVID-19 pandemic. If, ahead of the beginning of previous Cohesion cycles, “meetings were held directly in Brussels and our office [the ESF Managing Authority] was involved” (interviewee n. 3), in 2021-2027 the restrictions imposed by the pandemic prevented the holding of such in-presence activities that the Brussels representation of the Tuscany Region and the home regional administration were used to co-organise.

I understood that the staff of the ERDF and ESF Managing Authorities interfaced with a delegation of the European Commission’s DG REGIO. Officials of the ESF Managing Authority told me that, besides the DG REGIO, they engaged also with the European Commission’s Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL). The main point of reference of regional authorities at the EU level, throughout the implementation of each programme, is a DG REGIO’s official, named the ‘rapporteur’.

The way the two governmental partners interacted at the informal bargaining stage was equally informal: discussions were held by means of telephone calls, e-mails, and web meetings. At the end of informal negotiations, “The package of proposals is more or less agreed upon, but there are still issues to be fixed” (interviewee n. 1). Similarly, the interviewee n. 2 argued that informal negotiations allowed regional authorities to draw up a draft ERDF programme that they “knew could comply with the regulations, but also with the [Italian] Partnership Agreement”. This suggests that the Commission’s advisory role in this phase of the programming process helped to avoid or ameliorate (at least some of) the most contentious issues before the opening of formal negotiations.

The draft Regional Programmes were formally submitted to the European Commission by national authorities. I understood from the respondent n. 3 that in the 2014-2020 programming period the submission of draft programmes, to be transmitted to Brussels, to the national level was just a formality: “In 2014-2020 I don’t remember that there was a negotiation with the national level... in the end, it [the programme] was sent and it was transmitted” were her words. In the current cycle, however, she said that national authorities “wanted to be a little more involved [in the elaboration of the ESF programme]” (interviewee n. 3). Notably, she reported that the national level put some pressure on regional officials so

that they placed greater emphasis on the financing of specific policies (e.g., the policies targeting the inland areas of the region).

As the programming process moved to the formal negotiations stage, official communications with Brussels were exchanged in written form via a European Commission's web platform. Nevertheless, I was told by respondent n. 1 that "In parallel, there continued to be more informal exchanges of information".

Formal bargaining with the European Commission concerned "very technical and very specific issues" (interviewee n. 1). On the other hand, I was told by respondent n. 4 that "It [the draft programme submitted to the Commission] is the result of several months of work, negotiations, and meetings. It is clear that, when the document is submitted, some technical observations are made at that point". Two examples given by the respondents are illustrative of the technicalities of the issues discussed with the Commission during formal negotiations. The interviewee n. 1 reported that, in the programming phase of the 2021-2027 cycle, the ERDF Managing Authority received "a very specific political indication to activate an additional Policy Objective to finance an important infrastructure project, but the Commission told us that this could only be financed in the Less Developed regions". The respondent added that, during the conduct of formal negotiations, the European Commission did not give up on the point and, consequently, the Tuscany Region could not finance the infrastructure in question with Cohesion funding. Secondly, it was mentioned by both respondents n. 1 and n. 3 that, in the draft programmes submitted to the European Commission, the Tuscany Region chose to finance skills development-related projects with the ESF resources. The European Social Fund, in fact, has always been the financial instrument aimed at investing in people. Nevertheless, Regulation 2021/1058, governing the ERDF for the 2021-2027 cycle, foresees that, among others, the fund shall support the following Specific Objective: "developing skills for smart specialisation, industrial transition and entrepreneurship" (Specific Objective iv under the Policy Objective 1). As such, the Commission's DG REGIO pressed for training activities narrowly targeted at addressing business needs to be financed with the ERDF. In this case, the interviewees claimed that, at the end of lengthy negotiations, officials of the Tuscany Region were able to stand firm on their initial position and resist pressure from the European Commission to amend their programmes. As explained to me, if programmes were amended as Brussels wanted, regional authorities would have faced difficulties in adapting their ERDF management system to the financing of projects it had never financed before. This motivated the negotiation position of Tuscan regional officials.

As far as I understood, the room for negotiation of regional authorities vis-à-vis the European Commission depended on the scope for interpretation left by the Structural Funds regulatory framework. Interviewee n. 1 referred to the ultimate outcome of negotiations with the European counterpart in the following terms: “As in any negotiation, you give in on some points and you stand firm on others”. Later in the interview, she reiterated that “There are points on which we discuss and on which the Commission can give up or decides to give up. And others on which it cannot”, pointing out that “Anyway the discussion is collaborative; it is not a clash” (interviewee n. 1). Her words suggest that it is misleading to view Commission - national/regional authorities’ relations as always being confrontational. As noted by Bachtler and Mendez (2007), if Commission-Member States relationships have generally been conflictual in the area designation phase - due to the zero-sum nature of the distribution of funding between Member States and regions - the process of programming is quite cooperative.

Finally, as concerns the relative influence of the European and regional governmental levels over the programming process, the words of the interviewees gave a glimpse of the governance system that has been in place following the ‘strategic turn’ of Cohesion policy in 2006. It should be recalled that, throughout the history of Cohesion policy, a prominent issue of contestation between the Commission and the Member States has been the degree of acceptable interference ‘from above’ or, conversely, autonomy ‘from below’ (Tömmel, 2016). This has been particularly true after the ‘Lisbonization’ of the EU regional policy. In fact, as noted by Bachtler and Mendez (2020, p. 248), a system delivering on uniform priorities, derived from EU medium-term strategies, threatens to weaken “the ability of countries and (especially) regions to use the Funds for development opportunities and needs that are seen as locally relevant”. This search for an equilibrium between EU conditionalities, to steer the use of the Structural Funds towards uniform European objectives, and subsidiarity, to allow flexibility in the use of funds and thus the tailoring of Cohesion policy to regional/local contexts, has impacted the relationship between the European Commission and Member States’ authorities in the implementation of the policy (Manzella & Mendez, 2009).

After the ‘strategic turn’ of Cohesion policy, in the programming process, there has been little overt interference from the Commission. The latter stepped back from detailed involvement in

the substantive content of programmes, leaving this more to Member States' authorities<sup>77</sup>. In this respect, from the interview with the participant n. 2, it emerged that, when negotiating with Tuscan authorities the RP ERDF 2021-2027, “The task of the Commission was to enforce the regulations [i.e., the regulatory framework for the 2021-2027 programming period]”. Entrusted with this formal task, the Commission exerted on the design of programmes what Bachtler and Mendez (2007) defined as a ‘hard influence’<sup>78</sup>. During the negotiations, interviewee n. 1 told me that “There is not a more invasive intervention [of the European Commission in the autonomy of regional authorities to design their programmes]. The only thing to consider, as I told you before, is that regulations are very stringent. So yes, they limit themselves to that [a check of conformity to Structural Funds regulations of the draft regional programmes], but it is no small thing in my opinion”. Later in the interview, however, the same respondent suggested that the role of the Commission was not limited to ensuring regulatory compliance, but it attempted to exercise some influence over the content of programmes. Indeed, the regional official maintained that “There are things particularly dear to the European Commission because they have been working on them. They pushed for them to be included in the programmes” (interviewee n. 1). On the other hand, as concerns the RP ESF, the respondents n. 3 and n. 4 more explicitly hinted that occasionally the Commission was able to insist on the regional administration going beyond what was required in the regulations. Still, they pointed out that the “few specific remarks” made by the European Commission on the draft ESF programme “did not overturn our strategy” (interviewee n. 3); and that, though in the negotiations “they [the Commission services] promoted what they identified as their interest”, in any case, the regional administration “was not obliged to anything” (interviewee n. 4). In this regard, as an example, the respondent n. 3 reported that Tuscan authorities amended their ESF programme to meet “specific requests [coming from the Commission] to allocate a minimum share of resources to interventions targeting the immigrant and Roma populations”.

Nevertheless, we cannot infer a lack of influence of the Commission over policy formulation from a lack of strict oversight over national or subnational implementors of Cohesion policy.

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<sup>77</sup> As regards the 2007-2013 programming cycle, the first which followed the ‘strategic turn’, Casula (2020, p. 81) argued that “While in the past the negotiations have resulted in a drastic change in the organizational structure of the documents presented by the domestic actors, for the first time, the intervention strategy of the Commission toward the national proposals was only to revise the proposed expenditure issues in order to guarantee a closer integration between their earmarked expenditure and the Lisbon strategy, and ensuring the conditions that this alignment was present not only in the NSRFs, but also in all the respective OPs”.

<sup>78</sup> Bachtler and Mendez (2007) maintained that, in the programming process, the ‘hard influence’ exerted by the Commission on the basis of specific regulatory requirements is complemented by the ‘soft influence’, which the Commission exerts through its role in interpreting the regulations via guidelines, working papers and other mechanisms.

Rather, it needs to be emphasised that the Commission has shifted the focus of its influence from the programme level to the strategic policy level, setting EU objectives for Cohesion policy and conditionalities to steer the use of the Structural Funds towards them (Bachtler & Mendez, 2007). In this respect, the words of the regional officials interviewed revealed how, at a strategic policy level, the ‘mandate’ assigned to programming authorities in 2021-2027 was quite tight. Interviewee n. 1 affirmed: “If you take a look at the regulations 1060 and 1058 for the ERDF, we face a number of rather stringent constraints. So, in terms of fields of intervention, the structure of the programme is very narrow. There is the PO1, PO2, etc.”. Her words pointed at the Regulations 2021/1060 and 2021/1058<sup>79</sup> which, as illustrated in Chapter 2, identify five specific Policy Objectives (PO) that projects co-funded by the Structural Funds shall contribute to achieve in 2021-2027, thereby categorising the fields of intervention. She highlighted that “In addition, we must consider the thematic concentrations. So, the Commission tells us: ‘30% [of the ERDF programmes’ resources] must be allocated to climate policies’” (interviewee n. 1). The reference was to the thematic concentration requirements, which imposed national and regional programming centres to earmark minimum percentages of their Cohesion spending to meet specific Policy Objectives<sup>80</sup>. The respondent n. 1 concluded that “Because of the intersection of these concentration rules, our margin of manoeuvre was not very wide. There was a whole range of technical issues that bound us [in the drafting of the RP ERDF]”.

The words of the interviewee n. 3 more clearly illustrate how, in the 2021-2027 programming period, EU conditionalities shaped the strategy of Cohesion programmes, while constraining the autonomy of regional (or national) authorities to use the Structural Funds for the territorial needs perceived as relevant. She argued in fact that “The strategies are somehow given by the regulations. If these impose on you certain thematic concentrations, that’s the strategy. It is up to you how to implement it. [...] In the programming phase, if you tell me: ‘You must allocate 18% to young people, 30% to social inclusion...’ Several things have already been laid down! Things for the ERDF went even worse than for us [regional officials designing the RP ESF]. They [the ERDF programming authorities] were given even more targeted objectives. It is obvious that, if the regulation tells you that at least 30 or 40% [of funding]

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<sup>79</sup> These are respectively the regulations governing the European Regional Development Fund in 2021-2027 and the Common Provision Regulation, setting up common provisions for all the Structural Funds for the 2021-2027 programming period.

<sup>80</sup> Interviewee n. 1 finally added that EU regulations are prescriptive not only about the way the Structural Funds could be spent but also about the information to be incorporated into the programmes. As a matter of fact, she highlighted that the RP ERDF was drawn up according to a format set up by EU regulations.

should be allocated to social inclusion, you will not get a programme approved with a 10%. So, the choice has already been made if we talk about the higher-level strategy”.

During the negotiations of Partnership Agreements and Operational Programmes, the European Commission has been entrusted to ensure that actors at the national and subnational levels embed the strategic policy objectives incorporated into the EU regulations in their programming activity (Mendez, 2011; Baun & Marek, 2014). The words of respondent n. 3 offered supporting evidence in this regard, as she pointed out that “Compliance with the regulations aside, in the definition of the [programme] strategy, one must substantiate why he wants to do a certain thing”. She added that, particularly when introducing policy interventions new from those of the previous Operational Programmes, regional officials “strive to explain [to the European Commission] what the intention is. If this intention then corresponds to the more general objectives of the ESF, it [the new policy intervention] tends to be accepted by the Commission” (interviewee n. 3).

As it emerges from these words, with the Commission’s role now mostly focused on determining whether the proposed programmes fit the priorities identified in the EU regulations and in the relevant Partnership Agreement, rather than defining the details of programme management, national and subnational authorities have been granted autonomy to choose their own ‘path’ to Cohesion objectives (Mendez, 2011). Though she argued that “The choice has already been made if we talk about the higher-level strategy”, the respondent n. 3 indeed pointed out that “We can discuss about how this strategy could be implemented. As I implement it, do I want to give more importance, I don’t know... to kindergartens or services for the elderly?”. In other terms, if, at a more general policy level, an indicative framework for intervention is provided by EU regulations, when deciding on the detailed measures that would implement this unitary Cohesion policy strategy, Member States’ authorities have discretion in addressing needs on the ground. In this sense, as argued by Bachtler and Mendez (2007, p. 554), “This ‘strategic approach to cohesion’ could be interpreted as evidence of Member States’ authorities reasserting control over the use of structural funds”.

The words of the interviewee n. 4 are also revealing in this respect, as she told me that “They [the Commission services] define an approach, in my opinion. Then it is clear, how one implements it... one needs to consider what are the problems of the territory” (interviewee n. 4). For instance, she reported that, though all the ESF programming authorities must comply with the same thematic concentration requirements, “However, there is some margin of manoeuvre. For example, a region may decide to give more to recruitment incentives, or it may give more to... for example, those which have more agricultural land will give more aid

to farmers. Not all the regions are in the same situation, right?” (interviewee n. 4). She gave another example, adding that “Europe generically says: 'give funding for the people with disabilities'”. Then, she explained to me, it is up to the ESF programming authorities to decide which policy measures suit their territories best. In this regard, the regional official said that in Tuscany “[ESF] funding has sometimes been allocated to open facilities for disabled children” (interviewee n. 4). This choice was motivated by the fact that the regional administration knew that on the Tuscan territory it could rely on cooperatives, which would have managed these facilities. Elsewhere, however, the managing of facilities for disabled people could prove problematic. For this reason, the respondent pointed out that “this [the financing of this specific policy measure] might have occurred in Tuscany but not in other regions” (interviewee n. 4).

## Conclusions

In the first programming periods of Cohesion policy, in the Italian regional administrations, bureaucratic actors, more than politicians, responded effectively to the reformed regional policy of the European Union (Fargion et al., 2006; Fargion, 2006). On the one hand, until the mid-1990s, this was due to the limited amount of the European resources allocated to the Italian regions compared to the national sources of financing, which made the Structural Funds unattractive in the eyes of regional politicians, especially in the *Mezzogiorno*. On the other hand, the complexity of Cohesion policy exacerbated the knowledge gap between politicians and bureaucrats. Quoting a Ligurian official interviewed by Fargion et al. (2006, p. 773): “Regional politicians are usually suspicious of structural funds and European policies in general, because they are too complicated, they require technical skills...thus politicians must rely on bureaucrats during the entire process”. In other terms, administrative actors, possessing the appropriate technical expertise to cope with the complex and binding procedures dictated by EU regulations, became the key players in both the programming and the day-to-day management of the Structural Funds. Fargion (2006) underlined that, within the regional administrative class, in the first programming cycles, the funds particularly caught the attention of some ‘proactive’ regional officials, who were sensitive to the new opportunities afforded by Europe due to their previous work experiences in the field of EU affairs. Consistently with these remarks, the interviewee n. 3 recalled that, by the time she joined the Tuscany Region in the year 2000, “considering the budget available to the regions, they [the Structural Funds] were an important part, but not as important as today”. At the time, she added, the funds were “a bit of a niche for insiders” (interviewee n. 3).

The findings of this research, although limited to a small sample of public servants of the Tuscany Region, showed that, except for the participant n. 1, the interviewees - who were involved in the formulation of Regional Programmes for the sixth programming period (2021-2027) - did not fit the profile of the typical regional official dealing with the Structural Funds, as sketched by the early literature (Fargion, 2006). Indeed, before dealing with the funds, the education and the professional career of the respondents were not focused on EU affairs but ranged from economics to labour market policies to environmental policies. I hypothesized that, from an organisational perspective, for regional administrative machines more familiar with the EU rules and procedures governing the Structural Funds, the added value brought by previous knowledge of the European governance model has diminished. Accordingly, the profile of public servants managing the funds in regional bureaucracies might have become more diversified. It should be emphasised what was argued by the interviewee n. 4: “We

continuously attend training courses, and we constantly interact with the European Commission, which really asks us to undertake a lot of training". As the same respondent recognised, these intense training activities might help to fill any gap caused by the lack of education in the field of Structural Funds, allowing professionals with other types of education to deal with them.

While investigating the Tuscany Region as an 'arena', some interesting results emerged from the interviews concerning the internal dynamics of the Tuscan Regional Government and, notably, the relationship between politicians and bureaucrats, elected and non-elected actors. The literature on Cohesion policy (Fargion et al., 2006; Milio, 2012) pointed out that, thanks to their highly specialised expertise, bureaucratic actors have also been able to exercise representative roles during the implementation process of the Structural Funds. The involvement of non-elected actors in the bargaining of Cohesion programmes, and more generally their great influence over the implementation process, raised concerns in the authors in question about the implications in terms of blurring of political responsibilities and democratic accountability. This analysis provided supporting evidence in this respect. Indeed, it emerged that, during the programming phase of the 2021-2027 cycle, officials of the Tuscany Region participated actively in the consultation phase by carrying out negotiations with interest organisations. The words of the respondent n. 3 were explicit in this sense, as she argued that "We [officials of the ESF Managing Authority] listened to some of them [the territorial stakeholders], we met them". The interviewees, however, also revealed that political actors, notably the Regional Government, maintained a clear mediating role between territorial interests, trying to solve potential conflicts between them. Once captured the different indications coming from the stakeholders, in fact, the Regional Government "mediates between these requests" (interviewee n. 2). It gave a political address to the ERDF and ESF Managing Authorities as concerns the strategic directions of the programmes accordingly. Considering this, as Regional Programmes were formulated, a vertical and subordinate relationship clearly persisted between those bearing political responsibility and public servants.

As concerns the involvement of non-governmental stakeholders (business representatives, trade unions, NGOs, etc.) in the programming of the Structural Funds, evidence was provided concerning the regional arena's degree of inclusiveness and formalisation.

Lippi (2006) and Fargion et al. (2006) stressed that the Tuscany Region embraced horizontal partnership from the first programming cycle. Horizontal partnership, in fact, was not created artificially in the region. Rather, it fitted with a pre-existing tradition of concerted decision-

making and public-private cooperation, dating back to the 1980s. The consultation procedures for the formulation of Regional Programmes 2021-2027 appear to reflect this tradition. The list of participants to the formal negotiation tables, convened by the Regional Government, hinted that the decisional arena was inclusive vis-à-vis territorial stakeholders: a wide range of actors was engaged, representing institutional, sectoral, or issue-specific values, ideas, and interests. The document analysis in Chapter 3 also revealed that the consultation phase was characterised by an intensity of relations between regional authorities and socio-economic forces. In addition, from the interview data gathered, it seems that the involvement of organised interests was not cosmetic. Regional officials repeatedly maintained that the Regional Government “takes into consideration” the issues put forward by territorial stakeholders, suggesting that its development strategy responded to their needs. Still, it should be emphasised what was said by the interviewee n. 3: stakeholders complained to regional authorities that the technicality of EU Cohesion policy sometimes limits their incisiveness, impeding them from elaborating feasible proposals in the consultation phase. The respondent n. 3 added that, to address this issue, the RP Tuscany ESF 2021-2027 envisages investments in technical assistance. She argued that “We planned in the programme to carry out an action aimed at strengthening the partners’ capacity so that they can make a contribution, though it is a measure that we have still to implement” (interviewee n. 3). Several authors (Fargion et al., 2006; Graziano, 2010; Milio, 2012) contended that the high level of expertise required to cope with the Structural Funds may put civil society organisations in a weak position, thereby constituting an obstacle for the effective implementation of the horizontal partnership principle. This research provided additional evidence that this is a concrete barrier, which might prevent certain stakeholders from influencing the decision-making outcomes of the Structural Funds ‘game’.

If the Structural Funds represented for the Tuscany Region the opportunity to formalise and enlarge the pre-existing territorial networks of public and private actors interested in developmental policies, from the interviews it turned out that this trend towards a formalisation of the interplay between regional authorities and private interests has been reversed in the last programming periods. As the consultation procedures had become too complex and cumbersome - or at least so were perceived by insiders, if we stick to what Lippi (2006) found - a deinstitutionalisation of the consultation phase for the programming of Structural Funds has taken place. The study revealed that in 2021-2027 a double track was in fact followed for bargaining with territorial stakeholders: the different stakeholders’ interests were negotiated via both formal and informal channels. As illustrated in Chapter 3, formal

negotiations were conducted at the joint meetings of the General and Institutional negotiation tables (*Tavolo di concertazione generale e istituzionale*) - the main institutionalised *fora* through which institutional, economic, and social actors are involved in regional policymaking - and in the context of some thematic tables. On the other hand, it emerged from the interviews that informal negotiations were conducted through various channels. Both the interviewees n. 2 and n. 3 stressed that the Departments of the Regional Government held informal discussions with the stakeholders focused on issues relating to their specific policy fields. The respondent n. 3 added that some socio-economic actors held informal meetings with the President of the Regional Government; while others, as mentioned above, were met by her and the other officials of the ESF Managing Authority. If Lippi (2006, p. 206) concluded his research - covering the first two programming periods of (1989-1993, 1994-1999) and the first phase of the third period (2000-2006) - claiming that "in Emilia-Romagna and Tuscany partnership almost exclusively took place in the appropriate *fora*", these findings told us that in the last three programming periods (2007-2013, 2014-2020, 2021-2027) the Tuscany Region has aimed for less formalised consultation procedures. More generally, the findings of the analysis indicated that the region has streamlined its programming process of the Structural Funds, which in the 1990s was so inclusive and formalised to make it difficult for the Regional Government to take effective decisions.

As concerns the vertical dimension of partnership, referring to cooperation between public authorities at different levels of government in Cohesion policy implementation, this case study specifically examined the interplay between the European and the regional levels of government. As highlighted in Chapter 3, Italy is one of the few Member States where there has been a significant devolution of responsibilities for the implementation of Structural Funds to regional self-governments (Bachtler & Mendez, 2020). In the decentralised governance model adopted in the country, programming and management competencies are largely in the hands of regional administrations. As such, Tuscany and the other Italian regions formulate the programmes that guide the disbursement of the Structural Funds on their territory, directly engaging with the European Commission for this purpose through the programmes' Managing Authorities. These are collocated under the umbrella of regional administrations.

Through this study of the interplay between the European Commission and the programming centre of the Tuscany Region, this research contributed to the longitudinal analysis in the literature (Bachtler & Mendez, 2007; Baun & Marek, 2014), which mapped out how the programming phase of the Structural Funds has operated since the 1988 reform. Notably, the

review of documents and the programming experience of public servants of the Tuscany Region gave a glimpse of the Cohesion policy governance trajectory with respect to the latest 2021-2027 programming period. In this respect, the core elements of the governance system first introduced in 2006, as identified by the abovementioned literature, can be traced in the procedures for negotiating on RPs Tuscany 2021-2027. Firstly, at the EU level, it is defined an indicative framework for intervention of the funds, with the definition of strategic EU goals for the policy. For the latest cycle, EU regulations defined five Policy Objectives to be pursued through the Structural Funds. In addition, the thematic requirement rules were used to steer the allocation of Cohesion policy assistance towards the objectives incorporated into the regulations. Secondly, a nationwide strategy for the use of Cohesion policy funding is developed. In this respect, the major national programming document in 2021-2027 was the Partnership Agreement, as was the case in the previous 2014-2020 cycle. Thirdly, the Partnership Agreement is a reference instrument for the elaboration of Operational Programmes, which must be submitted to the European Commission for review and approval. In 2021-2027 the negotiations with the Commission were conducted in accordance with the formal procedures examined in Chapter 3. The analysis however revealed that negotiations between the European and the regional levels of government also followed an informal track, as was the case with the intraregional negotiations with socio-economic stakeholders. Most notably, informal bargaining allowed to settle the most controversial issues concerning Regional Programmes. In the next stage, formal negotiations focused on very technical aspects.

The interviews-based research, including in its sample officials of the Tuscany Region directly involved in the negotiations with the European Commission for the design of Regional Programmes 2021-2027, mainly provided insights into the balance of Commission and Member States' authorities' influence on Cohesion programmes. In this respect, the respondents argued to have faced "a number of rather stringent constraints" (interviewee n. 1) in the programming of the RP ERDF and RP ESF since, at the higher strategic level, "the choice was already made" (interviewee n. 3) and, accordingly, for regional officials, the "margin of manoeuvre was not very wide" (interviewee n. 1). However, they also indicated that regional authorities were allowed autonomy and flexibility in pursuing the strategic priorities set at the EU level as they saw fit. "That's the strategy. It is up to you how to implement it" were the enlightening words of respondent n. 3. In the negotiations of RPs 2021-2027, the interviewees suggested that the Commission, formally entrusted to enforce the Structural Funds regulatory framework, pushed for 'things particularly dear' to it to be

included in the programmes. As negotiations took place in a non-hierarchical context, however, the Tuscan regional administration “was not obliged to anything” (interviewee n. 4). These findings are indeed consistent with the remarks made by Bachtler & Mendez (2007) and Manzella & Mendez (2009), who highlighted that, following the introduction of a more strategic approach to Cohesion policy in 2006, the European Commission’s ability to influence the programmes’ financial inputs has been constrained. Rather than approving the details of programme management, including decisions on specific measures and project selection, the Commission has shifted its influence on the strategic policy level.

To conclude, as emphasised by interviewee n. 3, it should be noted that Cohesion programmes, i.e., the documents functioning as the legal basis for allocating EU grants to individual projects during a programming period, are quite general in nature. In this regard, the interviewee n. 3 affirmed that “The programme remains at a fairly high level. It describes the interventions in a quite aggregated way”. For this reason, she explained that “Through an implementation document, which is the detailed implementation provision (*provvedimento attuativo di dettaglio*), we define in detail the interventions to be financed” (interviewee n. 3). The general nature of the programmes negotiated with Brussels gives Member States’ authorities much discretion to implement them on the ground and, consequently, further autonomy in pursuing the Cohesion policy goals formulated at the EU level.

Considering this, the role played by horizontal stakeholders in the phase of Cohesion programmes management merits further investigation. In 2006, Lippi found that, in compliance with EU regulations, in most Italian regions, stakeholders’ interests were negotiated at the institutional tables convened in the programming phase, that is, upstream of the Structural Funds implementation process. Nevertheless, in special-statute regions, bargaining with socio-economic forces was mostly transferred into the management phase, that is, downstream of the implementation process. In these regions, broad negotiations were carried out within Monitoring Committees, the *fora* where the programmes, which were already been approved, were readjusted according to the interests and requests of horizontal stakeholders. Apparently in contrast to these findings, the interviewee n. 3 argued that “The consultation process continues also in the execution of programmes, not only in the programming phase”. She provided an example, recalling that, in September 2022, when the programming phase for 2021-2027 had come to an end, ahead of the formulation of the implementation document, regional authorities arranged a roundtable with both business associations and trade unions’ representatives “to discuss the evaluation [of the previous 2014-2020 cycle], in order to understand which were the interventions on which to focus

more at the implementation stage" (interviewee n. 3). Later in the interview, she added that, precisely because of the much-mentioned technical nature of Cohesion policy, "For the partners it is sometimes easier to give a contribution on a specific intervention, on a tender, rather than on the programme" (interviewee n. 3). It is worth mentioning also what the interviewee n. 4 reported: "There are continuous discussions with the municipalities. For example, now [in July 2023, i.e., almost one year after the RP ESF was approved] we hold several meetings on internal areas with ANCI [i.e., the association representing municipalities], since it has many problems with internal areas, with the small municipalities". These testimonies gathered from officials of the Tuscany Region suggest that future research on Cohesion policy in Italy could provide new insights into regional interest negotiations throughout the Structural Funds implementation process. These may shed more light on whether, in the last programming cycles, in Tuscany and the other Italian ordinary statute regions, there has been a shift into the *locus* of interest negotiations or whether critical decisions on who will benefit and who will be left out from the Structural Funds 'game' are still mostly taken upstream of the implementation process, in the programming phase.

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