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EUROPEAN BRIEFING

The Open Method of Co-ordination and 'Post-regulatory' Territorial Cohesion Policy

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ABSTRACT *The Open Method of Co-ordination (OMC) is being promoted as an alternative in policy areas where the Community method does not apply, such as in employment, social security and pensions. The paper discusses the origins of OMC and the thinking behind it. Then it explores OMC features of the process of making the European Spatial Development Perspective (ESDP). The work of the European Spatial Planning Observation Network (ESPON) on indicators facilitates OMC being invoked. Indicators need to be supplemented with mutual exchanges about national and European planning and also by joint work on transnational and European spatial visions. Assuming that, as proposed in Art. 3 of the European Constitution, territorial cohesion will become an accepted goal of the Union, on a par with economic and social cohesion, the paper ends with a scenario of the application of OMC in formulating European Union Territorial Cohesion Strategy.*

1. Introduction

In January, 2003, the French agency DATAR (*Délégation à l'Aménagement du Territoire et à l'Action Régionale*) proposed to the European Commissioner responsible for regional policy and institutional reform, Michel Barnier, himself a Frenchman, to invoke the Open Method of Co-ordination (OMC) in the pursuit of 'territorial cohesion'. Territorial cohesion is a concept that the Convention on the Future of Europe (where Barnier represented the Commission in the Presidium) inserted into the European Constitution, now at long last accepted by the Intergovernmental Conference. (Conference of the Representatives of the Governments of the Member States 2004). Art. 3 of the Constitution puts territorial cohesion on a par with the existing twin goal of the Union of economic and social cohesion. The European Spatial Development Perspective (ESDP), which has evoked controversy because of the lack of a relevant Community competence (Faludi & Waterhout, 2002; Faludi, 2003; Ritter, 2003; Ritter *et al.*, 2003) may thus get a follow-up in the framework of an emergent EU territorial cohesion policy. (Faludi, 2004).

Commissioner Barnier, at the time of writing on the point of returning to Paris to become French foreign minister, could hardly have been surprised by the DATAR initiative. As French Minister of European Affairs, he had advocated the inclusion of territorial cohesion in the Treaty of Amsterdam where it figures, albeit in the margin, in Art. 16. (Faludi, 2003,

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2004). No sooner had the ink dried on the draft of the Constitution, and he expressed his satisfaction about the inclusion of territorial cohesion at a conference of regional presidents held in the Charlemagne Building at Brussels on 8 July, 2003.¹

Barnier could hardly have been surprised by the suggestion to invoke OMC in territorial cohesion policy. In the epilogue to a French work on territorial cohesion, Barnier himself argues that for "the Union to impose, such as certain people would make us believe, who knows what form of authoritarian planning regulating everything down to the level of land use is impossible. Rather, territorial cohesion is a policy area in which to try out novel forms of governance and concrete applications of the subsidiarity principle." (Barnier, 2002, 203; translation AF²) Clearly, Barnier wants to enter a 'post-regulatory' mode of planning, according to De la Porte and Pochet (2002, 47) an approach to governance, "in which there is preference for procedures or general standards with wide margins of variations, rather than detailed and non-flexible (legally binding) rules."

Indeed, OMC is one of the novel governance modes touted in the Commission's White Paper on European Governance (CEC, 2001a), for which Barnier has also been a driving force. It heralds a move away from the exclusive reliance on the 'Community method', ultimately leading to European legislation superimposing itself on national law. 'Community method' refers to the legislative process in the EU: The Commission, having the exclusive right of initiative, proposing and the Council of the European Union (popularly known as the Council of Ministers) and the European Parliament (under the co-decision procedure) approving regulations or guidelines. This is how the many and often detailed regulations (the *aquis communautaire* amounting to something like eighty thousand pages of text) giving the EU a poor image come about.

For the purpose of exploring the French suggestion that OMC should be applied in territorial cohesion policy as the follow-up to the ESDP process, the paper first discusses OMC as such, including some of its applications. It then shows that the ESDP process has exhibited features of OMC. Having discussed territorial indicators as instruments of engaging in OMC and the institutional preconditions that Member States would have to fulfil, the paper ends with a scenario of the application of OMC in territorial cohesion policy.

2. A New String to the Community's Bow

Gore (2004, p. 125) describes OMC as seeking "to secure common aims, approaches and targets by establishing frameworks and guidelines for member states to follow, and by benchmarking progress using agreed EU-wide indicators." The characteristic method is that of monitoring and evaluation often taking the form of mutual reviews by peers from other Member States.

Atkinson (2002) has already discussed OMC in relation to the Community's urban policies, an area for which, just as for the ESDP, the Community lacks a competence, but in which it is active, nevertheless, engaging in a kind of 'purposeful opportunism' aimed at expanding its role. (Atkinson, 2002, p. 785, quoting Cram, 1997) He begins with the Governance White Paper, mentioned above and is guardedly optimistic about the relevance of OMC for the further development of European urban policy. He takes note of the recognition in the White Paper of the need for vertical and horizontal policy integration, based on the identification of problems cutting across levels of government as well as sectors and institutional policy domains.³ Atkinson holds that a "central part of the agenda has been how can the Commission ensure that it retains a central role in the running of the EU, but in a manner that is seen as democratic, legitimate and effective." (Atkinson, 2002, p. 782) This relates to the very concept of governance. Originally an analytic concept, the Commission has given it a normative dimension. The way in which power is exercised in the EU should

be open, participatory, accountable, effective and coherent. This has led the Commission to conclude that the Community method needs to be complemented by less top-down approaches and that more non-legislative ('soft') instruments should be experimented with.

For this purpose the White Paper puts forward OMC. In discussing it, Atkinson draws on Hodson and Maher (2001, p. 719) arguing in one of the first papers on this subject that OMC could be part of a less rule-bound and 'heavy-handed' – what De la Porte and Pochet have been quoted as describing as 'post-regulatory' – approach to EU governance. OMC is about creating a common discursive context at European and Member State level by means of benchmarking, the dissemination of best practices, mutual learning and peer pressure. OMC is thus not only concerned with outcome, but also with improving policy formation. Atkinson (2002, p. 784) concludes from this that the

whole ethos of this process rejects the top-down imposition of policy and emphasizes cooperation and a non-binding mode of operation. Central to this process is the notion that the centre, whether at EU or Member State level, does not possess a monopoly of knowledge, thus, at least in principle, giving regions and localities a central role in the process of policy development and implementation.

The mainspring of thinking about OMC has not been the White Paper quoted by Atkinson though, but the Lisbon Summit of March 2000. Since then there has been a "frenzy around the 'new' supple governance method at European level, otherwise termed 'the open method of co-ordination' (OMC)". (De la Porte & Pochet, 2002, p. 27) The focus of their work is the European Employment Strategy, but also the Social Inclusion and the Pension Strategy. A characteristic feature of OMC is that, rather than imposing particular solutions, it leaves Member States to decide how to pursue agreed objectives.

OMC is also labelled the 'third way' in EU governance "to be used when harmonization is unworkable but mutual recognition and the resulting regulatory competition may have unwelcome consequences". (Mosher & Trubek, 2003, p. 83) OMC is specially tolerant of diversity, the preservation of which in Europe is one of the central aims of the ESDP, too, the opening sentence of which reads: "The characteristic territorial feature of the European Union (EU) is its cultural variety, concentrated in a small area". (CEC, 1999, p. 7) This makes it worth exploring the potential of OMC for future territorial cohesion policy.

In the face of diversity, OMC initiates learning by means of exchanges of best practices, the use of benchmarking, target-setting, periodic reporting and multi-lateral surveys. More in detail, the Lisbon European Council sees OMC as including:

- EU guidelines combined with short-, medium- and long-term targets;
- indicators and benchmarks tailored to the needs of Member States and sectors by means of comparing best practices;
- translating EU guidelines into national and regional policies with specific targets and appropriate measures, taking into account their differences;
- monitoring, evaluation and peer review. (European Council 2000, see De la Porte & Pochet, 2002a, p. 28)

One of the proponents of OMC, the Belgian Professor of Comparative Social Policy and at the time the Belgian Presidency of 2002 Minister of Social Affairs and Pensions, Frank Vandembroucke, defines OMC as follows:

Open coordination is a process where explicit, clear and mutually agreed objectives are defined, after which peer review enables Member States to examine and learn from the best practices in Europe. The method respects local diversity, is flexible, and simultaneously wants to ensure progress in the social sphere. Commonly agreed

indicators help Member States to find out where they stand. The exchange of information aims at institutionalising 'policy mimicking,' at least to a certain extent. (Vandenbroucke, 2002, p. 87)

A key feature of OMC is thus its decentralised character. The Commission, the Member States, local and regional authorities, as well as social partners and civil society, play an active role "in respect of the principle of subsidiarity" (De la Porte & Pochet, 2002a, p. 29), a point also stressed by Atkinson. The Commission holds the ring, presenting proposals, organising exchanges, proposing indicators and providing support, including support for peer reviews. Finding themselves at the bottom of the 'league table' is expected to coax laggards to better their ways ('naming and shaming'). There can be more formal feedback to them in the form of recommendations intended to generate, just like OECD recommendations are expected to do, adaptation pressure.

3. The Origin of OMC

Procedures adopted in formulating the European Employment Strategy, and more generally speaking social policy, reflect those applied in monetary policy where the Stability and Growth Pact (now the object of renewed discussions) has been supplemented by Broad Economic Policy Guidelines. As against the Stability and Growth Pact itself, these guidelines do not pose rigid requirements, "but rather, softer recommendations for which sanctions take the form of peer pressure, of financial markets, or of public opinion". (De la Porte & Pochet, 2002a, p. 34) After all, in economic policy the Community method as described at the beginning of this paper culminating in regulations or directives as it does, cannot be invoked. It is not an area for which the Community has been given a mandate.

This is also why the status of the Employment Committee involved in formulating these guidelines was "far from clear cut" (De la Porte & Pochet, 2002a, p. 38). The European Employment Strategy had no Treaty base but was a response to the White Paper 'Growth, Competitiveness and Employment'. (CEC, 1993) In it, the Commission had set the agenda, showing that Europe was lagging behind in important areas. Subsequently, the Essen Summit of 1994 had instructed the Commission to take requisite initiatives. This only goes to show that, other than is often argued in the debate about the lack of a Community competence for the ESDP, a treaty base is not always needed for the Community to swing into action. An initiative by the European Council suffices. The European Council had also established the advisory Employment Committee with two members per Member State and two from the Commission.

Eventually, at the Amsterdam Summit of 1997 an employment chapter was included and the Employment Committee regularised. After Amsterdam, an Extraordinary Luxembourg European Council in 1997 adopted guidelines on employability, adaptability, development of entrepreneurship and equal opportunities which Member States are encouraged to follow. Since then, Member States formulate National Action Plans in which they respond to these guidelines. The National Action Plans form the basis of Commission reports on employment in the Community. The Commission also issues specific recommendations to Member States. However, there is no hegemon in this process. Employment policy after Amsterdam remains 'soft'.

One of the chief activities of the Employment Committee has been to formulate indicators on the basis of which the Lisbon Summit of 2000 decided to set a target of 70% for the employment rate and a 60% employment rate for women, to be achieved throughout the EU by 2010. (De la Porte & Pochet, 2002a, p. 39) Once again, this is a political commitment, not a treaty obligation.

As indicated, there are other areas, like social protection, in which OMC has been experimented with. In September/October 2002, the Committee of the Regions held a

conference 'The Open Method of Coordination (OMC): Improving European Governance?' discussing yet further fields of application.⁴ There is even interest in OMC from across the Atlantic, where the EU Center at the University of Wisconsin⁵ compares OMC with methods used in the US. (Zeitlin & Trubek, 2003).

De la Porte and Pochet claim that the debate about OMC shows the sterility of the debate between a supranational and an inter-governmental logic, a fact that even German legal scholars, much more concerned with the competence issue in the ESDP process than their colleagues abroad, are recognising. (Ritter, 2003) This relates to the broader debate about the nature of European integration and what it means for Member States and their sovereignty. According to some at least, old distinctions are becoming redundant and new conceptualisations are needed of what European integration means. (Nugent, 1999; see also Faludi, 2002). Analysing the debate with reference to EU social policy, De la Porte and Pochet (2002a, p. 43-45) show that supranationalist interpretations focus on how EU social policy develops into an, albeit weak, Community policy, not fully controlled by the Member States, in the framework of a multi-level, highly fragmented system. Inter-governmentalists, as against this, point out that it is the Member States that decide on the allocation of jurisdiction between them and the Community, so that the Commission is not a player in its own right. Rather, it orchestrates the process, decides on the form of consultations and the agenda and acquires legitimacy through expertise, allowing it to make recommendations. Success depends on the willingness of Member States to go along. "In a positive light, OMC should be conceived as the desire of Member States to foster a closer co-operation ..., without being prepared to adhere to a decision-making process where the supranational level would lead the game." (Op. cit., 46). Member States are thus key players according to inter-governmentalists, and Commission influence is indirect.

However, De la Porte and Pochet contend that the balance of power is more subtle and complex. Other stakeholders beyond just Member States get involved which is why some authors talk in terms of 'multi-level governance'. (For a discussion see Faludi, 2002) As indicated, De la Porte and Pochet themselves talk about a 'post-regulatory' approach, adding though that the true nature of this approach and of OMC as one of its manifestations is not yet clear.

In the concluding chapter of their collection of studies, De la Porte and Pochet contend also that there is great variation in national set-ups in which OMC is being applied and that welfare regimes are well-anchored in, and most likely to be altered by, national dynamics and interests. Writing about environmental policy, Börzel (2002) claims likewise that what she calls Europeanisation is highly dependent on the specific institutional constellations in Member States. Atkinson (2002, p. 785-786) says also that the "ability of sub-national actors to effectively participate in the (urban - AF) policy process is constrained by the internal constitutional and political arrangements of Member States." The paper returns to this point below when discussing the institutional preconditions of participating in OMC as applied to territorial cohesion policy.

The soft European bureaucratic process that OMC stands for is still mainly seen as a top-down dynamic from which local and regional actors are excluded. (De la Porte & Pochet, 2002b, p. 285-286). Focusing on OMC in the building of a social Europe, the editors make a distinction between the social model of the Member States and that of the European Union. The model of the Member States is characterised by an active role of the state, a developed social protection system and an important role for social partners. Social partners are hardly present at the European level and are thus not part of the European social model. That model is not a simple extrapolation of the models of Member States either. Rather, it is rooted in a set of constitutional policy principles, works with a floor of social guarantees, operates a regime that forces national systems to communicate with each other and pursues a set of wider aspirations. (Op. cit., p. 290). The approach in the EU is to define the model by its

performance rather than by its intrinsic qualities. In the view of Scharpf (1999), the model is defined in terms of its output rather than input. This makes for the centrality in OMC of indicators as instruments to compare output with. It is one of the achievements of the Lisbon Summit to have identified the EU's overall objective as becoming "the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion."⁶ Another one is to have given an approach that has already been practised its name: OMC (Hodson & Maher, 2001, p. 724).

From the studies they collected, De la Porte and Pochet conclude that OMC is a tool for indirect, incremental Europeanisation, inviting Member States to look at issues through European lenses which are slowly integrated into national policy. The shorter the distance between a given national and the European context, the greater the likelihood for European-level influence, but the size of the country and the organisation of national actors come into this, too.

De la Porte and Pochet claim that Europe's top-down influence results in a differential empowerment of actors. It also has an influence through collective learning. What remains unclear is the influence of the national upon the European level. On this, further research is needed. Also, it is clear that OMC is still an elite process with little involvement of sub-national actors, social partners and representatives of civic society. (De la Porte & Pochet, 2002b, p. 299-300).

As indicated, this conclusion, too, applies to the ESDP process as much as to OMC. It was a network of national planning officials that produced the ESDP. With the exception of the eight transnational seminars held in 1998-1999, there has not been much opportunity for regional and/or local actors to influence the ESDP. However, as regards the participation of Member State representatives, the ESDP shows OMC features that the next section explores.

4. OMC Features in the Making and the Application of the ESDP

Atkinson (2002, p. 788) points out already that the development of the ESDP and urban policy, through initiatives like URBAN I and II, the Urban Exchange Initiative and the Urban Audit, are operating along OMC lines. The most obvious similarity is the impossibility to apply the Community method as discussed at the beginning of this paper. The initiative in the ESDP process has come from Member States like France and The Netherlands (working in cahoots, it should be admitted, with the Commission). The application of OMC, too, starts with agreements amongst Member States, although other than with the ESDP, these agreements have been reached at the highest level, i.e. the European Council, a point to which the paper returns below.

Another similarity between OMC and the ESDP process relates to their hybrid organisational forms. Like with the European Employment Strategy, the ESDP has been prepared, not by a comitology committee proper but by the so-called Committee on Spatial Development (CSD) chaired by the Member State holding the rotating EU Presidency. This contrasts with comitology-committees, where the Commission is in the chair. At the same time, the CSD had the use of the facilities of an ordinary comitology-committee, some of the research done was financed by the Commission and the Commission had a strong presence, including a permanent seat on the management committee, called the *troika*. (Significantly, after the Commission ceased its organisational support, rather than Member States rallying in support of this their 'intergovernmental' baby, they allowed the CSD to fade into the background.)

Also, the ESDP was finally approved, not only by the ministers of the Member States coming together for yet another informal gathering at Potsdam, but the Commissioner responsible for regional policy, Monika Wulf-Mathies, who was present at this (as other) meetings, put her name to it, too. Thus there were sixteen midwives holding the baby: fifteen Member State ministers (or their representatives) and the Commissioner. To the extent of

referring to it whenever possible, the Commission may be said to apply the ESDP faithfully. (Faludi, 2003)

Yet another similarity is that, like outcomes of OMC generally, the ESDP is binding on neither the Member States nor the Commission. It is an invitation to participate in a European-wide process. A number of the actions decided upon at the follow-up meeting to Potsdam held the same year 1999 at Tampere, were intended to take this further. Particularly relevant for the application of OMC is the setting up of the European Spatial Planning Observation Network (ESPON). It took a while before the problems of managing and financing this operation could be sorted out, so an interim so-called Study Programme for European Spatial Planning (Nordregio, 2000) was organised. ESPON, now in full swing, with finance secured under Art. 53 of the regulations attending the Community Initiative INTERREG, is concerned amongst others with the formulation of spatial or territorial indicators, to be discussed below, just as OMC is concerned with formulating indicators.

These similarities apart, there is also one glaring difference that the paper has already hinted at: the lack of high-level political attention to spatial planning issues. The French minister, Jacques Chérèque, and his friend, the Commission President Jacques Delors, both throwing their weight in behind the idea in 1989 apart, no top politician has ever stuck his or her neck out, let alone that it has ever been on the agenda of the Council of Ministers. Informal ministerial meetings, confusingly sometimes styled as informal councils⁷, were all that proponents of the ESDP were allowed to organise. The driving force behind these meetings were no longer prominent politicians, though. The ESDP progressed thanks to the spirited efforts of expert planners in the various administrations, including the Commission. In fact, whatever political support there was came from Commissioner Monika Wulf-Mathies and later, albeit under the guise of territorial cohesion, from Commissioner Michel Barnier. In addition, the Committee of the Regions (CoR, 2002) and the European Parliament (EP, 2002) were for more attention for territorial aspects of Community policies, a point also stressed in the 'Second Progress Report on Economic and Social Cohesion'. (CEC, 2003) Always having been for a Community role in spatial planning -- and now in territorial cohesion policy -- these are the 'usual suspects', though.

Having demonstrated that there are similarities (but also differences) between the ESDP process and OMC, the paper now turns to discussing what OMC in territorial cohesion policy would focus on. OMC works with output indicators, the idea being that comparisons made possible by using them would induce Member States to learn from each other. The next section shows that the ESDP process has anticipated upon this idea by discussing spatial or territorial indicators. The section after that deals with another issue that OMC brings into focus: whether Member States meet institutional preconditions for participating in European-wide discussions and policy making and how they can improve their ways.

5. Territorial Indicators

In the absence of political support, the ESDP was expert-driven, a brainchild of the 'roving band of planners'. (Faludi, 1997) Naturally, one of their concerns was the lack of adequate comparative data. The ESDP signals

a need for detailed analysis of European spatial development on a common statistical basis over a longer period. Harmonised data and evaluations of regional economic developments in Europe are already available at a European level through documents such as the Periodical Reports on the Social and Economic Situation and the Development of the Regions in the Community and the 'Co-

hesion Report'. However, in drawing up the ESDP large gaps were discovered with regard to comparable spatially relevant data. (CEC, 1999, p. 38)

Here the ESDP relates seven criteria proposed by the successive Spanish and Italian Presidencies of 1995 and 1996: geographical position; economic strength; social integration; spatial integration; pressure on land use; natural assets and finally cultural assets. The text continues by proposing long-term research on these issues, in particular studies and pilot projects and the "exchange of innovative experiences to promote the use and transfer of knowledge in the area of spatial and economic development." (Op. cit.) This seems OMC in anything but in name.

The text places indicators in the context of the ESDP process as a kind of rolling programme. To this end, it proposes the institutionalisation of the European Spatial Planning Observatory Network (ESPON) which, as has already been mentioned, has now become a fact, albeit under the name 'Observation' rather than 'Observatory Network'. The preliminary so-called Study Programme has already produced volumes on specific criteria or indicators. (Anzuini & Strubelt, 2001; Wegener *et al.*, 2001). One of the key projects of ESPON is devoted to indicators relating to urban areas as nodes in polycentric development, the latter a key-policy as no other in the ESDP. (Kratke, 2001; Copus, 2001; Waterhout, 2002; Peters, 2003; Davoudi, 2003).

No less than 16 projects are under way, working towards four priorities.⁸ The first is for thematic projects reflecting the three spatial development guidelines as formulated in the ESDP (CEC, 1999, p. 19–20): polycentric development and urban rural partnership; access to infrastructure and knowledge and natural and cultural heritage. The second is for policy impact projects, in particular the territorial effects of sector policies, the Structural Funds and related funds and the institutions and instruments of spatial policies. The third priority relates to co-ordinating cross-thematic projects. The last priority relates to research briefings and scientific networking. As will be evident, the first two priorities in particular involve quantitative work invoking territorial indicators.

The latest issue of Euroabstracts bears evidence to a broader use of indicators. The focus is the Third European Report on Science and Technology Indicators. (CEC, 2003). It presents indicators as quantifiable proxies for underlying behaviour of interest to policy makers or others, quoting a country's high-tech patent applications per million population as one indicator of innovative capacity as an example.⁹ Other examples in the same issue relate to the emission of greenhouse gasses and also to the Land Use and Cover Area-Frame Survey (LUCAS). The latter forms the basis for developing agricultural-environmental indicators of landscape condition for measuring the effectiveness of the reform of the Common Agricultural Policy. Finally, the third Cohesion Report (CEC, 2004) is of course also full of tables and maps invoking territorial indicators (some based on work done by ESPON researchers press-ganged into delivering results earlier than they thought reasonable).

These are but examples of a move, enforced by the Organisation for Economic Co-operation and Development (OECD) and the United Nations, to generate reliable data sources for comparisons and for joint policy-formulation. Another concern is whether Member States participating in OMC are equipped to do so, whether the institutional preconditions for mutual learning exist.

6. Institutional Preconditions

It stands to reason that, for an ESDP-type exercise to succeed, it must strike a chord with Member States. They must not only be able to act upon the type of recommendations made but, the nature of European policy-making being as decentralised and bottom-up as it is, they

must also be able to actively participate in the process. Next to engaging in what Williams in his seminal textbook calls spatial positioning (Williams, 1996, p. 97–99), they must be able and willing to think in European terms and what a European spatial or, invoking the up-and-coming term, territorial cohesion strategy could be like.

However, with the European social model, which above has been shown to be different in kind from the social model of individual Member States, so with the European 'spatial model': it is not a mere sum of the spatial models of Member States. The European spatial model needs to be conceptualised on its own terms, on an appropriate scale and in categories that belong to the loose, somewhat undefined but nevertheless dynamic formation that is the European Union. In particular, this European spatial model should be thought of, not as a way of regulating land use (for which there is indeed no Community competence), but rather as a strategy relating to European policies. In brief: European spatial planning should be thought of as post-regulatory in the sense in which, following De la Porte and Pochet, this term has been invoked in the introduction, stacking the cards against regulation from above.

A form of national planning (not necessarily under this name) provides the feeding ground for European spatial or territorial strategies. It is in the context of such national planning that representatives of the Member States must think about Europeanisation. The reverse, i.e. European planning stimulating national planning is of course also true, with the Irish National Spatial Strategy, launched in November, 2002¹⁰, and the Strategy for Northern Ireland (Albrechts, Healey & Kunzmann, 2003) being two examples. Greece and Portugal are two less well-known cases of the ESDP sparking moves towards national spatial planning. (See Janin Rivolin & Faludi, 2005).

An expert group of the German Academy for Regional Research and Regional Planning has even suggested that the EU should set minimum standards for national planning systems, claiming that "meaningful European spatial policy that is based on the principle of cooperation can only be created in any meaningful form if all Member States contribute their ideas on spatial policy." (Ritter *et al.*, 2003, p. 9) The ESDP points in the same direction where it proposes that all Member States issue regular standardised reports on the spatial development of their national territories. (CEC, 1999, p. 38) Obviously, for this to be done well, Member States would have to make provisions for data collection and analysis and for interpreting the results in view of their national priorities, and so forth. In fact this would bring them close to having a national spatial strategy.

What authors of the ESDP must have had in mind is the German *Bundesraumordnungsbericht*, the English summary of which goes by the title of 'Spatial Development and Spatial Planning in Germany'. (Federal Office for Building and Regional Planning, 2001) After all, the German parliament has recommended the ESDP to demand national reports of precisely this kind. If performed on a regular basis, reporting on spatial development trends in all Member States would of course provide a basis for comparison and generate curiosity as regards best practices, and so forth. It would thus form an ideal basis for engaging in OMC.

The content of the German Report provides pointers as to the required content of national reports. It analyses spatial development under three headings: spatial structures, regional problem situations and trends of future spatial development. It also reports on spatial planning co-operation and on various spatial planning perspectives, subdivided into six categories: reduction of spatial disparities, improving living conditions in rural areas, infrastructure, governing and developing through actions, promoting European co-operation. Obviously, if all Member States were to produce such reports (the English summary has 72 pages; obviously, the German language version is more comprehensive), and if these reports were all presented in an international forum, this would greatly contribute to mutual understanding and joint policy-making.

A searching study of the requirements which European planning imposes is by Pallagst

(2000). Her work is about planning in the Czech Republic in the run-up to EU accession. The requirements Czech planning should meet are based on general considerations of the preconditions of successful Member State participation in European planning. Thus, Pallagst claims that national planning must operate under the subsidiarity principle (i.e. involve regional and local actors, which is a German article of faith shared by some, but not all Member States), and that it must strengthen the regional level. Also, national planners must participate in international ventures, pay regard to relevant European guidance documents and engage in spatial studies and visioning and, lastly, be able and willing to go beyond regulatory planning by engaging in concrete projects. One could envisage Member States performing self-studies following a standard format focusing on issues, like the ones formulated by Pallagst. These self-studies would form the basis of engaging in mutual reviews and so forth, just as OMC requires.

7. A Scenario of the Application of OMC

To focus the mind, and by way of conclusion, the above will be cast in the form of a scenario relating to European spatial planning some time after 2004. As with scenarios generally, there needs to be a baseline. The baseline here is that the Constitution, naming territorial cohesion amongst the goals of the Union in Art. 3 and as a competence shared between the Union and the Member States, will be ratified.

If so, then the opposition to the Commission pursuing the territorial dimensions of EU policies, in particular the Lisbon Strategy and the 'European Union Strategy for Sustainable Development' (CEC, 2001b) should cease. For as long as it does not impose itself on Member States, there can be no objection against this. Naturally, in pursuing the territorial dimension of EU policies, the Commission (as it does already on more than one occasion) will build on the ESDP and on results of INTERREG and of ESPON. It will do this, knowing that all of these building blocks have been formulated with the involvement of Member States, sub-national actors and other stakeholders.

In fact, the Commission is already doing much of the above, if only, as is the case more often, by 'subterfuge'. (Héritier, 1997). Based on the above assumptions, none of them outrageous, the Commission would come out of the woodwork, pursuing ideas that it believes in more openly.

A more adventurous assumption is that, as has happened with the European Employment Strategy, at some time in the not too distant future the European Council would invite an initiative for EU territorial cohesion policy to become the focus of an explicit strategy document. Surely, the European Council would endorse polycentric development, already widely accepted as an outcome of the ESDP process, as a vehicle for safeguarding territorial cohesion in a competitive and sustainable Europe.

These are anything but revolutionary ideas. What would be new is the acceptance of the need for this to be achieved by way of what for argument's sake this paper describes as a European Union Territorial Cohesion Strategy (EUTCS). The reader might think about this as a contribution to and/or a further elaboration of the strategic document on cohesion policy that the Commission has announced it will be publishing before the end of 2006. (CEC, 2004) Furthermore, the European Council could insist that, in formulating the EUTCS, OMC should be invoked.

However, note that since territorial cohesion is a shared competence, the Community method could equally be applied. Indeed, at present the Commission seems unwilling to contemplate the application of OMC. The argument here is that, for reasons of lack of personnel, and because of the need to garner local expertise in formulating it, the Commission of its own accord may conclude that an EUTCS could only come about in co-operation with

Member States. So the Commission should embrace OMC, after all one of the modes of governance that it itself had proposed in its White Paper.

In the scenario discussed here, OMC thus becomes the vehicle for Member State involvement in the formulation of the EUTCS. In the conviction that elements of OMC have already been present in the ESDP process, the Commission will conclude that the EUTCS process will not be much different from, but smoother than the ESDP process of the 1990s. After all, the issue of a competence, or rather the lack thereof, will have been put to rest. The Commission, in particular, will see its role recognised, but not to the detriment of the involvement of Member States nor (since territorial cohesion policy is not regulatory) their sovereign control over their territory.

Taking the ESDP as an example, the Commission will of course conclude that the EUTCS will be a framework, nothing more. To make this framework more interesting for Member States and other stakeholders, it will do its best though to clarify how it itself will invoke it. It will ensure that Community policies with a spatial or territorial impact are coherent, which is what the spatial approach, advocated in chapter one of the ESDP stands for – and what the White Paper on European Governance commends it for. An instrument for this can be a communication titled 'The Strategic Framework for EU Territorial Cohesion Policies'. In it the Commission can spell out where the synergies are between the Structural Funds, the Common Agricultural Policy (in particular the regulations concerning rural development plans), the trans-European networks, environmental policy (in particular Natura, 2000) and, last but not least, its competition policy.

The Commission will regard the EUTCS as a rolling programme, with successive versions being refined, even whilst some of the policies are already being applied. After all, the ESDP process has been no different. It was marked by the publication of a series of policy statements with consequences (for instance the introduction of Interreg IIC halfway through the 1994–1999 programming period) even before the Potsdam document has come out. And the makers of the ESDP did not see this as the end of their quest for improved European planning. At Tampere they referred to the Potsdam version as the 'first' ESDP, and the document itself foresees in a revision at around the time of enlargement.

Once again looking at the ESDP process, the Commission will see it as an exercise in mutual learning and a success in terms of the mobilisation of the resources of Member States. At the same time it will be more than aware of the differences between Member States and their planning traditions, making for a need for learning to continue. So, in the spirit of OMC, the Commission will seek an agreement with Member States for them to formulate (like in the European Employment Strategy discussed earlier) Territorial Cohesion Plans for Action (TCPAs). In so doing, the Commission can refer to the recommendation in the ESDP mentioned above for regular national reports on spatial or territorial trends. Maybe this will be presented as an update of 'The Compendium of EU Planning Systems and Policies'. However, rather than giving the work to be done to its consultants, the Commission will ask Member States to do this themselves. Also, rather than covering the entire system, it will ask for the updates to be more focussed, taking perhaps a leaf out of the German report discussed above.

It is in confronting these TCPAs with each other that OMC will come into its own. In this context, TCPAs serve a dual purpose. They form the basis of, and this is where learning comes in, mutual reviews by panels of experts from other Member States. Secondly, they provide inputs into formulating the EUTCS itself. What follows are suggestions for how the six requirements formulated by Pallagst could be used as building blocks of an agenda for discussion and mutual learning.

In the first instance, this agenda would relate to co-ownership of spatial strategies (what Pallagst calls subsidiarity): TCPAs should indicate the extent to which sub-national actors and

other stakeholders are co-owners of national strategies, including those for cross-border, trans-national and/or Europe-wide planning. In the second instance, there should be a report on the strengthening of the regional level, i.e. TCPAs should give their assessment as to the effectiveness of sub-national levels of government, amongst others in managing the Structural Funds and other EU projects. Naturally, this implies a discussion of the relation between regional economic policy and spatial planning. Thirdly, the discussion must turn on the participation in European ventures, i.e. TCPAs should give a self-assessment of the effectiveness with which the Member State concerned participates in trans-national and European planning. Do exchanges of experiences take place? Are any comparative studies being undertaken? How does one cope with differences between planning systems? Fourthly, the observance of European guidance documents needs to be the subject of an audit. There are such guidance documents of various kinds, from the 'soft' ESDP to 'harder' ones, like the Habitat guidelines, the transposition of which can be (and sometimes is) the object of non-compliance procedures. TCPAs will indicate the extent to which all these are being applied. Is there appropriate publicity for them? Who pays regard to which type of guidance? Are there suggestions for change?

TCPAs will also report on existing national studies and/or visions, in short on any discourses concerning the shape of the national territory and how it fits into a wider European and perhaps even global context. Who participates in these discourses, and who pays attention?

Lastly, the issue of pro-active rather than regulatory planning needs to be addressed. Post-regulatory planning requires planners with the ability to mobilise actors and/or resources. Can planning offer incentives? Do planners seek to influence opinions, thereby framing the minds of relevant actors?

These are issues that not only the TCPAs, but also and in particular the review panels visiting them will discuss. These review panels, for argument's sake Lithuania, Sweden and Spain visiting The Netherlands, will produce reports exploring a set number of issues relating to the capacities of the country visited to participate in EU territorial cohesion policy. On this basis, non-binding recommendations can be made.

In this process, output indicators as developed in the framework of ESPON will play their part. However, they are not all that there is to this exercise. Rather, territorial cohesion policy also needs to conceptualise space and spatial relations on the scale of Europe: the European territorial model. This is not for the Commission to do, i.e. in the complex context of a borderless, but nowhere uniform Europe, spatial visioning needs to be done interactively. After all, one's position depends, not only on what one thinks oneself, but also on what position other actors in other, related positions are willing to grant the Member State concerned.

TCPAs as conceived here would form the objects of regular (perhaps bi- or tri-annual) reviews, maybe coinciding with a European Union Territorial Cohesion Forum. At such a forum, the EUTCS, too, would be confronted with the TCPAs. In this way, as intended, Member State input would become a prominent feature of the whole EUTCS-process.

8. Conclusions

In this scheme of things, the Commission holds the ring, helps (as it already does) formulating indicators and develops the methodology and procedures of the peer review. It gets involved in its organisation and if need should be in the formulation of non-binding recommendations, just as in the case of the Broad Economic Policy Guidelines. The only commitment that Member States have is to give a response to the recommendations, as well as to the comments made by the review panels.

This is relevant also to the process of preparing the EUTCS. During the ESDP-process, Member States tended to deny the Commission the right to a spatial vision, fearing that this would amount to a European masterplan. However, in the context of the interactive visioning as foreseen, Member States, individually or in groups will form spatial visions of the development of the territory of the EU, but so can the Commission. The point is not to deny the right to develop a vision, to have a policy, to anyone. The point is that none of the parties involved can claim superiority.

As with the ESDP-process, in the EUTCS-process there will be no hegemon. Rather, it is a process of competent actors, each seeking to understand his or her situation as it relates to territorial issues occasionally coming, for as long as it lasts, to an agreement. In this pluriform process, there can be many visions, many strategies, none superior to the others. This applies to the European Union (and the Commission on its behalf), as much as it does to other actors: Member States, regions, NGOs and so forth. This is the chief justification for having a European Union Territorial Cohesion Strategy, not as the only legitimate perspective on European space, but as one such perspective, although one that makes maximum effort to respond to the others.

Notes

- 1 See http://www.knoweurope.net/html/ticker/speech_2703.htm, accessed on 27 August, 2003.
- 2 "Il ne s'agit pas pour l'Union d'imposer je ne sais quelle planification autoritaire, réglementant jusqu'aux plans d'occupation des sols, comme certain voudrait le faire croire. Au contraire, la cohésion territoriale est un domaine privilégié pour tester de nouvelles formes de gouvernance et d'exercice concret de la subsidiarité."
- 3 In this context, it should be noted, the White Papers quotes the ESDP approvingly. (See CEEC, 2001a, 13.)
- 4 See http://www.cor.eu.int/en/acti/acti_eve.html, accessed on 27 August, 2003.
- 5 See their website <http://eucenter.wisc.edu/OMC/> accessed on 30 March 2004.
- 6 No. 5 of the Conclusions of the Lisbon European Council; http://www.europarl.eu.int/summis/lis1_en.htm, accessed on 1 September 2003.
- 7 Usually, meetings of the various formations of the Council of Ministers held in the country holding the EU Presidency are described as Informal Councils, the reason being that unless they meet at Brussels or Luxembourg, the Council of Ministers cannot take formal decisions.
- 8 See the The ESPON Programme 2006: Programme on the spatial development of an enlarging European Union, as approved by the European Commission on 7 February 2003; http://www.espon.lu/online/documentation/programme/programme_complement/316/espon_pc_final.pdf; accessed 1 September 2003.
- 9 Euroabstracts 41/4 - 2003, 11.
- 10 See <http://www.irishspatialstrategy.ie/>; accessed on 1 September, 2003.

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