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'Europe of the Regions': From Slogan to Effects on European Union Borders and Regions

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This article shows that the integrationist trend of 'a Europe of the regions' shapes the way the different scales of territories in the European Union are considered. Due to this trend, European institutions evolved their processes of legislation within the EU. Institutions are now able to promote cohesion between all scales of territory composing the European continent, including cross-border territories. Thus, this trend participates in the promotion of European integration by erasing or blurring the state borders that exist between these territories. However, a Europe of the regions is not the ultimate goal of the European Union, and the results of this trend can be mitigated. This article's analysis is mainly structured around European law, including both primary and secondary law but also case law of the European Union Court of Justice. In order to strengthen its approach, the article also draws from other disciplines such as history and political science.

Introduction

The slogan "a Europe of the regions" first appeared in the 1960s, principally developed by Swiss theorist Denis de Rougemont (de Rougemont 1970). Since its coinage, its place as a recurring theme in European political discourse has been cemented. The main purpose of promoting this "Europe of the regions" is to enhance the involvement of the continent's various regions in the European policy-making process: this necessitates the deconstruction of Europe as we know it, suggesting a counter-separatist approach in which individual states are foregone as central constituents "in favour of other levels of government" (Luedtke 2005, 101). In the wake of the concept's introduction, many scholars began to elaborate upon it while the European Union was first emerging. However, the European Union is not the first organization to use this slogan to

promote the consolidation of regions and territories. Indeed, historically this slogan is mostly found in the rhetoric of the Council of Europe, an organization which quickly became a significant lobbying body in favour of unity of the regions (Labasse 1991, 12). By contrast, the European Union started playing such a role only later on. This phenomenon can be explained by the fact that the European Union had "centralistic tendencies" since the 1970s, and therefore did not pay significant attention to the regions and to the role that they could have played in the promotion of European integration (Seliger 1999, 4).

The recognition of the regions by the Council of Europe in the second half of the twentieth century is a direct consequence of World War II. Indeed, the

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failure of European nation-states to keep peace was an important factor in the build-up and subsequent breakout of the war. The establishment of international and supranational organizations, such as the Council of Europe, aimed to prevent such a war from happening again. Regions were thought to be able to play a similar peace-keeping role if they became a significant enough component of the quickly modernizing European landscape. This move away from states as the primary unit of European political organization was fed by a change in attitudes, one which no longer considered the state as “the optimal unit of political organization” (Luedtke 2005, 101). These are the ideas that emerged in the 1960s in the wake of the war (Le Galès & Lequesne 1998, vii).

With this shifting sentiment in mind, the Council of Europe began to grant rights and increasing autonomy to its member states’ regional groups; this decision has since been regarded as a pioneer in regional development (Marcori & Thoin 2011, 9). For instance, the first legal tools that were established for cross-border cooperation in Europe were developed by the Council of Europe. In 1980, the Madrid Convention—known in full as the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities—was launched to allow local authorities from different states to make agreements with one another without the consent of their central governments. This is a significant historical example of the process of the weakening of traditional nation-states through helping autonomous regions take part in international relations.

One of the reasons why the European Union began to promote its territories so much later than the Council was the significantly valued role of the Single Market. Nevertheless, the European Union placed importance on regional units since at least 1957. Indeed, the Treaty of Rome declared that the states 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” (The Treaty of Rome 1957, Preamble). However, at the time there was no will to establish a regional policy, largely because the Single Market was seen as being able to reduce the differences between the European regions by itself. Actions in favour of the regions were therefore totally dependent on liberalization policies (Terpan 2010, 1172). Despite this confidence, a realization that the Single Market alone could not reduce disparities between regions began to dawn (Dupeyron 2008, 44). Indeed, while there had been an overall growth in the EU, disparities between territories had also increased. This increase was compounded by other factors, such as the enlargement of the European Union and the economic crises that took place in the 1970s (Leclerc 2011, 295). Moreover, the United Kingdom’s entry into the European Economic Community in 1973 played a

role in the creation of more regionally based policies. From the point of view of the United Kingdom, the common agricultural policy was considered as too costly and too much in favour of France, leading to the negotiation of another spending policy that could benefit its territories (Blumann 2011, 41; Faludi 2007, 30).

Jacques Delors, as President of the European Commission between 1985 and 1995, began to develop a regional policy which would later be dubbed a cohesion policy. It was conceptualized and built as a support policy to the Single Market, wherein funds were progressively established in order to support regions with difficulties (Jouen 2011, 13). For instance, the European Regional Development Fund was created in 1975. The European Social Fund, while created in 1957, benefited from the Delors Commission, under which its budget was significantly increased. Lastly, the Cohesion Fund was spearheaded in 1994. At this time the perception of cross-border regions evolved, and their importance began to be acknowledged; they also began to be perceived as “small Europes”, or as laboratories of Europe (Baudelle 2006, 356). Following the Council of Europe, the European Union thus established legal tools to facilitate cross-border cooperation. This decision highlights the cooperation and cohesion of the two organizations on this subject.

Even if it was the first organization to have promoted the autonomy of regions, the slogan “a Europe of the regions” did end up permitting a certain degree of freedom from the political sphere of the Council of Europe. Thanks to its lobbying, regions were able to use this slogan “to advance their claims for autonomy and policy capacity in the face of deepening European integration” (Hepburn 2018, 538). They were therefore able to play a role outside of their established place in the national political scene, where they were often excluded from the decision-making process (Le Galès & Lequesne 1999, 24). This drive for self-governance stemmed from a fear “that more and more formerly regional competences became European competences without any influence of the regions” (Seliger 1999, 9). Thus, the slogan “a Europe of the regions” strengthened during the 1990s (Wassenberg & Aballéa 2019, 10). At a certain point, the movement gained such traction that it became “an intellectual and political fashion” (Le Galès & Lequesne 1998, vii).

Since their increase in power, regions have progressively been perceived as strong allies of the European Union against states that don’t apply or respect European Union law (Blumann 2013, 6). This can explain their gradual recognition: they are able to be harnessed to contribute to the strengthening of European integration and unity. A parallel can be drawn between this process and the establishment of a European Union citizenship status: similarly, the recognition of a ‘European citizen’ contributed to foster European

integration. As a consequence of this status, European law has granted rights to European citizens that can be vindicated against their own member states that failed to apply this European law. This occurred thanks to a bold case law of the Court of Justice of the European Union that lasted until 2013, which made European citizens strong allies of the European Union (Aubin 2015, 821). However, the Court had to limit the scope of its case law concerning European citizens in order to not interfere with the authority of member states. This decision was also linked to the contemporary political context of the European Union as influenced by the threat of the Brexit and the fear of “social tourism”, a concept which had begun to emerge in public opinions of the member states (Iliopoulou-Penot 2020, 180). Because of this pressure, the Court reacted with the *Dano* judgement in 2014 (ECJ, 11 November 2014, *Dano*, C-333/13). This judgement had the consequence of changing the special link between the European Union and European citizens that had helped to foster European integration. Indeed, European law can now be interpreted in a way that grants less rights to European citizens than before the *Dano* judgement. Because of this change in case law, citizens can no longer be significant allies of the European Union in its ability to enforce European law, as they had once been, meaning that the European Union has had to find other ways to bind member states to respect and implement European law. In view of these elements concerning citizenship, regions become a different matter entirely, as they continue to be a valuable method in the pursuit of European integration. Instead of granting more and more rights to citizens, made even more difficult by the *Dano* judgement, the European Union is able to grant rights and opportunities to European regions. Thus, the regions themselves can bind their member states to respect European law and take part in European integration. In this regard, promoting a “Europe of the regions” can be seen as an alternative to a Europe of the states or a Europe of the citizens.

The continued use of the rhetoric of “a Europe of the regions” has become a kind of trend in the political discourse. One of the principal reasons for this use is that significant inequalities remain between European regions since the regional policy was established under the Delors Commission (European Commission 2017, 74). The slogan “a Europe of the regions” carries a strong implication pertaining to the notion of ‘borders’ and their impact. Indeed, an important component in reducing inequalities between regions may be decreasing the negative consequences of borders in the EU, potentially even the ‘debordering’ of the continent. In fact, internal borders can still produce obstacles even though the Single Market has been established. These obstacles affect not only the development of the regions in the European Union, but also territorial cohesion. In this way, decreasing the negative consequences of borders represents a significant effort for two primary reasons. On one hand, Europe is a heavily fragmented

territory in regards to its borders, so much so that it has been characterized as having a “borders obsession” (Descamps 2013, 195). On the other hand, the regions of Europe constitute a kind of messy patchwork due to their inequalities in size, power, and histories (Labasse 1991, 11). Thus, the “Europe of the regions” trend appears as another way of fostering European integration by enabling a “closer union among the peoples of Europe” and by eliminating “the barriers which divide Europe” (Treaty of Lisbon 2007, Preamble).

This article argues that the slogan of “a Europe of the regions” had and continues to have an impact on the discourse of different scales of territories, including cross-border territories, regions, states’ territories, and the European territory. The phrase links all scales of territories in the European Union and, in the process, effectively furthers European integration. This was achieved thanks to the cohesion policy, even if its results are mitigated because of its lack of prioritization by the EU. Section 1 delves into how the “Europe of the regions” trend has had a tempering effect on legislation strategies concerning regions and borders in the European Union. Section 2 expands upon this, exploring how this trend also had an impact on every territorial scale in the European Union.

1. The Tempering Effect of the “Europe of the Regions” Trend on Legislation

The “Europe of the regions” trend has an impact on the method of legislation within the European Union, so much so that a new body was created in response: the European Committee of the regions (as explored in section 1.a). Moreover, all institutions of the European Union changed their legislation strategies in the process of taking into account the trend (as explored in section 1.b). However, the success of this trend has to be tempered.

1.a. *The Committee of the regions*

The Committee of the regions was created in reaction to the “Europe of the regions” trend (section 1.a.i). However, its effect on borders and regions has to be moderated because its capacities are limited (section 1.a.ii).

1.a.i. Emergence of the Committee of the Regions

The Committee of the Regions was established in 1994 as a result of the “Europe of the regions” trend, at a time when Jacques Delors was still the President of the European Commission. Indeed, Article 198a of the Maastricht Treaty set forth the establishment of “a committee consisting of representatives of regional and local bodies, hereinafter referred to as “the Committee of the Regions””. Thus, the Committee of the Regions permits official, legislation-influencing representation

of the regions in a European Union body, which directly impacts European Union policy. Article 198c of the Maastricht Treaty established the requirement that “The Committee of the Regions shall be consulted by the Council or by the Commission where this Treaty so provides and in all other cases in which one of these two institutions considers it appropriate”. This can still be found in the Treaty of Lisbon in Article 300 §1, which states that “the European Parliament, the Council and the Commission shall be assisted by an Economic and Social Committee and a Committee of the Regions, exercising advisory functions”.

Jacques Delors was sensitive to the regions’ claims to be represented in the EU, but this was not the only element that led to the creation of this new body. Indeed, lobbying first took place in Strasbourg at the Council of Europe and at the European Parliament (Labasse 1991, 12). Subsequently, this lobbying of the regions occurred at the European Commission, which finally led to the creation of the Committee of the Regions in 1994 (Hepburn 2008, 538). This move granted the substates’ parties a larger power in the European Union law-making process. As a result, the Committee of the Regions functions as a new “political arena for voicing regional demands” (Hepburn 2008, 538). Moreover, it was not simply established as a site for regional representation, but also as a setting wherein bodies could work to remedy “a crisis of democratic legitimacy in the European project that was emerging at the EU” (Kuligowski 2019, 76–77). It should thus be noted that the European Union is not only a union of states: European governance also values the role of regions.

The Committee of the Regions plays both an advisory and a political role in the EU. As it is divided into political groups like the European Parliament, this means its representatives vote “along party lines” (Hönnige & Panke 2012, 454). This political committee has progressively gained autonomy, demonstrating the impact of the “Europe of the regions” trend on European institutions. The Treaty on the functioning of the European Union (TFEU) contains guidance on various matters for its member states, and as such guidelines for when the Committee must be consulted. For instance, it outlines protocols for “provisions for sea and air transport” (Article 100 §2 TFEU), for “draw[ing] up guidelines which the member States shall take into account in their employment policies” (Article 148 §2 TFEU), for “adopt[ing] and] implementing regulations relating to the European Social Fund” (Article 164 TFEU), and so on. Since its creation, the areas in which the Committee of the Regions must be consulted has increased—the Lisbon Treaty in particular brought new possibilities to the Committee. Indeed, according to Article 263 of the TFEU, the Committee can bring an action to the Court of Justice of the European Union “for the purpose of protecting [its] prerogatives”. Moreover, according to Article 8 §2 of the second Protocol of the

TFEU, the Committee can also bring an action to the Court “against legislative acts for the adoption of which the Treaty on the Functioning of the European Union provides that it be consulted” if it suspects that the principle of subsidiarity has not been respected.¹ The enhanced autonomy of the Committee of the Regions can also be observed in its budget increases, which boast larger numbers each year (Kuligowski 2019, 83).

The Committee of the Regions is a significant achievement for the representation of the territories in the European Union for two reasons: first, the regions have the ability to claim rights, which can lead to the deepening European integration; second, it helps to create solidarity between different scales of territories. Through this assembly strategy, regions can understand that they possess similar problems and claims. In this way, the creation of solidarity between territories of the European Union can lead to a reduction of the negative effects of national borders. Nevertheless, this process and the powers of the Committee of the Regions should not be overestimated.

1.a.ii. Limited effects of the Committee of the Regions

The Committee of the Regions is only a consultative body, which means that its power and its effects in the European Union legislative process are limited. Indeed, it is often perceived as a weak and inefficient body (Pasquier 2015, 155). If its opinions are requested, they do not necessarily have to be followed by the European Union legislative institutions: this explains why the Committee of the Regions does not boast the status of an “institution” according to the Treaty on European Union. Article 13 of the TEU states that the Union’s institutions shall be the European Parliament, the European Council, the Council, the European Commission, the Court of Justice of the European Union, the European Central Bank, and the Court of Auditors—notably missing is the Committee. For this reason, Hönnige and Panke explain that the Committee of the Regions has limited influence, especially as its recommendations are often ignored (2012, 467). As a consequence, the claim that the regions work to deepen European integration is also limited.

Representation in the Committee of the Regions is problematic. The weighting mechanism is based on the states rather than the regions or local authorities, meaning that the delegations that are part of the Committee are called national delegations. Moreover, the regional and local members of the Committee are proposed by member states to the Council of the European Union, which officially appoints the members of the Committee. This demonstrates that the member states have significant power within this body, even if its primary focuses are regions and local authorities. In addition, the choices made by the member states are not coordinated. Some countries choose regional representatives, while other states

choose both regional and local representatives, or only local representatives. Bernhard Seliger argues that “this leads to a heterogenous membership in the COR, which increases difficulties for a strong regional representation” (Seliger 1999, 11). There is controversy over “the division between the regional or local representatives”, a discordance that undermines unity in the Committee of the Regions (Van Der Knaap 1994, 91). Thus, the influence of member states and the problem of representation pose difficulties to the assumption that regions are able to deepen European integration.

In light of these elements, Marjorie Jouen argues that the Committee of the Regions was established with the main goal of regulating all the lobbies which were more and more present at the European Commission in Brussels (Jouen 2011, 35). Thus, the true primary aim of creating such a body was to satisfy the needs of the regional lobbies, but also to redirect their many lobbies away from the European Commission, which is a decisional institution. The “Europe of the regions” trend was not enough to create an institution with concrete, autonomous powers and effects within the realms of regions, borders, and European integration. Nevertheless, it is still a “young” body that can progress further. The Committee effectively spotlights regions that were once forgotten in the European construction, and it helps to bring different scales of territories together by familiarising regions with European institutions. Moreover, it can play a kind of supporting role for the institutions that are attempting to consider regions’ specific needs in their policies.

1.b. Considering regions through a transversal cohesion policy

With the emergence of a cohesion policy in the European Union introduced by the “Europe of the regions” trend, European institutions began to become increasingly interested in territories. Regions can now take part in the legislative process at the European level with the Committee of the Regions, and the European level tries to more regularly consider and involve the input of regions. In every policy they try to implement, they must also take into consideration the cohesion policy and the desires of territories (section 1.b.i). However, the cohesion policy is not always the priority of European Union institutions, sometimes leaving regional and territorial concerns to fall to the wayside (section 1.b.ii).

1.b.i. Taking into account the cohesion policy in all European policies

A significant consequence of the “Europe of the regions” trend has been the establishment of the cohesion policy in the European Union, which has quickly become the European Union’s most significant budget item. At first,

only economic and social cohesion could be found as an objective in the treaties. The territorial aspect, which was already an underlying objective, only explicitly appeared in the Treaty of Lisbon in 2007.

Having only a cohesion policy is not enough to reduce disparities between territories, though. Indeed, each policy has to take territories and their specificities into account, and as such need to move on a case-by-case basis, as was made explicit in the Treaties. Article 174 of the TFEU estimates that “the Union shall aim at reducing disparities between the levels of development of various regions and the backwardness of the least favoured regions”. Later, Article 175 of the TFEU states that “The formulation and implementation of the Union’s policies and actions and the implementation of the Single Market shall take into account the objectives set out in Article 174 and shall contribute to their achievement”. Thus, the objective of cohesion is a transversal one in the European Union, showing that the cohesion policy not only has a large scope of application, but has a specific role on regional scales in the project of European integration.

It is possible to observe this large scope since the 1990s, in many communications from the European Commission concerning cohesion policy and other thematic policy. For instance, the Commission issued a communication in 1996 about “cohesion policy and culture” (COM(960) 512 final) and in 1999 about “cohesion and transport” (COM(1998) 806 final). More concretely, the Common Agricultural Policy has played a leading role in promoting cohesion between the territories of the Community. Article 39 of the Treaty of Rome states that one objective of the Common Agricultural Policy is “to ensure thereby a fair standard of living for the agricultural population, particularly by the increasing of the individual earnings of persons engaged in agriculture” (Article 39, b), Treaty of Rome). There has been an evolution since its inception, and the territorial aspect of this policy is more and more present. Indeed, since 2003, the second pillar of the Common Agricultural Policy is rural development. One objective of this policy is to promote this kind of development with the goal of further enhancing cohesion in the European Union. Thus, the European Agricultural Fund for Rural Development is a fund of the Common Agricultural Policy that promotes cohesion. On the one hand, it helps to adapt Union agricultural policy to the specificities of its member territories. On the other hand, it permits opening up the fund to non-agricultural actors (Berriet-Sollicec & Trouvé 2010, 404). The role played by the Common Agricultural Policy is therefore needed to foster cohesion, which the cohesion policy is not able to play by itself. This shows that all fields, including the Single Market, are concerned with the objective of cohesion. When they legislate, European institutions have to care about the regional scales of territories; the idea is that by taking



them into account in every policy, it should be possible to reduce disparities between territories and to deepen European integration.

The “Europe of the regions” trend led the European Union to take regional scales of territories into account in every policy it develops. Nevertheless, this practice is complex, and failures caused by opposing interests can be observed.

1.b.ii. Cohesion policy’s lack of priority

Taking into account the territorial cohesion objective is not an easy process, largely because the European policies often possess opposing interests. As an example, it seems quite obvious that the transport policy, the environmental policy, and the cohesion policy may have very diverging interests. In the 2000s, transport policy, which took the cohesion policy into account, did not respect the environmental norms established by the European Union. There are many cross-links between all the European policies, and a lack of coordination between them can affect all the policies and their objectives. The best method of legislating in the European Union and the role of the institutions can thus be the subject of much debate. The Commission’s portfolios can, for instance, be questioned. Indeed, 27 different portfolios may not be very efficient in the pursuit of coherent objectives, leading to inconsistency between European policies. Finally, the cohesion policy and regional decisions are not always taken into account, which can slow down the process of European integration. The European policy-making process can therefore have adverse effects on regional scales of territories and their decision-making.

Another observation is linked to the context in which the cohesion policy takes place. In many cases, the policy has been misused, and its economic parts can sometimes take precedence over its territorial ones: the regulation laying down common provisions on the European Structural and Investments Funds after the 2008 economic crisis is a notable example. This regulation authorizes withholding funds from regions if a member state did not achieve Union-outlined financial objectives. There has thus been a shift from taking cohesion policy into consideration to putting conditions on cohesion policy. Moreover, it is possible to observe a trend in the use of more and more “competitiveness” instead of cohesion in political rhetoric (Drevet 2017, 21). If the regions can still be seen as a priority, the competitiveness that takes place between them is highlighted. The consequences of too much competitiveness are the reinforcement of borders and the deepening of inequalities. In the face of this, European integration seems harder to reach.

At the institutional level, there is not any specific Council of Ministers for the cohesion policy, which is surprising

as the cohesion policy has the most significant budget of the European Union. The Barca report of April 2009 (also known as “An Agenda for a reformed cohesion policy, A place-based approach to meeting European Union challenges and expectations”) stated that creating a council for the cohesion policy is a necessity. Without a council, real debates on the cohesion policy cannot happen outside of the budget negotiations that take place every seven years (Jouen *et al.* 2016, 482).

If the “Europe of the regions” trend had an impact on legislation strategies and the drive to take cohesion policy and regions into account, it should not be overestimated, and the Committee of the Regions should be further strengthened. The other European Union institutions should be made to take regions into consideration more comprehensively. By doing so, reducing the negative effects of the borders and helping regional scales of territories to deepen European integration can be made easier. The impact of this legislative methodology on the regions and borders can now be analysed.

2. The Impact of the “Europe of the Regions” Trend on Territories and Borders

The “Europe of the regions” trend impacted not only European institutions, but also regions and territories. First, by taking into account these scales of territories, European institutions reinforce regional cohesion, and regions can then take part in the European integration process by reducing the negative effects of the borders. It can result in a kind of virtuous circle (section 2.a), but cross-border regions are certainly best-suited to do so (section 2.b).

2.a. Effects of the “Europe of the regions” trend on scale: the search for a virtuous circle

Taking regions into consideration does not only have an impact on the targeted, specific regional territories, but can reinforce other scales of territorial cohesion, which can further deepen European integration. In the European Union, there are different scales of territorial cohesions: local cohesion, regional cohesion, cross-border cohesion, national cohesion, and European cohesion. As a consequence, a problem has to be faced: how is it possible to take all these different territorial cohesions into account, especially if we aim to do so equally? For instance, are national cohesion and European cohesion compatible? These questions are very pervasive; Ivan Krastev, for instance, argues that we are not facing a lack of solidarity but a clash of solidarities in the European Union (Krastev 2017, 62). He explains that it happens in our societies but also between nation-states. It is possible to deduce that this clash plays out at every scale of territories in the European Union that can be classified as “a multilevel system” (Kommer 2017, 185). This implies that

clashes can take place between national solidarities and cross-border solidarities, or also between local solidarities and European solidarities. These clashes resurrect borders in the European Union, those seemingly deconstructed by the trend of “a Europe of the regions”. These resurrected borders may be internal national borders or borders between local territories.

The European Union has made progress by recognizing the importance of local territorial cohesions. For instance, European legislative institutions take specific measures in favour of local territories, which can be seen with the regulations pertaining to outermost regions. Indeed, Article 349 of the Treaty of Lisbon states that “the Council shall adopt the measures [...] taking into account the special characteristics and constraints of the outermost regions” (Article 349, Treaty of Lisbon). The common European law has since adapted to these specific territories. For instance, the European Commission estimates that “in 2021 alone, the Commission reflected these regions’ specificities in almost 30 legislative proposals, policy initiatives and work programmes” (European Commission 2022, 23). However, besides the adaptations made by the legislative institutions, the Court of Justice of the European Union is also able to adapt its measures to specific territories. Indeed, in order to grant local territorial cohesions, it has already limited freedoms of movements that would permit the achievement of the Single Market. The reason was the recognition of “*localismes légitimables*”, which means that local measures restricting freedoms of movement have the possibility to be justified in the face of the Single Market (Berrod 2018, 682). This can be observed in the *Simma Federspiel* judgement of the Court of Justice of the European Union of 2017 (ECJ, *Simma Federspiel* 2017, C-419/16). This judgement pertained to a measure that aimed to keep doctors that were trained in the Province of Bolzano in the region for a period of five years. The objective of this measure was to ensure “that high-quality healthcare is available in both official languages of that region, that is to say, German and Italian” (ECJ, *Simma Federspiel* 2017, C-419/16, §48). In a deft a balancing act, the Court opted not to give priority to the Single Market, and instead decided to grant local territorial cohesion. The Court recognized the specificities of territories and demonstrated that the objective of the European Union is not to completely erase borders, but “to promote its overall harmonious development”, referring to the objective of the Article 174 of the Treaty of Lisbon. The Court also aims at reconciling local solidarities with overall European solidarity. With this kind of articulation and specificity in regards to the different types of cohesions or solidarities, the Court places importance on all scales of territorial cohesion and is able to avoid a “clash of solidarities” between them.

In the search to prevent this disconnect between scales of cohesion, an answer can be found in the concept of

a virtuous circle. Achieving a local territorial cohesion could lead to the fostering of European territorial cohesion, while pursuing European territorial cohesion could lead to the achievement of local territorial cohesions. This relates to the definition of integration given by Alain Buzelay, who states that integration can be defined as a framework of desired, organized, and united interdependencies between states that could face globalization (2014, 286). These interdependencies can be managed between states, but should ideally also be managed between every scale of territories. An example of this phenomena is the allowance of Funds by the European Union to local territories as a direct result of the “Europe of the regions” trend. The European Structural and Investments Funds began to play a significant role while a more developed regional policy was emerging in the Single European Act in 1987. This allowance of funds has, by consequence, reinforced territorial cohesion in this local territory, but it has also achieved the European objective of reducing disparities between regions. By doing so, this allowance reinforces European territorial cohesion. This is a reason why the regional policy is crucial in the European Union: its effects vary across kinds of territories and it helps to avoid clashes of solidarities.

The “Europe of the regions” trend does not only have an effect on regions, it can also create positive effects on other scales of territories, like European and national ones. This demonstrates the emergence of an articulation or a virtuous circle between every scale of territories, a kind of feedback loop. By being pursued, this virtuous circle can be strengthened. With these virtuous circles, the deepening of European integration is easier, as it avoids clashes between territorial solidarities. Cross-border regions can also play a significant role in this virtuous circle, further leading to European integration.

2.b. The specificity of cross-border regions

Cross-border regions have been particularly positively affected by the “Europe of the regions” trend (Labasse 1992, 192). Indeed, cross-border regions suffer especially from the negative effects of borders, since national borders often partition and oppose the territories straddling them (Gomez 2018, 94). The establishment of the Single Market exacerbated this (European Commission 1990, 2). Nevertheless, more and more legal tools have been created to support these regions, which is linked to the “Europe of the regions” trend (Siat 2010, 326).

Cross-border regions do not have the same opportunities to develop as other regions due to their positions across borders. For example, developing companies in these territories is not easy because reaching nearby consumers is often more difficult. Moreover, the establishment of the Single Market consequently led

to the disappearance of economic activities that were related to borders. Such is the case of police agents, currency exchanges offices, and customs officials (Casteigst 2003, 3). Being in competition with other regions in the Single Market was therefore a difficult situation for cross-border regions whose economies are already vulnerable (Gendarme 1970, 896). These circumstances led the European Commission to consider that “special attention should be paid to creating alternative employment opportunities in border areas affected by significant job losses as a consequence of the completion of the internal market” in 1990 (European Commission 1990, 2).

Thanks to the “Europe of the regions” trend, though, cross-border regions have also increasingly been considered. The Council of Europe has been able to more successfully challenge national authorities’ perception of regions and cross-border territories. For example, before a law of 1982, French local authorities were not allowed to develop external relations by themselves.² The establishment of this law followed the Madrid Convention of the Council of Europe of 1980. Then, legal tools were created for European regions in general, and special legal tools were also developed for cross-border regions in particular. The European Union followed the trend of the Council of Europe in this area, which shows a kind of “competition” or “complementarity” between the European Union and the Council of Europe (Berrod & Wassenberg 2016, 11). It led to the establishment of many tools for cross-border regions. Indeed, a kind of “parallelism in time” can be observed in the creation of the legal tools by these two organizations (Odendahl 2011, 101).

These tools are mainly groupings that offer a structure for local authorities to cooperate: they are not always intended for cross-border regions specifically, but they can be used as such. These groupings complement financial tools like the INTERREG program, and the European Grouping of Territorial Cooperation (EGTC) is one of them. Established by the Regulation (EC) n° 1082/2006 of July 5, 2006, and modified in the Regulation (EU) n° 1302/2013 of December 17, 2013, it was the first tool created in this field (Charles Le Bihan 2017, 189). The Committee of the Regions played a significant role in this modification, advising to modify it and showing the progress that could be made by doing so (Jouen 2011, 98). Its recommendations were followed, confirming that the institutions could indeed be receptive to the “Europe of regions” trend, as demonstrated previously. The EGTC has the specificity needed to facilitate cooperation between different actors, which eases multilevel governance. It “allows public authorities to be brought together, according to a variable institutional geometry, by virtue of their levels of responsibility and to promote an enlarged partnership with socioeconomic actors” (Committee of the Regions 2009, 23). Reuniting these different

actors in the same grouping helps to pursue all the varying different scales of territorial cohesion. States and regional or local representatives can be part of this grouping, leading to a better understanding of each cohesion issue and the pursuit of virtuous circles.

Moreover, the European Union institutions still work on cross-border cooperation. The Communication from the Commission to the Council and the European Parliament “boosting growth and cohesion in EU border regions”, adopted on September 20, 2017, shows that the trend in favour of a “Europe of the regions” continues to have an impact in the European Union. As a result of this observation, in 2018 the European Commission proposed the adoption of a regulation (EU) n° 2018/0198 on a mechanism to resolve legal and administrative obstacles in a cross-border context. Even if the legislative procedure seems to be blocked on this subject, European institutions continue to try to find ways to improve the situation of cross-border regions step-by-step. Indeed, cross-border territories are now seen as being able to fulfill the aims of the Single Market while in the process of erasing the negative effects of the internal borders. Thus, one can see that the “Europe of the regions” trend is now fully a part of the European Union law-making process. Initiatives are taken regarding the subjects of regional and territorial autonomy, even if the Europe of the regions is not the ultimate goal of the European Union.

Fostering cross-border cooperation can play a significant role in the virtuous circles mentioned above, which can be seen as laboratories of European integration. The virtuous circle reinforces European territorial cohesion and deepens European integration; for example, the Tyrol-South, Tyrol-Trentino Euroregion. The close cooperation between these three components of the Euroregion helped to resolve a political conflict between Italy and Austria when the Brenner border had been closed because of migration. They helped to ease tension and normalize relations (Lambertz 2019, 33). This example demonstrates the importance of local solidarities and the effects that they can have on broader European solidarities. Another significant example of a virtuous circle can be seen at the Irish border: “the European Union has both facilitated and ‘normalised’ cross-border activity” even if it is a place “where the legacy of the conflict remains deeply significant” (Diez & Hayward 2008, 48–56). There is still work to be done, but this cooperation continues to help normalize inter-territorial relations and solidarities.

Conclusion

This paper aimed to demonstrate how the European Union is able to organize and articulate the interdependencies between every scale of territory on its journey towards deepening European integration. But

to do so, the Union must take into account the vast range of scales of territories composing the European Union, in turn fostering territorial cohesion and helping to decrease the negative effects of internal borders. Without this articulation between every scale of territories, the European Union risks increasing disdain and resentment between them (Supiot 2015, 29).

Notes

- 1 The subsidiarity principle is defined at the article 5§3 TEU: "Under the principle of subsidiarity, in areas in which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level"
- 2 *Loi n°82-213 du 2 mars 1982 relative aux droits et libertés des communes, des départements et des régions.*

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