

# Responding to the New Europe and the Crisis: The Adaptation of Sub-national Governments' Strategies and its Effects on Inter-governmental Relations in Spain

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**ABSTRACT** This article analyses the evolution of the institutional setting that the Spanish multi-level system provides for regional European Union (EU) adaptation, and the effects that recent developments of the EU (the Eastern enlargement, the Treaty reform process and the Euro-zone crisis) have had on the more or less pro-European positions and adaptive strategies of Spanish regions and on inter-governmental arrangements. It thus describes the increasing institutionalization of regional participation and EU policy coordination, both at the domestic and supra-national level, and the evolution of regional strategies, looking at its effects both on the degree of vertical and horizontal coordination, and the actual relative power and discretion of both levels of government. It argues that regional strategies have increasingly become more defensive and less pro-European and that increasing participation in European matters seemed to have favoured multi-lateralism and increased coordination without having produced further centralization until the recent crisis and associated budget consolidation targets induced new coordination requirements and a centralization of power towards the central government and EU authorities. This has, as a side-effect, reinforced some centrifugal tendencies of the system and therefore may affect the operation of IGR.

**KEY WORDS:** Regional strategies, Europeanization, inter-governmental coordination, Spanish regions

## Introduction: Causes and Effects of Regional Adaptation in the Spanish Multi-level System

The issue of regional adaptation to EU membership in multi-level systems has been approached from at least three perspectives. (1) As a question of autonomy, do regions lose or gain power within the EU? (2) As a question of resources, to what extent can regions assert themselves and defend their interests? (3) As a question of strategy, what strategic options do regions have in the European decision-making process? (Sturm, 2009; see also introduction to this Special Issue). These three dimensions influence in turn both the position of regional governments and their citizens towards the EU and the degree of Europeanization of the inter-governmental system. This article deals with the autonomy of Spanish sub-national governments, their resources and strategies *vis-à-vis* European integration. It tries to establish whether the recent developments of the EU (the Eastern enlargement, the Treaty reform process and the Euro-zone crisis) have affected the more or less pro-European position and adaptive strategies of the Spanish regions and the systemic features of inter-governmental arrangements, such as the degree of vertical and horizontal coordination and co-operation, the degree of multi-lateralism and bi-lateralism and the actual relative power and discretion of both levels of government.

More than in other federal or devolved EU member states, in Spain, regional devolution and EU integration have been two parallel processes since the mid-1980s. The Constitution did not include any provision about the role of the 17 Autonomous Communities (ACs) in the policy making on European affairs, but nearly three decades after joining the EU, Spain has gradually established a general legal framework on the matter. The Europeanization of the system has evolved since 1985 following a very complex political path which reflects the evolution of the main features of the Spanish system of inter-governmental relations; namely, some relevant asymmetries in regional powers and interests, the almost uninterrupted existence of nationalist governments in some ACs (particularly, in Catalonia and the Basque Country), or the deficient political coordination between the regional and central levels. Apart from the obvious relevance of nationalist parties as a key factor in the degree of mobilization in some ACs, party politics (in the left–right dimension) cannot be considered as a relevant independent variable. It is true that the socialist party (PSOE) has always tended to accept a stronger regional involvement in the European matters than the conservative PP. However, the strategies followed by particular regions have rather been independent of which party was in office, except for some observed dynamics of increased co-operation in times of party congruence at the central and regional levels.

It should come as no surprise, then, that sub-national governments' demands to enhance their participation in EU matters and their capacity to do so have been an issue of controversy between the centre and the regions. Several phases can be distinguished in the evolution of the legal and political setting allowing the ACs to shape and implement European policies. Although there has been a trend of progress during all these years, difficulties and deficiencies in adaptation remain that reflect some general problems of the system.

Traditionally, scholarly debate in Spain on the issue of regional adaptation and Europeanization has mirrored the German debate insofar as political discussions and reform demands were linked to particular problems and debates on domestic issues. Apart from the classical legal discussion on the constitutional basis of regional participation and the centralization trends entailed in the integration process, the debate has intensified after enlargement, the Lisbon Treaty and the reforms of EU Cohesion policy around the regional capacity for adaptation ('Euro-fitness') and the consequences of Europeanization for regions and inter-governmental arrangements.<sup>1</sup>

The article first studies the evolution of the institutional setting, the regional strategies of adaptation to EU membership and the changes in the coordination arrangements since Spain joined the EU up to the Eastern enlargement. Subsequently, the article shows how, since the mid-2000s, the system of regional participation in EU policy making has experienced a considerable degree of institutionalization in response to increasing regional demands of participation which reflect the growing institutional maturity of the Spanish federal system. The inter-governmental framework now features vertical and horizontal coordination elements that combine multi-lateralism and bi-lateralism, sectoral and cross-sectoral approaches in the domestic *and* European arenas. However, the central government's key position in the EU issues has not been undermined by its openness to demands for regional participation and the growing influence and participation of ACs in the formation of the Spanish position through multi-lateral inter-governmental sectoral conferences of ministers (*Conferencias sectoriales*) and multi-lateral horizontal coordination. In fact, sometimes, the central government has even been empowered by Europeanization.

This interplay of contradictory forces induced by Europeanization has contributed to the transformation or reinforcement of some contradictory tendencies already present in the Spanish multi-level system, such as multi-lateral coordination, but also competition, asymmetry and calls for further devolution. The on-going economic crisis and the subsequent fiscal austerity measures, forcing ACs to cut back in a range of policies, provide a good illustration of this contradictory pattern. On the one hand, the severity of the

crises strengthens the need for coordination of regional budgetary policies but, on the other, it also exacerbates distributive conflicts and centrifugal tendencies, particularly in Catalonia, where a strong secessionist movement has gained momentum under an explicit perspective of European membership. Here there are clear parallels with Scotland, where the SNP seeks an independent Scotland within Europe.

The remainder of the article proceeds, in the next section, to propose a conceptual framework to understand regional European interests and positions, and the types of strategies regions may pursue. The third section offers a quick look at the institutional setting that the Spanish multi-level system provides for regional EU adaptation, describing the increasing institutionalization of regional participation and EU policy coordination. The following section deals with the evolution of regional European positions and strategies and some of its determinants, and the penultimate section looks at the effects of EU membership and European policies on the IGR system and regional powers. The last section concludes.

### Regional Interests, Positions and Strategies: Some Conceptual Notes

EU membership entails three types of repercussions for regional actors. In simplified terms, it raises (1) functional imperatives, (2) constraints and (3) opportunities. These directly or indirectly affect all regional actors in the political, economic and administrative field (see Fleurke and Willemse, 2006; Colino, 2011). Given these imperatives, opportunities and constraints, most active European regions, and the Spanish ACs are no exception, pursue the following series of typical interests in the European context.

- Maintain their power relative to other actors, in particular, the central government.
- Ensure access to information through the establishment of channels not dependent on the central government, and maintain some veto capacity over the central government's European commitments that affect them.
- Maximize financing from the EU (particularly important in the Spanish case, considering the enlargement to poorer new member states in 2004 and 2007).
- Promote economic growth and employment by improving the economic competitiveness of the region relative to other regions.

Out of these interests and adaptation imperatives may stem several possible strategies. Regions with a clear desire to maintain or expand their influence on European issues that affect them, and with at least some of the

resources or capacities necessary to influence policy at the European level, may consider what is the best strategy and the best arena—domestic or supra-national—to achieve their interests (see Tatham, 2010). Of course, European regions have not always shown the same favourable position *vis-à-vis* the EU, pursued the same strategies or utilized the same channels. We can find different types of regions according to their position and reaction to European issues. There are regions that lack the resources to act against or to adapt to the European initiatives or requirements and show some distrust. These could be called *passive* regions, which are the majority, and respond with incremental adjustments to the EU. There are also *reactive* regions that show some interest but do not take initiatives of their own and collaborate with other regions to defend their common interests (e.g. Andalucía, Valencia, Galicia, Asturias in Spain). And finally, we can find *proactive* regions, which are the smallest group, usually resource rich AC and/or minority ‘nations’ (such as the Basque Country and Catalonia in Spain, Scotland in the UK or Flanders in Belgium), displaying their own strategies and resources, who act as leaders of the other regions. In Spain, we can find examples of these three categories among the 17 ACs.

Strategies have been influenced not just by regional positions and attitudes towards more or less integration and towards more or less co-operation with central and Euro- pean authorities, but also by their available resources and the strength of their regional identity and autonomy aspirations. Those positions have responded to both changing contexts in the European level and to domestic circumstances. EU membership and a more or less favourable position towards the EU also offer regional governments the possibility of increasing their symbolic resources such as legitimacy or the popularity of their leaders according to the larger or smaller popular support to EU among citizens. In some cases the EU may help to justify unpopular policies through blame avoidance. In some extreme cases, such as those regions where nationalists or secessionist movements exist, the EU offers leaders of regional nationalist parties the option (sometimes rhetoric sometimes real, but in any case with political implications) to seek to overcome the existing state framework by ‘dissolving’ its uncomfortable accommodation within the member state in a broader European framework.

According, for example, to Jeffery (2005, 2007), in the last two decades we have witnessed at least three different phases in the general strategies of EU regions. The first one, after the Treaty of Maastricht, focused on the formal European recognition of regional governments—the so-called ‘third level’ plus member states and the EU itself—as a participant in the decision-making process, for example through the Committee of Regions (CoR). This idea sought to make regions full members of the EU decision

making. This strategy, known as ‘Europe of the Regions’, preoccupied much of the scholarly discussions on regional mobilization and multi-level governance and slowly declined after the German *Länder* and other regions with legislative powers, such as the Spanish ACs, became increasingly disillusioned and impatient with the CoR.

The second strategy, which has been dubbed ‘Plan B’ (Jeffery, 2007), was the attempt of regions with legislative powers to co-determine the position of their member states in EU matters that impinged on their internally protected regional powers through new domestic structures of coordination and central–regional co-operation. Most legislative regions had acquired rights of access to relevant information on European affairs and established agreements to participate in the formation of the national position in Brussels. This strategy began to develop in parallel to the former one, but also showed some limitations, since some regions had distinct Euro- pean interests, that the domestic mechanisms of inter-governmental coordination were not always able to reflect (Jeffery, 2007).

The third strategy of regions with legislative powers during the 2000s has been defensive, focused on preventing further EU action on matters falling within its regional competence or even pursuing the rolling back of the scope of EU regulation. This strategy, pursued for instance by the RegLeg association and reflected in debates about the Lisbon Treaty, has sought to establish constitutional guarantees for subsidiarity, such as the so-called ‘early warning system’, giving a role to national and regional parliaments to warn against EU legislation potentially encroaching regional powers.

Finally, adding to these three strategies, we are currently witnessing a novel strategy of some regional governments where nationalist parties have taken office (SNP in Scotland) or radicalized its previous pragmatic behaviour (CiU in Catalonia) and are now following the old notion of ‘independence within Europe’. This strategy is, for the time being, compatible with ‘business as usual’ strategies of participation through state channels and supra-national regional diplomacy.

Apart from these general trends pertaining to different European and domestic developments and contexts, to understand regional strategies and adaptation and their changing positions one should bear in mind that all these strategies can co- exist at different points and can be combined in different configurations within various national institutional settings or even across policy sectors (Kölling, 2014). For the sake of simplicity, by looking at the behaviour of regions in the last years we may distinguish, in terms of their content between five main strategies (Colino, 2011): (1) participation, influence and inclusion strategies, through which all available channels and mechanisms of participation, both at the domestic and supra-national level, are

used or additional ones demanded; (2) cooperative and coalitional strategies, involving collaboration with other regions, with the centre and with other member states regions; (3) self-assertive, confrontational and competition strategies, seeking to establish uni-lateral regional European policies sometimes against the preferences or policies of the central government; (4) control, advocacy and prevention strategies, that try to defend or improve regional relative influence *vis-a-vis* other actors; and (5) institutional innovation strategies, that rely on the setting up of horizontal or vertical coordination mechanisms at the regional internal level or among governments.

The particular dominant strategic mix chosen by regions and its consequences on the coordination capacity will be determined by both the nature of the multi-level system in question and the European context. The next sections look at the Spanish case.

### The Institutional Setting: The Increasing Institutionalization of Regional Participation and EU Policy Coordination

Since Spain joined the European integration process in the mid-1980s, the question of the possible consequences of membership on the emerging Spanish system of territorial power was the frequent subject of controversy. ACs, especially those having more devolved powers by that time, were especially concerned with the eventual recentralizing effects if the central government was tempted to ignore their interests and competencies when negotiating in Brussels, or to directly assume the implementation of EC law. Due to these perceived threats, they exercised a gradually increasing pressure on the central government to compensate ACs for these encroachments of the supra-national and the national levels on their competencies. For some years, there were neither mechanisms to guarantee regional input into the Spanish negotiating position nor a clear willingness of the central government to take ACs on board in European issues. Besides that, most ACs were more concerned with the costs of implementing European law and receiving funds than with policy making. Increasingly, however, and partly urged by the Constitutional Court jurisprudence, the central government showed more willingness to accept the demands for participation both in the ascending and the descending phase, establishing a peculiar internal model of participation partly based on the German one. Regarding the participation in EU decision-making bodies, the process was still harder, since Spanish regions did not participate in *comitology* sessions until the late 1990s and the Council of the EU has only recently been opened for participation of AC ministers. The internal model of participation of the ACs in the EU policy of Spain is

now organized around two key elements: the participation through inter-governmental channels at home and direct regional participation in Brussels.<sup>2</sup>

### *The Participation through Inter-governmental Channels at Home*

In the absence of an effective second chamber with a territorial role, the basic institutional framework for co-operation between the central and the regional governments in European affairs is a multi-lateral inter-governmental council (formally named ‘Conference on EU Affairs’ or CARUE after its initials in Spanish). The CARUE, formed by the central and regional ministers responsible for EU affairs regulates and monitors regional participation on EU affairs regarding general and cross-cutting issues, but is also connected to the different inter-governmental ministerial councils or conferences that exist for every policy sector (*Conferencias Sectoriales*). Since 1994, the CARUE has adopted a series of agreements that served to shape the general model of regional participation in the EU policy-making process. These agreements have provided for:

- the access of ACs to information on proposed and adopted legislation by EU institutions
- the contribution of ACs in setting the negotiating position of the central government through the formation of a common position on the part of the seventeen ACs<sup>3</sup>; and
- the presence of the regions in the Commission *comitology* (agreed in 1996) and, particularly, in some formations of the Council of the EU (agreed in 2004), through the incorporation into the Spanish delegation of one regional minister to represent all the ACs—who may on occasion enjoy the right to speak on behalf of Spain.

During the last two decades the CARUE has increasingly become institutionalised and it now holds an average of 2 – 3 meetings per year, although its activity has paradoxically declined since 2004, with the achievement of some of its initial objectives, such as regional participation in the EU Council. In addition to the first political level of CARUE, a second-level Coordinators Commission formed by high officials has developed, with more frequent meetings.<sup>4</sup> Also, the development of the system led to the creation of specialized subcommittees for the monitoring of co-operation on EU affairs within the different sectoral ministerial councils. Interestingly, three parallel bi-lateral committees on EU affairs of the central government with Catalonia, the Basque Country and the Canary Islands have been established, although with very scarce activity (Colino and Parrado, 2009).



### *Direct Regional Participation in Brussels*

Catalonia, the Basque Country and Andalusia were the first ACs to open semi-public offices in Brussels during the 1980s and early 1990s. After a legal conflict about the right to establish official regional delegations abroad, a judgment by the Constitutional Court in 1994 supported this possibility and all the 17 ACs decided to open an office. Significant differences can be found in the allocation of human resources among these offices, which, to a certain extent correlate with the size of the regional budget, ranging in staff from two to 20 persons. There are also significant differences regarding legal status: increasingly, some ACs (e.g. Andalusia, Cataluña, Basque Country) have tended to reinforce the political dimension (or even para-diplomatic dimension) of their Brussels' offices, granting them the status of Directorate General and 'official delegation' of the regional government. Apart from these differences in legal character or hierarchical status, the offices of the ACs in Brussels share the general objective of representing, defending and promoting the interests of their respective Autonomous Communities before the institutions of the EU (see Nouvilas, 2012; Tuñón, 2013). They also exercise a series of basic functions: first, they carry out a permanent monitoring of legislative proposals and other European actions that can affect the political and economic interests of their region. Second, they are the primary recipients of information and documentation from the Spanish Permanent Representation and act as a channel of communication to their respective governments.<sup>5</sup> Third, they carry out advisory work on issues related to legislative initiatives, such as writing reports and dossiers. Finally, they carry out an important lobbying function with EU institutions and bodies (particularly the CoR and the Commission) and participate in networks with other Spanish regional offices and those of other EU member states. However, after the fiscal crisis set in, affecting regional budgets drastically, at least two regional governments (Castilla-La Mancha and Asturias) decided to close their offices in Brussels.

As mentioned above, the CARUE decided in 2004 to allow regional participation in the Council. However, the incorporation of a regional minister in the negotiations of the Council depends on the willingness of the Spanish central government to open such participation. This only applies now to five formations of the Council (Agriculture and Fisheries; Environment; Employment, Social Policy, Health and Consumers; Education, Youth, Culture and Sport; and Competitiveness in some cases).<sup>6</sup> The specific issues, the common positions to be defended and the region in charge to represent the 17 ACs—from the working group negotiations to the ministerial

meeting level—are decided at the CARUE and the specific sectoral ministerial councils. Under these premises, the regional representatives enjoy full membership in the Spanish delegation and can speak in agreement with the head of the Spanish delegation (a central government minister) but may not oblige the Spanish State (see Castellà, 2008; Noferini, 2012).

## The Evolution of Regional European Positions and Strategies of Spanish Regions and its Determinants

Overall, three main periods could be distinguished in terms of general positions towards Europe and regional strategies: before enlargement (1989– 2004), after enlargement (2004– 2009) and in the wake of the crisis (2010 – 2013). We look at these in turn.

### *Before Enlargement (1989 – 2004): The Move towards Brussels and the Building of the Model*

Regional positions towards EU in this phase were largely favourable, even enthusiastic, although regional governments soon realized the centralizing potential of integration. Structural funds and other modernization effects outstripped the risks. This position was maintained in most ACs almost until the referendum for ratification of the Constitutional Treaty, where several nationalist parties, mainly on the left, criticized what they saw as a Europe of the States. Some ACs had also been critical with the European Convention process (regions were excluded as full members) and the resulting draft of a constitutional treaty. Others sought to actively use the opportunities that were offered.<sup>7</sup>

Regarding their participation and inclusion strategies, due to lack of agreement with the centre in the late 1980s, some ACs initiated direct informal contacts with the EU institutions, seeking to boost their presence in Brussels through the information offices modelled on the ones established by the German *Länder*. ACs demanded participation in all policy stages and at all levels of EU affairs. They also carried out studies and prepared campaigns to generate awareness and influence through collaboration with other groups from civil society with similar interests. Regarding their co- operative strategies, ACs began to collaborate with each other in the early 1990s, seeking to reach common positions on EU institutional issues, such as the establishment of the Committee of the Regions introduced in the TEU, a common position that the Spanish central government supported during the Inter-governmental conference (IGC) prior to the Maastricht Treaty. Other

examples of such horizontal co-operation in EU affairs include the work carried out by the Coordinating Commission of the CARUE, leading to a regional common position in the IGC in Amsterdam, or the Constitutional Treaties, the agreements that led to the designation of representatives from all the regions in the committees of the Commission open to their participation. These committees were divided up with each AC given responsibility for one committee, and also having agreed to the rules that determined the position of the regional representatives. Other additional examples of increasing collaboration included reaching agreements on common positions within the sectoral ministerial conferences, exchanging information and proposals between regions and the central government on ideas for transposing and implementing European law in each region, and the informal participation of regional representatives or experts in the Spanish delegation. Finally, during this period we also find the first attempts at collaboration between the newly created regional offices in Brussels.

ACs also initiated an active collaboration with other European regions through the CoR or within European regional associations such as the AER (Assembly of European Regions), where Spanish regional leaders, such as the president of the Catalan government even held the presidency and through initiatives for cross-border co-operation. The Spanish ACs were comparatively very active players in EU constitutional debates of the European Convention (Bourne, 2006).<sup>8</sup> As other regions with legislative powers, Spanish ACs became unhappy with the equal status that local and regional representatives have in CoR; some of them (Catalonia, for example) asked for a two-chamber solution, like the one adopted by the Council of Europe's Congress of Local and Regional Authorities, but their attempts proved useless.

Catalonia participated in the group of six 'constitutional regions' from Germany, the United Kingdom, Austria and Belgium, but afterwards concentrated on the broader project of a group of regions with legislative powers (RegLeg), where Spanish ACs had a leading role. Eleven ACs signed up to at least one of the main RegLeg declarations on the Nice and the Constitutional Treaties. Five of them signed the three declarations. Additionally, all AC presidents are members of the CALRE (Colino *et al.*, 2009).

### *After Enlargement (2004–2009): Avoiding Recentralization and Saving Cohesion Policies*

EU enlargement deeply affected EU cohesion policy and therefore Spanish

ACs, who had been great beneficiaries of structural funds.<sup>9</sup> At the same time, the enlargement coincided with a shift in the thematic priorities of cohesion policy. Structural funds under each of the new objectives of cohesion policy ('Convergence' and 'Competitiveness and Employment') would have to be used for projects that could contribute to the Lisbon objectives. The general position of the ACs during this period thus became less enthusiastic and more defensive towards European integration. During the negotiations of the 2007 – 2013 and the 2014 – 2020 financial frameworks, ACs have joined forces with the central government in their defence of cohesion policy. Jointly and in alliance with the DG Regio of the EU Commission, they provided a counterweight to the member states that are net contributors to the EU budget, and who therefore sought to minimize further rises to the EU cohesion budget. Spanish ACs, which formally are largely absent from the domestic and EU decision-making bodies on cohesion policy, were very active forming alliances with other EU regions such as the recent 'Convergence Regions on the Way to Cohesion', in which the regional governments of Andalusia, Castile-La Mancha and Galicia participated, along with other sub-state governments from Germany, Slovenia, the UK and the Czech Republic. These regions, all of which will probably exceed 75% of the EU average GDP by 2014, would no longer be eligible for structural funds. They organized activities and campaigns to highlight this situation and to inform the debate on the future of regional policy (Hombrado, 2013). ACs have thus been very active in the negotiations of the Multiannual Financial Framework 2014 – 2020, in particular the future of the CAP and cohesion policy, but they seem to have utilized different participation strategies and channels—a domestic strategy in the case of the CAP, and a European strategy in the case of cohesion policy—(Kölling, 2014).

The new openness to regional participation of the Socialist central government that came into office in 2004 led to the previously mentioned Agreement on the participation of the autonomous communities in the Council of the EU and the appointment of two regional observers or representatives at the level of the Spanish Permanent Representation. New initiatives of regional horizontal coordination were thus induced by their participation at the Commission committees—e.g. exchange of information and databases of committees operated by Castilla y León. At the same time, all Spanish ACs supported the development of the 'early warning system', and some proposals and measures of the central government to protect minority regional languages in EU institutions (translation of the Constitutional Treaty, regional minority languages as official EU languages etc.).

In the domestic arena, various ACs sought to institutionalize the existing

participation channels through their inclusion and formalization within the amended regional statutes of autonomy from 2006 to 2009. These innovations were upheld by the Constitutional Court (Carmona, 2013).

*In the Wake of the Crisis (2010 – 2013): The Requirements of the EU Fiscal Compact and the New Catalan Go It Alone Strategy*

Enthusiasm for the EU has clearly declined in the wake of the current financial and fiscal crisis affecting Spain. Fiscal consolidation targets imposed by European authorities in the context of the excessive deficit procedures and the sovereign debt crisis emerging in 2010 have brought about austerity policies that affect especially the ACs and their spending responsibilities towards citizens. In the summer of 2011, Article 135 of the Spanish Constitution was amended, with support of the two main state-wide parties, to entrench the objectives of fiscal stability that were also to be approved soon after in the European Fiscal Compact. ACs were not consulted on the reform of Article 135, which caused tensions with regional nationalist parties. Due to this bi-partisan support, the central government did not rely on the consent of these parties for reaching the minimum super-majority that is required to pass a constitutional amendment. However, ruling Catalan nationalists agreed substantively with the contents of the reform. The 2012 adopted Organic Law on Budget Stability and Financial Sustainability modified the previous budget stability law by forcing all public administrations to meet their deficit and debt targets. Its main novelty comprises a system of early warnings and compulsory compliance and sanction procedures, forcing AC governments to report to the central government and even send their budgetary plans for supervision before they are adopted.

With the coming into office in 2011 of a new conservative government that is less open to regional participation, involvement in EU matters has become another controversial issue between the central government and some ACs, especially Catalonia (Beltrán, 2012). If regional nationalist parties had sometimes demanded unmediated participation at EU institutions when their special competencies are affected (Basque Country, the Canary Islands, Catalonia), the central government had always rejected this possibility although it accepted some bi-lateral arrangements for EU affairs, but mainly alongside multi-lateral channels of participation.

By the end of 2012, however, a new constellation, potentially more confrontational, has arisen with Catalonia and a radical change of its domestic and European strategy. The disappointment of Catalan nationalist politicians with the final outcome of the reform of its Statute of Autonomy, deemed partly

unconstitutional by the Constitutional Court, has combined with an increasing secessionist sentiment among the Catalan public nurtured by the financial and fiscal crisis. This led the Catalan premier to move in a quite unexpected direction and declare a sovereigntist platform that included Catalonia's aspirations to become an independent state and its desire to accede to the EU as a new member state. This generated a discussion on the possibilities of a so-called 'internal enlargement', with several official positions opposing this thesis of automatic accession in case of secession. These interventions include indeed the Spanish government,<sup>10</sup> but also the European Commission<sup>11</sup> and the CoR<sup>12</sup> itself.

Catalonia, which so far had collaborated actively with other ACs and European regions, also initiated a whole new strategy of European diplomacy. In November 2012 Catalan Prime Minister Mas visited Brussels to publicly present his sovereigntist plan but was not received by EU authorities and his plans did not encounter much public attention or support in Brussels. The EU Commission and the CoR made the case that Catalonia would have to apply for EU membership, which in turn made the Catalan government realize the complications involved in an automatic accession without a regular application procedure for new member states (Molina, 2012). So the pro-European enthusiasm of Catalan sovereigntists seems to have cooled down. On the other hand, this new proto-diplomacy has also affected economic issues. Since January 2013, the Catalan government has established contacts with some EU authorities to try to convince the Government of Prime Minister Rajoy of the need to ease the deficit target for the Spanish regions this year.<sup>13</sup>

### Effects of EU Membership and Regional Adaptation Strategies on the IGR System and the Power Balance: Towards More Coordination and Centralization?

Until recently, the domestic coordination mechanisms on EU matters as well as the mechanisms of direct access to European institutions clearly favoured the Spanish central government. Now, with the increased participation of ACs in EU bodies, the Spanish position has to be negotiated at home more frequently. First experience indicates that the new system of participation both in the working groups of the Commission and in the Council is having positive consequences in terms of legitimacy of the system in the eyes of the regions and has even reinforced the Spanish position in Brussels. The active participation of the ACs in the Spanish delegation may produce, apart from a better knowledge in terms of policy making and proposals, an improved 'loyalty' and 'solidarity' of ACs with the national

government in Spanish European policy (Ramón, 2005; Noferini, 2012). At the same time, so far, the system of participation has by no means jeopardized the ability of the central government to speak with one voice in EU policy making. Greater coordination does not seem to have implied centralization but rather a higher quality of inter-governmental co-operation. Efficiency does not seem to have been affected either, since the Spanish central government retains its ability to decide in case agreement is not reached. Membership coordination requirements have also affected the system in another fashion, since historically they have been a major consideration and a justification of the two largest state-wide parties to promote the equalization of ACs competences and overcome the initial asymmetry of powers.

Besides that, and according to most of the evidence we have, EU membership has had a substantial impact on Spain's state organization by creating new institutional structures and by (partly) modifying the nature of inter-governmental relations (Börzel, 2001). EU membership has led to changes in the organizational structures of the central government as well as that of ACs. Certainly, although not all regions have shown the same ability or willingness to co-operate and participate in EU affairs, the growing involvement within the CARUE and other sectoral ministerial councils has favoured multi-lateralism over bi-lateralism in the system. The CARUE seems thus to have set standards of co-operative behaviour for other sectoral conferences. Also, new bodies charged with European policies have arisen and the size and pervasiveness of European policy have required all governmental departments to focus on EU issues and the development of internal administrative co-ordination procedures on EU affairs in all ACs. In most cases, European affairs coordination bodies have been established within the regional president offices or under the regional treasuries departments. Some of these changes have directly reinforced the resources and the role and position of the ACs in the European arena (see Cienfuegos, 2000; Noferini *et al.*, 2010).

### *The Emergence and Development of Coordination over Time (1997 – 2005): Multi-lateralism Despite Asymmetry*

In the 1990s, regional governments created various types of bodies aimed at coordinating both the formulation and the implementation of European law and policies. Each region developed its own institutional structure according to its strategy. Strategies of self-assertion and control in some ACs led to demands for a model of bi-lateral relations, with little horizontal collaboration. However, co-operative, participatory and innovative strategies

dominated, thus reinforcing trends towards increased vertical and horizontal co-operation due to European functional imperatives and restrictions. Their preponderance as adaptive strategies resulted in strengthened multi-lateral mechanisms of coordination and the reinforcement of consensual and informal decision-making styles, mutual trust and constitutional loyalty.

The previously mentioned CARUE Agreement established that each sectoral ministerial conference developed its participatory procedures on EU affairs. Although there have not been many systematic studies considering the extent to which the 1994 Agreement was formally or informally incorporated in each ministerial conference, it seems that it was not followed in all cases. Additionally, problems remained regarding the inter-governmental vertical flow of information on European matters. In the first years there were few cases of the ACs adopting common positions that would bind the central government in its negotiating position. The 2004 CARUE Agreement on participation in the Council seems to have been more successful and led to the adaptation of procedures and even regulations within 10 sectoral ministerial councils.

However, according to some authors, EU policies and ACs' participation has not necessarily had a co-operative effect in all policy sectors. By looking at the cohesion policy and the audio-visual sector, it seems that Europeanization has changed national policies much more than domestic decision making or vertical coordination structures (see Morcillo, 2009).

### *Increasing Horizontal Relations (2005–2010)*

After the 2004 agreement for participation in the Council of the EU, there is strong evidence, however, that this new venue for regional participation has had a series of horizontal effects as it has fostered horizontal coordination among ACs. To implement the participation system correctly, there is a need for coordination between ACs to choose one of them that will act on behalf of all ACs,<sup>14</sup> and to come up with a common opinion to be conveyed to the central government and be 'taken into account' and integrated into the Spanish position in the EU Council.<sup>15</sup> Similarly, the need to send representatives to the advisory committees of the European Commission has also increased the number of horizontal agreements between the ACs.

Thus far, these coordination requirements have translated into the holding of numerous meetings to designate the regional representative to accompany the Minister to the Council and define a common regional position. In these meetings central government representatives may be occasionally invited but they may normally be held among only regional representatives. Since 2005, regional ministers have already attended dozens of meetings of the EU



Council and have been able to speak their own regional co-official languages. New informal coordination procedures to reach a common regional position and then to negotiate it with the position of the central government have been created through daily practice and sometimes on the spot either in the contexts of domestic inter-governmental bodies or in Brussels, in the network developed by Spanish regional offices.

With respect to the outputs of horizontal collaboration in EU issues, ACs have become progressively better at finding common agreement or ‘common positions’ since the agreement requirements has entered into force in 2004. The involvement of a common AC representative, speaking on behalf of all Spanish regions in EU advisory committees and in inter-governmental negotiations with the central government, fosters inter-regional solidarity more than competition, and one can observe some degree of emulation, whereby all seek to demonstrate their ability to defend the interests of all, while respecting the interests and peculiarities of each.

*The New Challenges for ACs after Enlargement: Negotiating the EU Financial Perspectives and the Impact of the Crisis—Authority Migration towards Madrid or Brussels? (2010–2013)*

The analysis has shown that since 2004 significant improvements have been made in terms of regional participation in EU decision making, both domestically and at the European level. We should not ignore, however, several limitations of this participation in the negotiation of several EU policies. These shortcomings have been highlighted in the last years with the reform of EU Cohesion policy and other negotiations on fiscal or budgetary policies. It seems that the current model of domestic participation and cooperation of regional governments in EU affairs has been largely sectoral in nature. Within this sectoral model increasing inter-governmental cooperation at the administrative level has been achieved and also political agreements allowing for effective participation of the ACs in the design and negotiation of European policies. For cross-sectoral issues and institutional reform issues, however, the existing mechanisms (parliamentary joint Commission for EU affairs or the CARUE) have shown more deficiencies (Carmona and Kolling, 2013).<sup>16</sup>

The negotiation of the EU Financial Perspective 2007 – 2013 and 2014 – 2020 excluded ACs from the formal process of deciding on the EU Budget and the basic regulations for the use of structural funds, which are decided by the European Council and European Parliament, based on a proposal of the European Commission. In view of this, open public consultations by the

Commission offered the main channel for regional participation in the formulation of new European cohesion policies.

The developments related to the Euro-zone crisis (the ‘Six Pack’ or the ‘Fiscal Compact’) have affected the Spanish IGR system more fundamentally with a marked centralizing effect on the federal power balance in Spain. The new Organic Law 2/2012 on fiscal stability essentially mimics the EU Fiscal Compact, treating ACs as member states—they may thus be ‘intervened’, ‘bailed-out’ and their budgets closely monitored by the central government—(Ruiz-Almendral, 2013). Some ACs have also passed their own fiscal stability regulations.

The new Law changes the existing legal framework in different ways. The main change is the substantial limitations of ACs’ leeway for borrowing and deficit spending. During the second phase of the crisis, measures taken by the central government such as the constitutional amendment relating to stability regulations and the increased control over regional budgets and some austerity measures had also obvious centralizing consequences on the system. It is debatable whether this shift of authority has been intended by the central government or has been forced on the latter as an additional constraint of EU membership alongside the credit markets. If this were so, the cause of centralization would be located more at the EU than at the Spanish level (Colino and Del Pino, 2014).

## Conclusions

This article has looked at Spanish regional mobilization and adaptation to Europe trying to test three expected trends in a new post-enlargement and post-Lisbon environment further affected by the 2010s Euro-zone crisis: (1) a less enthusiastic position towards the EU integration process, (2) a more state-centric rather than unmediated strategy to voice regional interests in Brussels and (3) a more centralized IGR dynamics in the domestic sphere.

The position ACs have taken with regard to the process of European integration has grown increasingly disenchanted, mostly in the most influential and resourceful ones, but also in poor ones. Less funds, European-induced austerity policies, loss of ideological attraction for regional nationalist parties and growing public disaffection in general explain the end of the pro-European regional enthusiasm that dominated during the first two decades of Spanish membership.

Regarding strategies, through various phases they have evolved towards collaboration with the centre and a mixed choice of both mediated and unmediated channels depending on the European policies involved and the functioning of the multi-lateral inter-governmental arrangements. No

competitive or bi-lateral relations have developed in EU issues despite the differences in European interests and the preferences of nationalist parties for bi-lateralism, but certain defensive or preventive strategies have been implemented alongside other EU regions. All ACs have also fostered inter-regional co-operation and horizontal coordination in Brussels and at home for EU affairs, despite some deficiencies of the IGR arrangements. While not all the regions have demonstrated the same capacity or desire for co-operation, increasing participation in European matters within the CARUE seemed to have favoured multi-lateralism and increased coordination.

Lately, in the wake of the crisis and increasing secessionist sentiment, a different strategy of going it alone has emerged in Catalonia. It is probably too early to evaluate the implications of this radical change in the Catalan strategy for the future development of the Spanish IGR regarding EU. Relations between the central government and ACs will probably suffer, as it is demonstrated by a new draft law on the 'external' action of the State (now being discussed in the central Parliament). This law sought originally to reinforce central control, including delegations in Brussels and even trips of regional officials within the EU. It is also predictable that multi-lateral relations among the 17 ACs in the CARUE or in Brussels may worsen, as non-nationalist regions are now much more distrustful about Catalonia (claiming it aspires to independence in the EU), which is bound to lose its traditional role as a potential respected leader of all the Spanish regions in the EU.

Finally, looking to the impact of these changing regional mobilization patterns in the internal workings of IGR, the CARUE appeared to have set patterns of co-operative behaviour for other policy areas, which meant a typical trend of Europeanization of the general system of inter-governmental relations in Spain. Adaptation to the EU in the form of horizontal and vertical coordination requirements induced by EU policy making and funds intensified co-operation without producing further centralization, in part due to the fact that the central government already had a key role. More recently, however, the crisis and stability regulations and associated budget consolidation targets in recent years have clearly induced a centralization of power towards the central government and EU authorities, and a loss of discretion for ACs. This centralizing effect has been countered by more inter-regional competition or decentralization demands at home, in some cases even contributed to secessionist demands. Therefore, the impact of the EU may reinforce some internal tendencies such as coordination, but can also foster competition and centrifugal tensions.

## Notes

<sup>1</sup>Recent work has particularly focused on regional interests and mobilization, the mechanisms of coordination and regional participation in EU policy making (Colino *et al.*, 2009; Tuñón, 2009; Beltrán, 2010; Morata, 2010; Sánchez-Amor, 2010; Colino, 2011); EU-induced changes in domestic inter-governmental arrangements and policies in various sectors (Börzel, 2001; Colino and Parrado, 2009; Morcillo, 2009; Noferini *et al.*, 2010); the different European interests of ACs and their ability to channel participation in EU constitutional matters and attain coordination through bilateral and multilateral mechanisms or through some kind of asymmetry in EU affairs (Roig, 1999, 2002; Nagel, 2004; Ribó and Roig, 2005, Bourne, 2006).

<sup>2</sup>For the main elements of this model and its constitutional basis, see Roig (2002), Martín (2005), Ramón (2005), Beltrán (2012) and Carmona (2013).

<sup>3</sup>For EU issues affecting exclusive legislative powers of the ACs, and provided they succeed in reaching a common position among them, the agreements required the central government to take that common position into consideration when defining the national negotiation position of Spain in Brussels. For issues affecting shared powers between the centre and the ACs, and in case an agreement exists between the ACs' common position and central government's view, that common position should determine Spain's initial negotiating position in Brussels. In practice, these rules have not always been followed due to several difficulties.

<sup>4</sup>It should be noted that the system is based on cooperation among regional and national executives with no role for parliaments.

<sup>5</sup>Since 2004, two regional affairs officials work at the Spanish permanent Representation as 'regional observers'. This arrangement was largely modelled after the German *Länderbeobachter*.

<sup>6</sup>Note that none of these Council formations includes the key multi-annual financial perspectives or cohesion policy negotiations.

<sup>7</sup>The special provisions for regions with legislative powers of the so-called Lamassoure proposal were ignored and no special status was granted in the Lisbon Treaty.

<sup>8</sup>The then President of the Valencian AC, Eduardo Zaplana, initially played a leading role as a CoR observer of the Convention (Zaplana was the CoR's first vice-chair, chair of the CoR's Working Group on the European Convention, and initially one of the six CoR Convention observers).

<sup>9</sup>Most new members had a per capita income lower than the European average. European funds received by the old member states were thus reduced, as a result of the new countries being relatively poorer and the decrease of the GDP per capita within the EU (the so-called 'statistical effect'). Moreover, the financial perspectives for 2007 – 2013 established that new member states would receive 51% of the structural funds, even if they represented less than a third of the EU population.

<sup>10</sup>See Ministerio de Asuntos Exteriores (2014) fully endorsing the analysis made by Crawford and Boyle (2013) in a report published by the British Government. According to this interpretation, in case of independence, Catalonia would leave the EU and, should it want to re-join, it may apply for new membership, but even the candidature to start the admission negotiations would have to be accepted unanimously by all member states, including 'rump' Spain.

<sup>11</sup>The President of the Commission, Jose' Manuel Barroso, has reiterated several times during 2012 and 2013 the doctrine that "the EU is founded on the Treaties which apply

only to the Member States who have ratified them and, if a part of the territory of a Member State would cease to be part of that state because it were to become a new independent state, the Treaties would no longer apply to that territory, which would become a third country with respect to the EU". The President of the European Council Herman van Rompuy has publicly agreed with this interpretation while the President of the European Parliament, Martin Schulz, underlined in July 2013 that Catalan claims must be channelled through the Spanish Constitution and not the EU treaties.

<sup>12</sup>The CoR adopted at its plenary session on 12 April 2013 the opinion 'Devolution in the European Union and the Place for Local and Regional Self-government in EU Policy Making and Delivery' (Rapporteur: Prof. Franz Schausberger [AT/EPP]). The majority of CoR members agreed on the view that in accordance with Article 4(2) TEU, developments "in the direction of the independence of a region should be seen as an internal matter for the state concerned"; and that "if a region, having achieved independence, wanted to join the EU, it would be required to make a formal application to the Council and to follow the accession procedure under Article 49 TEU in the same way as any other country that wished to become an EU Member State" (points 62 and 63). The CoR rejected, by 120 votes to 18, the amendment proposed by the delegates of Catalonia, Basque Country and Scotland for the CoR to recommend the European Commission to "reflect on the conditions for the recognition of new sovereign states within Europe".

<sup>13</sup>*La Vanguardia*, *Catalunya inicia contactos con la CE para flexibilizar el déficit autonómico*, 8 Jan 2013.

<sup>14</sup>Agreements adopted in various sectoral ministerial conferences affected have established various criteria for the appointment of a regional representative to participate in the EU Council alongside the Spanish minister. The chosen criteria, sometimes after long discussions, which in some cases have subsequently been changed, have been different across ministers' conferences, since in some policy sectors involvement in the EU level was more desired by ACs than in others. In those cases where all of them were interested in getting involved, some objective criteria had to be found to establish an order and then rotate in their participation. In cases where it was not possible to agree on an objective criterion, the alphabetical order has been utilized or lots have been drawn, in cases such as the agricultural common policy where all ACs were similarly concerned by the European policy. In some cases, such as education, there were problems to agree in the criteria for choosing the regional representative. In other cases, other criteria has been used such as the order of approval of the regional Statutes, or the population size. In still other cases a more *ad hoc*, qualitative criterion, more difficult to apply, was preferred, such as the salience of the issue for particular ACs, (see Colino and Parrado, 2009). In most formations of the EU Council, ACs governments act as representatives of all regions for periods of six months.

<sup>15</sup>This 'taking into account' obligation contained in the Agreement has not necessarily meant that this position is binding on the Central government, although for some experts the rules would warrant those interpretations.

<sup>16</sup>The CARUE has initiated a process to pinpoint these shortcomings and improve the participation system. In 2009 it decided to form a working group made up of representatives from six ACs and the Ministry for Regional Policy for the purpose of reforming the internal operating procedures of the Conference. As a result, in 2010, the CARUE agreed to modify its internal procedures, although they remain rigid.

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