

Creating European Policy from a Regional Perspective – the Innovation of Transition Regions within the Regional Policy of the EU. Evidence from Saxony-Anhalt

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Abstract

Looking from a regional perspective at the interests of regions and what they can and would do to achieve their goals, this paper analyzes the contribution made by regional politics to European policymaking processes by examining the activities of the German *Land* Saxony-Anhalt in a discussion of transition regions and transitional aid within European cohesion policy. Timing and the successful use of resources and available channels are elements in Saxony-Anhalt's strategy for early mobilization and addressing its interests at the supranational level (that of the European Commission and the Committee of the Regions), as well as within intrastate channels (Europaministerkonferenz, Bundesrat).

Keywords: regional mobilization; multilevel governance; cohesion policy; transition regions

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1. Introduction

The multilevel governance aspect of the functioning of the European Union has been developed with special regard for the European Regional Policy and the role of subnational actors, particularly in implementation processes. Marks describes the multilevel governance of the EU as “a system of continuous negotiation among nested governments at several territorial tiers” (Marks 1993: 392). The implementation of European policies does not necessarily include participation in negotiating the regulations. However, regions may become involved in European policymaking processes by availing themselves of their opportunities for interest representation or lobbying. The activity of regions at the European level has been examined by a number of scholars, with special attention devoted to their activity in representing their interests and their influence on European policies at the European level (Tatham, Rowe). Even

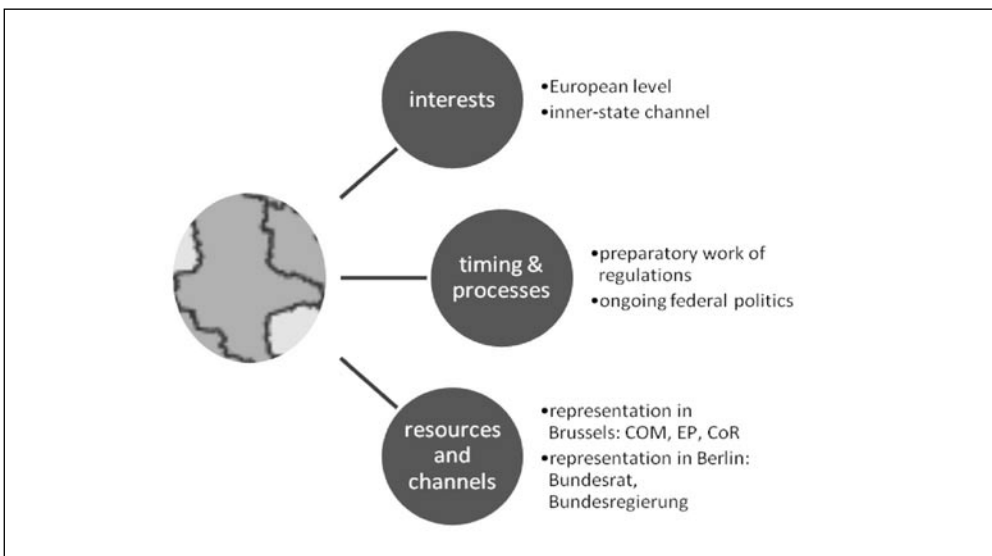
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though mobilization does not immediately mean influence (Jeffery 2000), this does not mean regions should not pursue their interests.

The European Regional policy offers a specific environment for the engagement of regions in European affairs. Even though negotiations for the allocation of European funds take place among the Member States, regions may get involved at earlier stages, during preparation of the regulations. GDP criteria and the enlargement processes of the European Union have triggered changes in the calculus of funds available to regions within the EU, due to statistical effects. These changes are connected with decreases for some regions. Due to the financial crisis, such decreases in the allocation of European funds would be even more severely felt. The Cohesion regulations package for 2014–2020 has introduced a new category of regions, namely that of transition regions. However, this idea of transitional aid is not a novelty within cohesion policy. Transitional rules have been also part of the cohesion regulations for the period 2007–2013. Regions within the EU affected by the statistical effect, have been mobilizing and addressing these changes since the early 2000s, such as with the case of the Land Saxony-Anhalt.¹ This paper will thus take a closer look at the activities of Saxony-Anhalt as they relate to the topic of transition regions, from the perspective of the multilevel character of governance within the EU.

As regards the participation of regions in the processes of European multilevel governance, the research question addressed by the paper has to do with the potential for good practice that might be used by other subnational actors, as well. To be more precise, the analysis will focus on the situation in which regions participate, such as when they have a specific interest and when and how they engage and mobilize their resources, to illustrate the specific mobilization actions taken by Saxony-Anhalt which might be adopted by other subnational actors, as well.

Figure 1: The dimensions of analysis from the regional perspective:



Source: Author's illustration. The map depicts Saxony-Anhalt and is part of the eligibility map on p. 17.

The starting point for the analysis is that the specific interest is defined within the political guidelines of the regions' institutions. Further, the resources available for the regions are put into action by using the access channels available in order to intervene in European policy-making processes at an early stage. Starting from this notion, the paper goes on to describe the constellation used by Saxony-Anhalt to bring a specific issue into the European policymaking debate, namely the idea of the transition region as a category by itself, into the Cohesion policy for 2014–2020. Thus the paper looks at European policymaking from a regional perspective with three dimensions: interest, resources and channels, and processes and timing.

The main sources used for this analysis are documents released by institutions within Saxony-Anhalt, by European institutions and by German federal institutions. Moreover, the newsletter of the office of Saxony-Anhalt in Brussels provides valuable information about the activities of the regional actors and the interaction among actors from different governance levels.

Having identified the emergence of transitional rules due to a statistical effect in the wake of the EU's 2004 enlargement as an important aspect of European Regional policy for Saxony-Anhalt, the paper explores what Saxony-Anhalt could do within European governance processes to bring its interests and input into the policymaking process.

Therefore, from the premise of regional actors being involved actively in European MLG, the paper gives an overview of the use of the access channels and resources Saxony-Anhalt has at its disposal to achieve its interest in the transition region.

The structure of the analysis of this participation focused on the topic of transition regions starts by analyzing the coalition agreements of three Saxony-Anhalt governments² in the search for political guidelines for the different terms of office. The second step is to analyze publicly available documents attesting to the actions of the regions' actors. The criterion of timing is also considered, since it is an essential instrument in trying to influence European policymaking processes. The last section presents the development of transitional rules for regions and transition regions in terms of the content of European regulations to illustrate the dynamic process of policymaking.

2. The 2002–2006 Legislative Term

During the 2002–2006 legislative term,³ Saxony-Anhalt identified its challenges as a region within the European Union and engaged in the European policymaking process by addressing actors of varying levels and promoting communication among regional and European actors.

The topic of transition aid within cohesion policy has been of interest to the Saxony-Anhalt government since its early years (2002–2006).⁴ In 2003, the region gathered allies and issued a position paper stating that the so-called statistical effect of the EU's 2004 enlargement would trigger the attention of the European Commission and pointing out that this would cause major differences in the allocation of resources from the European Funds (European Commission 2003). The position paper requested the introduction of transition aid and compensation for a loss of resources due to statistical calculations. The Saxony-Anhalt region, together with other similarly affected regions such as East Finland, the Welsh Local Government Association, Madeira and others, gave the common position for the design of European Structural Policy

post-2006 to European Commissioner Michel Barnier (State Chancellery of Saxony-Anhalt 2003) at the 2003 Leipzig conference On “The Future of European Cohesion Policy”.

The government of Saxony-Anhalt pursued the development at the European level of the policymaking process and its progression. It issued another position paper regarding the third report on economic and social cohesion of 2004, once again expressing the importance of the changes brought about by enlargement and emphasizing the need for transition aid, making further “noise” in the form of regional activities. The Commission reacted to the awareness of the statistical effect and integrated such phenomena into its further reports. There are two possibilities here. The first is that the Commission adopted this concern after receiving information or being lobbied by the regions. Or it may have come to the notion on its own.

But the government of Saxony-Anhalt did not cease its efforts. It made more “noise”, continually reassessing its position on future cohesion policy and re-approving the need to tackle the impact of the statistical effect on funding allocation. In the Cohesion Policy regulations for 2007–2013, the Commission included regions impacted by the statistical effect in the convergence goals. The government of Saxony-Anhalt welcomed this and stated that its concerns would be met.⁵ Its position paper emphasizes the success of its efforts and notes that the lack of any further transitional regulation after 2013 will not be acceptable.⁶ The need for further monitoring of the topic had therefore been preestablished.

On the other side of things, the chief of the state chancellery of Saxony-Anhalt announced support for the enlargement and the opportunity it would bring, thereby promoting further the mobilization of Saxony-Anhalt’s regional actors. He also endorsed the need for and benefits of improving international cooperation and partnership, elements that will later be of major importance for the 2014–2020 cohesion policy, as well (State Chancellery of Saxony-Anhalt 2004). Saxony-Anhalt may therefore be considered a promoter and engaged actor when it comes to shaping European cohesion policy, advancing the political preferences and interests of several regions by making use of the access channels at its disposal.

Saxony-Anhalt’s activity to do with European policies at the European level has been intensive and supported by the actions of actors from the region. The weekly newsletter of the representation of Saxony-Anhalt to the European Union in Brussels gives an overall review on the development of European policies. It also highlights the commitment of the actors within the region.

The director of the Information Office in Brussels, as the representation’s office was known in 2005, pointed to the importance of participating in consultations and discussions with European institutions as a means of including the interests of the region and promoting fair solutions for European policies. The year 2005 saw this put into practice. It was also a year which saw negotiations for the multiyear EU budget for 2007–2013 (EU Wochenspiegel 2006).

At this point, I would like to emphasize the importance of early engagement. Saxony-Anhalt contacted Commission officials two years before the multiyear EU budget had been drawn up. This financial agreement would affect allocations, as may be seen for the multiyear financial framework for 2014–2020.⁷

Moreover, the newsletter brings out the communication occurring between regional actors and actors from European institutions, as well as addresses the cooperation taking place among the German offices in Brussels as it impacts contributions to changes in the position

taken by the European Parliament.⁸ A further note of significance concerning the newsletter is the cooperation by Commissioned officers with regional actors welcomed as an attempt to learn of potential difficulties from within the territory in time to allow for policy preparation.⁹

Even though the *Landtag* would build another coalition after the election in 2006, the engagement of Saxony-Anhalt with regard to the specific topic of transition regions was pursued.

3. The 2006–2011 Legislative Term

During the fifth legislative term in Saxony-Anhalt, the Land confronted the start of the 2007–2013 funding period and the preparatory phase of the policymaking process for the 2014–2020 cohesion regulations. A prominent difficulty encountered early in the coalition agreement concerns regressing financial transfers from both the Bund and the EU (*Landtag-Sachsen-Anhalt* 2006: 6). The coalition agreement emphasizes the presence of the European dimension in the region, highlighting the connection and interdependence of the membership within the European Union.

The contribution of European funds for the development of the region is directly addressed in the coalition agreement; it is stated as an integrated part of the financial situation of the region, therefore contributing to the development of labour market policy. Moreover, programming for the European funding period 2007–2013 is also directly addressed in the coalition agreement. It is considered to make a significant contribution and the set goal is to make full use of it. In addition, the coalition agreement gives the impetus for further commitment to participation in the processes of European governance. It lays out and promotes the work of the Brussels office, along with the presence of the region at the European level and partnerships with other regions, also providing for a commitment to subsidiarity (*LandtagSachsen-Anhalt* 2006: 12, 41, 53).

The *EU-Wochenspiegel* provides briefs about meetings and discussions between members of the *Landtag* of Saxony-Anhalt – the Committee for Federal and European Affairs and the Media Committee – and officers of the European Commission, who promote their interests in cooperation with regional political, economic and social partners in making preparations for the 2007–2013 funding period. In this context, the success of integrating the Halle region from Saxony-Anhalt into the framework of the depreciating transitional aid for the regions affected by the statistical effect is addressed as well (*EU Wochenspiegel* 2007: 28–30).

In 2007, the Commission released the fourth report on economic and social cohesion. The transitional aid schemes were integrated into the scheme of state aid consequences. The report was a first step toward preparing the cohesion policy regulations for 2014–2020. For this occasion, officers of the European Commission engaged in early dialogue with representatives of the regions. A cohesion forum would also be part of a wider public debate on issues raised by the cohesion policy (*EU Wochenspiegel* 2008: 3).

The first year of the 2007–2013 funding period also pursued preparation of the upcoming 2014–2020 funding period. European Regional policy has constantly been reformed. This is why the timing dimension of engaging with policymaking actors is crucial.

4. The 2011–2016 Legislative Term

Challenges for the new government for the sixth legislative term include demographic changes, the emancipation of the budget from federal and European transfers and the challenges brought by globalization. The activities and measures taken by the authorities are based on the goals of growth and justice (Landtag Sachsen-Anhalt 2011).

The coalition partners see Sachsen-Anhalt as an equitable, self-confident Partner among the German Länder and within the EU. They consider the Land to be contributing to the development of the Federal Republic of Germany and the success of German unification. The comprehensive culture and changing history of Saxony-Anhalt make of the region a significant “brick” in the common house of Europe (Landtag Sachsen-Anhalt 2011: 8).

Palpable is a continued positive European attitude also noticeable in the actions of members of the Committee of the Regions representing Saxony-Anhalt. But from a timing standpoint, the European Commission published a regulation proposals for the cohesion package in October 2011. At this point, it was difficult for regional actors to introduce changes to the regulations. The Council of the EU and the European Parliament stated their positions, while the Committee of the Regions would also have occasion to issue a report.

Due to financial constraints intended to reduce its debts, Saxony-Anhalt pursued a financial consolidation policy. This was also dependent on the financial means the Land would have at its disposal during the new funding period (Landtag Sachsen-Anhalt 2011: 11).

The year 2011 was of great importance for Saxony-Anhalt, because proposed regulations from the European Commission for the multiannual financial framework and the cohesion package contained stipulations for regions withdrawing from the convergence goal of the cohesion policy, such as financial aid of at least two-thirds of the financial aid received during the 2007–2013 funding period. Further discussions about the future of the cohesion policy and its design took place, bringing together officials from the European Commission, members of the European Parliament and of the Committee of Regions. For regions, however, at this point in time it would be difficult to import new content into the regulations. The negotiations between the Council of the EU and the EP were based on the Commission’s proposals (EU Wochenspiegel 2012). However, further actions will take place, such as the preparation of position papers by the Committee of the Regions. The framework of the CoR would give further opportunity for an active engagement in communication with European decisionmakers. Saxony-Anhalt was actively represented in the CoR, as well, this channel being another element employed by the Land to express its position in a larger context.

5. Connecting with the Committee of the Regions

The actors of Saxony-Anhalt have also participated in debates over the upcoming cohesion policy in other arenas, such as the Committee of the Regions. On this note, it is also reported that Saxony-Anhalt organized a workshop together with the Committee of the Regions with the goal of presenting and discussing the programming process for the cohesion policy, the coming the first Land in Brussels to present its ideas about the next cohesion policy period

(EU Wochenspiegel 2006: 47). Once again, early involvement in the debate is an element of Saxony-Anhalt's strategy.

The state secretary of Saxony-Anhalt, Michael Schneider, was a rapporteur as member of the Committee of the Regions (CoR) for the third report on economic and social cohesion from the European Commission and has been active in this domain in the succeeding years, as well (EU Wochenspiegel 2006:38). He was chosen First Vice-Chairman of the Commission for Territorial Cohesion Policy of the Committee of the Regions in 2006 and later served as Chairman of the same commission between 2008 and 2010. He was then elected President of the EPP Group in the Committee of the Regions in February 2010 (Committee of the Regions 2013). His position as rapporteur as well as chair of a commission has given him the opportunity to directly address both policy issues and Commission officials and the President of the Commission during his activity within the Committee of the Regions.¹⁰ Being a rapporteur for the report on economic and social cohesion expanded the scope of his report from the issue of transition regions to the main aspects of the cohesion policy impacting on all regions. The transition regions rules affect several regions, increasing potential support for an endorsement by the CoR for introducing the category. Nevertheless, the fact that Saxony-Anhalt addressed the matter earlier, directly to the Commission, combined with the fact that the CoR rapporteur on Cohesion policy representing Saxony-Anhalt has also emphasized the need for a transition region category has enhanced Saxony-Anhalt's regional voice in the matter.¹¹

The newsletter of the Brussels office of Saxony-Anhalt provides information about joint debates taking place between the European Parliament and the CoR, high-level discussions on cohesion policy, longtime communication and networking and the exchange of different positions and meetings between the same individuals or the same individuals from the same institution. Specialized EP committees (Budget and Regional Development) have been meeting regularly, inviting members of the CoR to their meetings. They have focused on the fourth report of the COM on economic and social cohesion ahead of its release, thereby taking an active part in the discussion (EU Wochenspiegel 2007: 24).

Moreover, the CoR has been dealing with the issues within its working groups, where progress reports have been presented, such as one by the Austrian Institute for Land Use Planning. In this meeting, Schneider proposed increased transparency through the expanded presentation of such studies. A significant tool in this regard is the Open Days event, in which regions have an opportunity to gather much valuable information, as well as to communicate, network and gather experience (EU Wochenspiegel 2007: 25).

The activities of Michael Schneider include being rapporteur for the fourth report on economic and social cohesion. The position paper was approved unanimously in the COTER commission in September 2007 and in the plenary in November 2007, unanimously as well (EU Wochenspiegel 2007: 14, 36, 42). The following year (2008), the work of the CoR regarding the future cohesion policy continued. Close cooperation with DG Regio and the council presidency, seminars for the future of the cohesion policy and communication with the EP rapporteur, Ambroise Guellec, for the fourth report on economic and social cohesion, were on the agenda (EU Wochenspiegel 2009:6–7).

Michael Schneider also presented to the members of CoR in 2008 the common position paper of the German Bund and Länder for the fourth report on economic and social cohesion, emphasizing the need to maintain transition regulations for regions (Bund und Länder

2008:15).¹² In 2008, the committee for regional development (EP) and the COTER committee (CoR) met during the Open Days event. On this occasion, Michael Schneider once again underlined the need to stick with the funding of transition regions (EU Wochenspiegel 2009: 60).¹³ He has therefore taken advantage of opportunities to present the interests and experiences of Saxony-Anhalt in the discussion on European regulations.

In 2009, Michael Schneider was the appointed rapporteur for an initiative position paper of the CoR on the future of the cohesion policy. The European Commission issued a notification and invited the CoR to prepare such a paper, so that the Commission could incorporate points into its proposed future cohesion policy, announcing that new input would be released in October of 2010 (EU Wochenspiegel 2010: 43). The topic of transition regions was highly debated in 2009. Saxony-Anhalt gathered a consortium of eight regions¹⁴ during Open Days named the *Partnership of Transition Regions* to tackle jointly ways by which the EU could formulate cohesion aid for transition regions after 2013 (EU Wochenspiegel 2010: 59–61).

The opinion of the CoR on the contribution of Cohesion policy to the Europe 2020 Strategy – for which Michael Schneider was the rapporteur – states as well the need to maintain the results and ensure fair transitional arrangements (Committee of the Regions 2010a: 12).

In addition, the Minister-President of Saxony-Anhalt held discussions on transition regions with EP actors, members of the Committee for Regional Development and rapporteurs for the budget of the EU (EU Wochenspiegel 2010: 61–62). This culminated in the adoption of proposals by the Committee of the Regions or Saxony-Anhalt on personal engagement in the topic by the Commission.

“Many requests from the Committee of the Regions have been taken on board by the European Commission in the 5th Report for example the need to designate specific assistance for transition regions i.e. the regions which will lose their peak status by 2013 as a result of successful European interventions. However, the EPP/CoR President notes that the proposed concept to apply this objective to all regions with a GDP between 75 and 90% (and for those which have not yet met today’s convergence status) needs to be thoroughly discussed. He therefore proposes that a “safety net” could be established in order to prevent an excessive loss of funds in transitional regions that are still within the convergence objective.” (Committee of the Regions 2010b)

In his capacity as EPP Group president and member of the CoR, Michael Schneider continued his work, meeting again with commission officers and discussing cooperation opportunities and working groups. He also served as rapporteur for regulation for the European Fund for Regional Development in 2012 and has promoted the CoR’s position during regulation negotiations.

6. Saxony-Anhalt and the Bundesrat

Under German federalism, the Bundesrat is the institutional access channel for the *Länder* to participate in the federal legislative processes. It also serves for the issuance and communication of position papers from the *Länder* to the *Bundesregierung*, which must take these into consideration in preparing the German position for presentation at the European level (Art. 23 Grundgesetz). However, there are two major challenges here. First off, any single *Land* would

require allies to introduce a specific interest into the final position paper. In the case of transition regions, there seems to be a lack of support from all the *Länder*. Secondly, the position of the *Bundesrat* would need to be further supported by the federal government.

The way to get position papers in the *Bundesrat* is to make allies among the other *Länder* to support the position of the Land in question. Ministerial conferences are a horizontal tool which allow *Länder* to negotiate their positions and arrive at such coalitions. The *Europaministerkonferenz* has hosted a negotiation environment for the German *Länder* on European policy issues. Saxony-Anhalt has been active within this environment as well. Via this channel, the topic of transition regions has also been communicated to the federal government. This resulted in both *Bundesrat* position papers as well as common positions taken by the *Bund* and the *Länder*.

The resolution of the *Europaministerkonferenz* of December 2009 reinforced the resolutions (2007, 2008) of the *Länder* regarding the future cohesion policy that made it into the common position paper of the *Bund* and the *Länder* as well. This resolution also confirmed the interest of the transition regions. Moreover, the resolution showed that the EP and COM recognized the situation of transition regions (*Europaministerkonferenz* 2009: 2). It was, however, noteworthy that to get the federal government to consider its specific interest, Saxony-Anhalt had to arouse sympathy among the other 15 *Länder*. This sympathy would include the support for adapted rules during a transition period for those regions leaving the convergence goal (*Rheinland-Pfalz* 2010: 4).

The common position of the *Bund* and *Länder* regarding the Commission's fifth report on economic, social and territorial cohesion was essentially the first input for the cohesion policy regulations after 2013. This report already embodies transition regions as a unit and the category was used as the basis for the economic analysis. The category as such would be eligible after 2014, from the point of view of the Commission. As mentioned above, the negotiation boxes for the MFF would accept this category as such at a much later point, towards the end of 2012. For example, the German federal Ministry for Economy and Technology would state in its monthly report in 2011 that the federal government only embraces the safety net arrangement but not the introduction of a general category of transition regions (*Bundesministerium für Wissenschaft und Technologie* 2011).

The difficulty of convincing the federal government to introduce the new category of transition regions could be also looked up in the common position paper of the *Bund* and the *Länder* on the fifth report on economic, social and territorial cohesion. This common position paper actually comprises two pages of common points, 18 pages of the federal government's position paper and another 17 pages of the positions of the *Länder* on the conclusions of the fifth report (*Bund und Länder* 2011). The common position underlines that there should be appropriate and fair transition rules for the "transition regions". It also points out that these rules should be applied to regions eligible for convergence and such aid should come only from those funds. The federal government then emphasizes in its position that the creation of transition rules should be limited and declining and restricted to regions eligible for convergence, however without creating a category. But, it promotes the need for a safety net and welcomes the positive effects achieved by the use of European structural funds in the eastern German *Länder* (*Bund und Länder* 2011: 5, 19–20). The position paper of the *Länder* reveals a conflict between *Länder* that are strongly developed economically and those that

support the introduction of the new category of transition regions. The position paper does not present an argument for the new category, but only support for transitional rules to keep funding for regions eligible for regional competitiveness and employment (Bund und Länder 2011: 35).

The *Bundesrat* also released a position paper at the end of 2011 promoting the common position of the *Bund* and the *Länder* to the fifth report on economic, social and territorial cohesion. The *Bundesrat* endorses the position of the federal government, hence it does not consider it necessary to introduce a new category. However, it does point out the need for transitional financial allocation rules (Bundesrat 2011: 5).

The re-amended regulation for the common provision for European funds stipulates the category of transition regions and emphasizes that there would be no funds transferred from one category to another, except for specific reasons. The funds and percentages are specifically nominated for the three categories of regions.¹⁵

7. Summary

The efforts Saxony-Anhalt has been making to bring its interests into the policymaking debate at different stages and levels might be described as “*cooperative paradiplomacy*, understood to mean substate interest representation in tandem with its member state.” (Tatham 2010: 78) The meaning of paradiplomacy in this context has to do with the activities of substate authorities – in this case, the institutions and actors of Saxony-Anhalt – outside the federal, state and European levels. The cooperative character of its paradiplomacy implies the activities of Saxony-Anhalt’s actors both at the European level and within the structures of the Federal Republic Germany, such as the actions within the horizontal minister conferences and within the *Bundesrat*.

Tatham argues that “if interest representation is not influential, then much regional activity at the European level may be considered merely background ‘noise’. However, if regions do achieve some influence—diffuse or targeted—independently of their member states, then the whole conception of European affairs as dominated by state governments, must be reconsidered.” (Tatham 2008: 494) The analysis of the activities of the Land Saxony-Anhalt shows the difficulty of assessing the influence of regions, especially since any given region’s interests are not identical to those of all other regions within the same state. In the case of transition regions, the federal position has a slightly different approach from that of Saxony-Anhalt, namely transition rules but no new category. However, the adopted regulations¹⁶ do indeed embrace the new taxonomy, less developed regions, transition regions and more developed regions.

Tatham (2008: 503) argues that central governments allow and tolerate the lobbying activities of regions mostly in the early stages of European policymaking processes. While regions are providers of crucial data and expertise and simultaneously “voteless stakeholders” (Tatham 2008: 503), the early stage of the policymaking process offers regional actors the best chance to transform the background noise into potential influence: “the Commission constitutes an important channel of interest representation for regions, since it is both open and receptive to regional interests. Early on in the policy process it will tend to take regional

interests on board even when those contradict the interests of their member state. Later on, it is liable to exploit member-state territorial heterogeneity of preferences to bolster its own position.” (Tatham 2008: 504)

From this perspective, the focus of the analysis has emphasised the activities of Saxony-Anhalt during the fourth and fifth legislative term – 2002–2006 and 2006–2011 – because these comprise the preparation periods for the European regulations.

8. The Innovation of Transition Regions: Present and Future Stipulations

According to the Europe 2020 strategy and its flagships, synergies should be created between financial instruments, such as the European funds, and other policies in order to achieve the goals. The flexibility of implementing European funds in order to contribute to the achievement of goals might, however, be difficult when the implementing authorities have no freedom or scope for action, particularly when no financial instruments are at their disposal. This is why the topic of “transition regions” as a new category for post-2013 cohesion policy would be important, especially for some of the regions in the EU.

The cohesion policy regulations for 2014–2020 introduce a new category of regions – transition regions. There would be 51 regions involved with more than 68 million people. 13 of these regions would exceed the current convergence (less developed regions according to the new regulation) objective, thereby reflecting the success of the policy. This category would contribute to the mitigation of transition effects for regions “which have become more competitive in recent years, but still need targeted support. It also ensures fairer treatment for regions with similar levels of economic development.” (European Commission 2013b: 5)

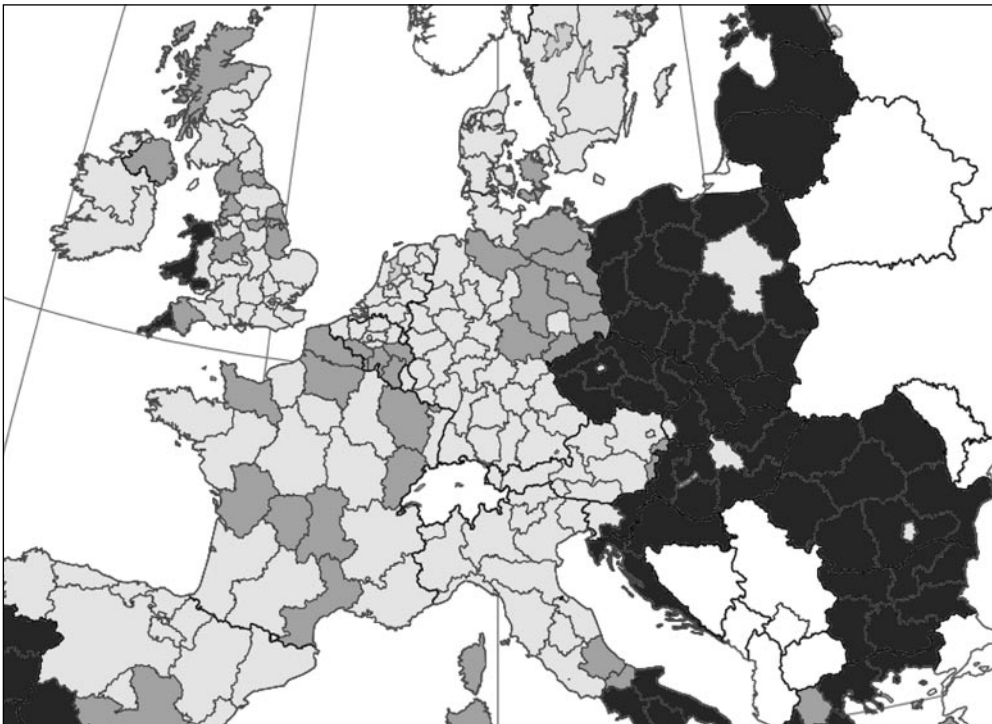
The new category comes with a new taxonomy (less developed regions, transition regions and more developed regions) that replaces the eligibility criteria used for the 2007–2013 – objectives of Convergence, regional competitiveness and employment, and European territorial cooperation. However, the statistical effect that originally triggered the creation of transition regions was also given attention in the 2007–2013 Cohesion regulations. As provided in the regulation, these would be favoured and receive transitional aid on a one-off basis.¹⁷

The new funding period is constructed on the long-term objectives of the Europe 2020 Strategy and on aligning the policy to the specific goals and targets in the fields of employment, education, innovation, research and development, climate (European Commission 2011: 1). The partnership agreements¹⁸ would be to set out commitments aimed at the objectives of the flagships of the Europe 2020 Strategy (European Commission 2010). These commitments are to be bound to indicative allocations, which depend on the types of regions: “the indicative allocation of support by the Union by thematic objective at national level for each of the CSF Funds” (European Commission 2013a: 30). Therefore, the categories of regions are a crucial element that will control the amount of available funds for regions all over the EU. Hence, there is a significant interest in easing a severe drop in available funding by mobilising and bringing specific regional interests to the table at the European level. Such would be the case for the transitional regions, which were first considered for transitional aid only until 2014. Otherwise, the mobility of regions among categories is a sign of the success of the European cohesion policy.

The question of allocation of funds is a complex issue in which both regions and member states play crucial roles. Dunford and Perrons (2012: 2) argue that the end result of the allocation process is that the formula-driven allocation mechanisms are overridden by politico-economic considerations during final allocation negotiations.

The process of establishing the budget of the European Union involves the proposal of the Commission and negotiations in the two decision-making bodies, the Council and the Parliament. The “driving force in deciding the resources available for Europe-wide policies is the Member-States”, especially deciding first on the expenditure ceiling (Dunford and Perrons 2012: 3). This was also the first element agreed upon within the Council for the 2014–2020 budget, negotiations having been finalized by October 2013 (Euractiv 2013). The details of allocating the funds based on specific eligibility criteria has had to be won both at national level and within the European Parliament. In addition, being a subject accorded great importance by Saxony-Anhalt, I would like to point out the difficulty of promoting such an interest, especially when the eligibility for being a transition region changes from one financial period to the next and depends in great measure on the GDP-formulas used. The MEP Markus Pieper (CDU) is one opponent of the new category, describing it as “an arbitrary comfort-zone for well developed regions” that would encourage laziness, given that most such regions would be in Germany, France and the UK (Europolitics 2013: 61).

Map 1: Structural Funds (ERDF and EFS) eligibility 2014–2020



Source: (European Commission 2013c, light grey shows the more developed regions, middle grey is used for transition regions and dark grey is for less developed regions).

Even though the category of transition regions was not endorsed at the beginning, its existence is entailed by the cohesion package regulations. This category sees a higher co-finance rate for a specific aid allocation method – standing between that for less developed and more developed regions and includes more flexibility for the choice of investment priorities (Europolitics 2013: 61). The negotiation box from 2013 acknowledges the existence of this category, whereas in June 2012 its existence was still debatable: “25. (b) [transition regions, whose GDP per capita is between [75% and 90%] of the average GDP of the EU-27] OR [whose GDP per capita for the 2007–2013 period was less than 75% of the EU-25 average but whose GDP per capita is above 75% of the GDP average of the EU-27] OR [there will be no transition regions].” (Council of the European Union 2012)

The course of negotiations on the MFF has seen changes in the allocation scales. The category has been kept, but the percentages for the safety net and support amount decreased for the transition regions from 2/3 (June 2012) to 63% (October 2012) to 60% (February 2013) for the safety net and from 75% (June 2012) to 64% (October 2012) to 40% (February 2013) for the support amount: “maximum level of support refers to a theoretical region with a GDP per head of 75% of the EU27 average.” (European Council 2013: 15)

There is a long road from conceiving cohesion policy to formulating it and an even more difficult path before the funding is settled. The map shows that the member states most keen to reduce the budget of the European Union are those that qualify as transition regions.

9. Conclusion

Saxony-Anhalt brought to the attention of the European Commission the fact that, with the accession of the new member states (2004), the allocation of European funds¹⁹ would shift due to the statistical effect. Saxony-Anhalt would also be affected by this. The statistical data lies at the core of the categorization of regions for European funds allocation. A reduction of funds due to the statistical effect posed a challenge for Saxony-Anhalt. In order to mitigate the reduction of the funding allocation, the actors of Saxony-Anhalt addressed the matter and asked for transition rules and the introduction of a transition regions category within the European regional policy to smooth the effects of a European funding reduction.

This paper has analysed the activities of the German Land Saxony-Anhalt in promoting its interests at European level with regard to transitional aid and to the new 2014–2020 Cohesion period. The overview of their actions reveals that the constellation of their mobilization within European multilevel governance, composed of formulating specific interests and acting as early as possible by using the access channels at their disposal, allows regions to participate in policymaking processes. In this sense, Saxony-Anhalt has made efforts for EU-wide recognition of the need for rules and the new category of transition regions. Steady communication with European policymakers and mobilization in the early stages at all available levels enhances the possibility of influencing European policymaking. Reassessing the region's position and preparing position papers shows its interest in the what the Commission is doing. The same goes for analyzing the effect of new regulations.

Defending the interests of a region currently under threat of severe cuts in its European funding allocation, such as Saxony-Anhalt, has been a set goal for its actors. This paper has

thus explored how Saxony-Anhalt took the matter in hand and addressed the key players, such as the European Commission, members of the European Parliament and federal institutions within Germany. Regional actors also attempted to join forces with other similar regions, even though identifying convergent interests proved to be somewhat difficult.²⁰

This paper has offered a brief overview of positions taken by different actors – regional, national and European – at different political and administrative levels within the European Union. Using a model of the interaction and participation of regional actors active within the EU governance processes, it has explored the interests expressed by the Parliament of Saxony-Anhalt at the beginning of legislative terms and then examined the activities of its actors. Even though not all activities were noted, Saxony-Anhalt may be considered a promoter and engaged actor when it comes to shaping European cohesion policy, advancing the political preferences and interests of several regions by making use of the access channels at its disposal.

Based on the efforts of Saxony-Anhalt to promote the idea of transition regions as a category within the European Regional policy, the paper illustrated the actions undertaken. Such practices could be inspiring for other regional actors as well. This could entail building a strategic course of action for the region and pursuing it with the resources the region has at its disposal. Elements that should be regarded by regional actors would be: being aware of which European policies might have an impact on the region and when these policies would be facing new processes of regulation, in order to address critical issues of the policy from an early stage. The element of time is thereby of the essence. But the task of monitoring European policymaking processes requires having resources at the region's disposal. In this respect, the work of representation offices of regions in Brussels contributes to the communication process with European institutions. Moreover, early access to information could be beneficial. On the other hand, the contexts from which regions can mobilize and engage in policymaking processes differ. Nevertheless, the intrastate channel of institutional cooperation could be of use, especially when it is regarded as a complementary action by subnational actors.

A systematic pursuit of specific interests rather than many general interests, along with a strategic combination of those interests, the timing of decision-making processes and the continuous use of resources and access channels, could therefore improve regions' chances of achieving their goals. The effectiveness of such actions cannot be guaranteed. However, constant engagement in European affairs and the use of the tools regions have at their disposal could enhance the contribution of regional politics to multilevel governance in the European Union.

Annex 1: Overview of the activities of Saxony-Anhalt and of European policymaking processes

Year	Institution/Level and Document		Comments
2002	Saxony-Anhalt: Coalition agreement		New legislative period LSA
2003	Saxony-Anhalt: Position paper on regions affected by the statistical effect		The issue of transition aid is requested and adopted, due to the statistical effect after EU enlargement.
2004	Saxony-Anhalt: State Chancellery Position paper of the government regarding the third report on economic and social cohesion Government statement regarding EU Enlargement	European Commission Third report on economic and social cohesion	Government Document on the future of regional funding
2005			MFF and cohesion regulations final negotiations
2006	Saxony-Anhalt: New government		New legislative period: 2006–2011
2007	CoR position paper on the fourth report Member of Saxony-Anhalt	European Commission: Fourth Report on economic and social cohesion	New European Commission
2008	Common position paper Bund-Länder on the fourth Report		
2009	Europaministerkonferenzen		
2010	Europaminister-konferenz Position papers: Länder-Bundesregierung	First inputs for policies: including for the cohesion policy Fifth Report on Economic, Social and Territorial Cohesion: transition regions are discussed as entities	
2011	Saxony-Anhalt: New government BMWl, report: no category of transition regions	Commission presents the first regulation proposals, cohesion policy package	New legislative term Negotiations
2012		MFF: “maybe no transition regions”	
2013	European level	Cohesion policy regulations	
2014	New funding period starts	EP election & New Commission	

Notes:

1. The German Land Saxony-Anhalt is one of the 16 federal states of the Federal Republic of Germany after its reunification in 1990. However, the area has a long history, being home to the Ottonians in the 10th century. In its present form, the state of Saxony-Anhalt first emerged between 1947 in 1952, but was dissolved during the period of existence of the GDR (Saxony-Anhalt 2013).
2. The terms of office of the governments concerned part 2002–2006, 2006–2011 and 2011–2016.
3. This is regarded as the fourth legislative term after reunification.
4. The CDU and the FDP created a coalition for the 2002–2006 legislative term.
5. “Damit wird eine ihrer Forderungen erfüllt, die Regelungen des bisherigen Zieles 1 beizubehalten und auf die erweiterte Gemeinschaft anzuwenden. [...] 7. Besonders zu begrüßen ist die Anschlussregelung für die vom sogenannten statistischen Effekt betroffenen Regionen innerhalb des neuen Ziels ‘Konvergenz’. [...] 8. Die Landesregierung sieht hierin einen Erfolg ihrer bisherigen Bemühungen, da Sachsen-Anhalt auch von diesem statistischen Effekt betroffen sein könnte.” (Landesregierung Saxony-Anhalt 2004:10).
6. Similar ideas were also presented in the position paper of the government of Saxony-Anhalt regarding the future of national and European regional aid.
7. The agreement for the current European financial framework has encountered difficult negotiations, with formal agreements reached only after more than two years of bargaining (see Council of the European Union 2013).
8. EU Wochenspiegel (2006: 12, 25, 28) reports on communications between the state chancellery chief and MEP Böge, contributions by actors from Saxony-Anhalt to the position papers of the Committee on the Regions, further communication between regional, national and European actors and cooperation among German offices in Brussels as they impact contributions to changes in the position taken by the European Parliament.
9. “Michel-Eric Dufeil, für Deutschland zuständiger Abteilungsleiter in der Generaldirektion Regionalpolitik, unterstrich in seinem Beitrag die Notwendigkeit, sich frühzeitig und umfassend mit der Programmierung zu beschäftigen.” (EU Wochenspiegel 2006: 47).
10. For example, during common meetings of EP and CoR committees, as well as plenary sessions of the CoR at which Commission officials and, occasionally, the President of the European Commission took part.
11. The CoR reports also address further aspects of the Cohesion policy. But this paper focuses purely on the issue of transition regions.
12. The newsletter reports further on the debate and studies on the future of the cohesion policy (EU Wochenspiegel 2009: 7).
13. The newsletter offers more details on further workshops and debates among regions about the next cohesion policy.
14. Wales and Cornwall (UK), Brandenburg and Saxony (Germany), Asturias and Murcia (Spain), Mazovia (Poland), Central Bohemia (Czech Republic) (EU Wochenspiegel 2010: 59).
15. See Art. 82, 84. European Commission COM (2013) 246 final.
16. The regulation providing the common rules for the use of European funds appeared in the Official Journal of the EU after being formally adopted in December 2013.
17. “(17) A Convergence objective is to cover the Member States and regions whose development is lagging behind. The regions targeted by the Convergence objective are those whose per capita gross domestic product (GDP) measured in purchasing power parities is less than 75% of the Community average. The regions suffering from the statistical effect linked to the reduction in the Community average following the enlargement of the European Union are to benefit for that reason from substantial transitional aid in order to complete their convergence process. This aid is to end in 2013 and is not to be followed by a further transitional period. [...] The regions eligible are those under Objective 1 in the 2000 to 2006 programming period which no

longer satisfy the regional eligibility criteria of the Convergence objective and which therefore benefit from a transitional aid, as well as all the other regions of the Community.” (European Union 2006: 2).

18. Another innovation of the Cohesion policy regulation for 2014–2020 (European Commission 2013a: 29 et seq.).
19. Especially the structural and cohesion funds.
20. “Saxony-Anhalt, which in late 2009 had taken a leading role, ended up throwing in the towel after failing to identify converging interests among all the transition regions (phasing out, phasing-in, under the 90% GDP mark, etc). Galicia Europa Foundation has launched an initiative to speak for the 20 regions becoming ineligible for convergence for the first time, baptized ‘Convergence regions on the way to cohesion’.” (Europolitics 2010).

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