

**The New EU urban agenda as a case of policy entrepreneurialism.  
From territorial policies to metagovernance\***

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**Abstract**

On May 2016 the ministers from the EU member states responsible for urban matters agreed what was called the “Pact of Amsterdam”. This is a prime case of policy entrepreneurialism that has been sustained for over two decades (Faludi, 2009) to address urban matters at EU level by a small group of committed policy entrepreneurs, notably the Dutch Government. This reflected Kingdon (1984) model of policy entrepreneurs within government – and their outside policy communities- wait for the political window of opportunity to turn ideas into formal rules and policies. Indeed, the aim of achieving EU recognition for urban matters took priority over content: what was originally an EU-wide initiative focused on territorial socio-economic development was turned into a form of multi-level governance. The new European Commission focus on “better regulation” offered the window opportunity of achieving that recognition by creating 12 partnerships of EU, national and city officials to assess the appropriateness of existing policies for urban areas; they address not just on “classic” Territorial Cohesion/funding targeting issues but also a wider set of domains such as digital, migration or climate adaptation. This successful recasting is however problematic: what is a “city” remains a normative concept and many of these 12 themes are not necessarily “urban” in nature. This will affect the survival of this initiative in the future for it fails to build a sufficiently large multi-level coalition (Type II, Marks and Hooghe,2003) to be self-sustained if the current Commission, national and city network entrepreneurs falter in their support.

**Keywords:**

*Multi-Level Governance, subsidiarity, urban policy, territorial cohesion, metagovernance*

The New Urban Agenda EU crystallized in the so - called Pact of Amsterdam, agreed by the Member States on 30 May 2016 at the end of the informal Council of Ministers on Urban Agenda<sup>1</sup> The main elements of the Pact were formalised as ministerial Conclusions of the General Affairs Council of 30 June<sup>2</sup>

This issue is of paramount importance for several reasons:

- a) it is one of the most notable examples of how multilevel governance mechanisms work when formulating new policies at European level;
- b) it is, as we shall see in detail, the most significant development in the concept and practice of multilevel governance, particularly in the sense of co-governance since the introduction of the Partnership Code of Conduct with the governance of the Structural Funds. In fact, it goes beyond the familiar contours EU urban policies, since this recent development is not confined to the policy area of Cohesion but it is applied to other policy areas where several

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<sup>1</sup> Officially the Formally Informal Ministerial Meeting on Urban Agenda for the EU. Documentation available at: <https://english.eu2016.nl/events/2016/05/30/urban-agenda-for-the-eu> Accessed May 26, 2016.

<sup>2</sup> Council of the European Union, Council Conclusions on an Urban Agenda for the EU , *Press Release, June 24, 2016* , 382/16

levels of government share responsibilities going beyond previously failed attempts such as the Tripartite contracts of the 2001 Governance White Paper.<sup>3</sup>

- c) Constitutes an exemplary and extremely unusual case of public policy entrepreneurship such as conceived by Kingdon (1984)<sup>4</sup>, in the sense that a small group of actors work over a very long period seeking not so much political power but to advance a number of ideas in the EU area and in so doing exploit when the window of opportunity presents itself<sup>5</sup>. In this case such opportunity came from the personal activism on behalf of urban issues by former Commissioner Hahn, and then by the Dutch government well ahead and during its EU Presidency in the first half of 2016.
- d) It is finally a paradigmatic case of actor based institutionalism (Scharpf, 1997)<sup>6</sup> and the actor-centred variant of the Multi Level Governance paradigm (Marks, 1996)<sup>7</sup>, since the development and culmination of this process clearly shows the importance of the structure of political opportunity, the necessity Community policies but also the limits with regard to "ownership" *bounded rationality, principal agent, logic of collective action, path dependency, self-selective bias, issue network*, which are major factors influencing the design and implementation of this new (or renewed) concept and will determine its future evolution.

In short, this paper will study the evolution of the EU Urban Agenda from a concept mainly relating to spatial planning and territorial socio-economic development, focused on *if* and *when* there should be EU interventions in urban matter towards a more holistic, cross sectoral multi-level governance approach. The Pact of Amsterdam brings to the fore fundamental issues of the "governance of governance" of urban issues, which is the most elemental definition of metagovernance. As Sorensen<sup>8</sup> and Rhodes<sup>9</sup> recall, following the earlier work of Jessop<sup>10</sup> metagovernance is a paradigm that aims to find an accommodation and coordination of different actors bringing down the barriers and silos that are prevalent in fragmented policy landscape. Very often this need of more alignment between governance actors and networks happens in a vertical way, as it is the case in the EU, hence Jessop also discusses the concept of multi-level metagovernance. This draws obvious connections with Marks (1993) conception of multi-level governance as a process of adjustment and negotiation between levels of government.<sup>11</sup> Thus the Pact of Amsterdam implies a Copernican turn on how the EU should approach urban issues: departing from the traditional "urban acquis" of identifying solutions but addressing them in a fairly fragmented and mostly intergovernmental way, the Pact of Amsterdam aims to not just jointly identify the challenges facing urban areas by EU, national and local but also to jointly

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<sup>3</sup> European Commission, Communication from the Commission of 25 July 2001 "European governance - A white paper".COM(2001) 428 final

M. Mazzolenia, "The first Tripartite agreement in the EU. An actor-centred analysis of an experimental multi-level interaction", *Regional & Federal Studies*, vol. 16, 3 (2006): 263-279.

<sup>4</sup> John W. Kingdon, *Agendas, Alternatives, and Public Policies* (Boston: Little Brown, 1984)

This concept very clearly described by Paul Carney, *Understanding Public Policy. Theories and Issues*, (Basingstoke : Palgrave Macmillan, 2011 ), 273-274

<sup>5</sup> A practical example of what the conditions for the "entrepreneurship policy" exists at the regional level , is discussed in Serafin Pazos-Vidal, " Scotland: A Thriving environment for entrepreneurship policy?" Coord. Nicola Francesco Dotti, *Knowledge, Policymaking and Learning for European Cities and Regions* ( Cheltenham: Edgar Elgar , 2017) ( pending publication )

<sup>6</sup> Fritz Wilhelm Scharpf, *Games Real Actors Play: Actor-Centered Institutionalism in Policy Research*, (Boulder, Westview:1997).

<sup>7</sup> G. Marks, "An actor-centred approach to multi-level governance", *Regional & Federal Studies*, vol. 6, 2 (1996): 20-38.

<sup>8</sup> E. Sorensen, "Metagovernance: the Changing Role of Politician in Processes of Democratic Governance," *The American Review of Public Administration*, vol. 36 (2006): 98-113.

<sup>9</sup> R. A. W. Rhodes, "Understanding Governance: Ten Years On," *Organization Studies*, vol. 28, pp. 1243-1264, 2007.

<sup>10</sup> Bob Jessop 'Multi-level governance and multi-level meta-governance', in *Multi-Level Governance*, ed. Ian Bache and Matthew Flinders (Oxford: OUP, 2004),49-74.

<sup>11</sup> G. Marks , "Structural Policy and Multilevel Governance in the EC", ed. Allan W. Cafruny y Glenda G. Rosenthal, *The State of the European Community*, (Harlow, Essex: Lynne Rienner,1993), 401.

address them. Discussing how this new form of governance should be articulated and how far could or should it go was the focus of the negotiations that led the Pact of Amsterdam. Assessing that process and eventual outcome is the focus of this paper.

### **Background to the current Urban Agenda**

The idea of a European Urban Agenda is certainly not new. In fact, it is one of the most debated concepts at EU and intergovernmental level since at least the 1999 Potsdam Declaration, adopted by the Informal meeting of ministers responsible for Spatial Planning, and which gave birth to the so-called *European Spatial Development Perspective* (ESDP). It is at the same time one of the least productive concepts in terms of concrete outcomes beyond the elaboration of a vast theoretical and political corpus (outputs). It has been characterised by the progressive development of a policy community of key actors advocating that there should be an EU urban policy. This has happened at the highest level since at least one ministerial meeting is organized per year resulting in a series of declarations. The main milestones are listed here descending chronological order:<sup>12</sup>

- The **Pact Amsterdam**, agreed by the Informal Ministerial Meeting on Urban Agenda EU, May 30, 2016, whose genesis and outcome is the main focus of this article.
- The **Riga Declaration** agreed during the informal meeting of EU ministers responsible for cohesion policy and urban and regional affairs in Riga on 9-10 June 2015 (Latvian EU Presidency). This is where a number of key proposals linking the EU Urban Agenda to the "Better Regulation" Package that the Juncker Commission had just presented in late May.
- The **Toledo Declaration**, as the final declaration of the informal ministerial meeting on urban development during the Spanish presidency of the EU, agreed in Toledo on June 22, 2010. It developed many of the principles formulated from the previous meeting in Marseille and linked the discussion of an EU urban agenda to the Europe 2020 agenda that was being developed by the Commission at that time.
- The **Marseille Declaration**, which is the final declaration of the ministers in charge of urban development at their meeting on 24-26 November 2008 (French EU Presidency). Out of this emerged the Reference Framework for Sustainable Cities (RFSC), which will be discussed later.
- The **Leipzig Charter** on Sustainable European Cities agreed on May 24, 2007, and which as a key milestone towards an the Urban Agenda.
- The **Bristol Accord** contained in the Conclusions of the Informal Ministerial Meeting on Sustainable Communities in Europe held in Bristol on December 2005. This is notable for being led, and very actively so, by then UK Deputy Prime Minister who was responsible for introducing the term "*sustainable communities*" into the mainstream European discourse.
- The **Rotterdam "Urban Acquis"** agreed at the Ministerial meeting on urban policy by way of the "Cities empower Europe" Dutch Presidency Conclusions agreed in Rotterdam in 2004. The Dutch government exercised in 2004 and 2016 the important role of political entrepreneur for the European Urban Agenda. In fact, it should be noted that it is not as such the "government" = cabinet, but the dedicated team of officers/policy entrepreneurs within the Dutch Ministry of the Interior and Kingdom Relations.
- The **Lille Program of Action** adopted at the informal meeting of ministers dealing with urban affairs in Lille on November 2000. Logically, given the wealth of France, and departments such as the body then know as the DATAR, in matters of planning and land use policies, an indeed it was a key policy initiator towards the introduction of urban issues within the *acquis communautaire*.

We will not deal with the detail the historical process of the development of this agenda. What we are interested in here is to reflect on the factors and relationships between levels of governance and the issues of EU competence and subsidiarity that have been concerned by the (slow) development

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<sup>12</sup>: Cristiaan Van Lierop, *Developing an EU Urban Agenda*, 5-6.

of the European Urban Agenda. Drawing from the chronicle of Faludi<sup>13</sup>, it is easy to understand that the main problem was the limited jurisdiction of the EU in urban issues and therefore the subsidiarity concerns that arise when attempting to discuss urban matters at EU level. It has been argued that spatial planning has never been a European competence. However, the fact that the discussion of the supposed European urban agenda has been extensive over a long period, with successive EU and European Commission presidencies devoting resources to this, suggests that, at very least there is some case for EU involvement in these issues. A key factor, according to Faludi, that facilitated a more formal consideration of urban issues at EU level was the inclusion of Territorial Cohesion as an EU objective by Article 4 TEU of the Treaty of Lisbon. A cross read of the Treaty prefigures urban issues as a shared competence between the EU and national/subnational tiers of government. Outside the ministerial policy entrepreneurs there has been a growing support within the EU institutions, such as for example the 2005 *Beaupuy Report*<sup>14</sup> and the 2007 *Kallembach report* and the *Vlasak Report* of 2011 of the European Parliament<sup>15</sup>. The fact that urban policy can now be considered an EU competence, allowed to move the debate beyond compliance with the “Subsidiarity Principle” (whereby decisions are to be taken as close to the citizen as possible) as an argument to deny the EU the capacity to act in these areas. Instead, Treaty recognition allows to focus the discussion on deciding *when* and *how* it should act. Still this is an unfinished discussion even among spatial planning experts<sup>16</sup>. For instance, in some Member States such as Germany, there was great suspicion by the *Länder* to accept that there was such discussions at EU level might result in a centralisation of urban issues at national level, since it is the federal government the one that fundamentally represents Germany in the EU<sup>17</sup>. The same can be said of the municipal authorities and their representatives.<sup>18</sup> Therefore it can still today be affirmed that the claim that the European Union has *explicit* jurisdiction in the field of urban policy, let alone in urban planning, is at least contingent. This divergence competition and subsidiarity issues as Which explains the slow development of this policy at EU level, even after the adoption of the Lisbon Treaty.

In fact, Faludi (2010)<sup>19</sup> describes the development of European Urban Agenda as having as much to do with policy entrepreneurialism as it has with the development of public policy *issue networks* and multilevel policy communities that both cooperate and compete between each other to own this agenda. These actors take advantage of the windows of opportunity when they appear. Faludi clearly describes how the fact that the Dutch government was historically involved in the Urban Agenda responds not so much to a real need but to the fact that at government level it was a way of influencing European politics in an area where they had a comparative advantage to influence both the EU and other member states given their extensive know how on urban issues. This could be defined as both a case of external rationality versus one of internal rationality<sup>20</sup> as a key incentive for the Netherlands to campaign on this issue came from the fact that the the political

<sup>13</sup> A. Faludi, " European Spatial Planning: past, present and future ", *Town Planning Review*, vol. 81.1 ( 2010 ): 1-22 DOI: 10.3828 / tpr.2009.21

<sup>14</sup> European Parliament report of 21 September 2005 on REPORT *on the urban dimension in the context of enlargement* .A6-0272/2005 “Beaupuy Report”.

<sup>15</sup> European Parliament resolution of 21 February 2008 on *the follow-up of the Territorial Agenda and the Leipzig Charter: Towards a European Action Program for Spatial Development and Territorial Cohesion* (2007/2190 (INI)) " Kallembach Report " .

European Parliament, *European Urban Agenda and Its Future in Cohesion Policy*, June 1, 2011. (2010/2158 (INI)) " Vlasak Report "

<sup>16</sup> Stefanie Dühr, Claire Colomb and Vincent Nadin, *European Spatial Planning and Territorial Cooperation*, (London: Routledge, 2010), 178.

<sup>17</sup> A. Faludi. *Cohesion, Coherence, Cooperation: European Spatial Planning Coming of Age?* (London: Routledge, 2010), 122

<sup>18</sup> Vid. for instance, their position on the Commission plans for EU legislation on Urban Mobility.

“Joint CEMR - EUROCITIES statement on access restriction schemes in cities”, 28 February 2011.

<sup>19</sup> Faludi, *Cohesion, Coherence, Cooperation*.

<sup>20</sup> The concepts of internal and external rationality are discussed by:

Nicholas Rescher and Wenseslao J. Gonzalez, *Razón y valores en la era científico-tecnológica*, (Barcelona: Paidós, 1999), 108.

entrepreneurs of the Ministry of the Interior influenced the position of their own government as a way to reinforce their own internal position within the Ministry and the government as a whole. This statement by Faludi is entirely credible given that the very same experts that drove the *Urban Acquis* of Rotterdam 2004, are the same people who promoted the development of the Pact of Amsterdam between 2013 and 2015, a period during which this author was in contact with them.

Faludi also alludes to the rivalry between the Netherlands and France for the leadership of this discussion and of the policy community that was forming around a possible European urban policy. The Dutch prioritized the regulatory aspect of land use while the French prioritized approach public policy and Keynesian economic incentives (transfer of funds, investment programming). Regardless of the respective merits of each approach, what is fundamental is the respective technical argumentations were more a vehicle for a competition for leadership within this emerging EU-wide political community than a simple philosophical discussion on how and how much the EU should be involved in urban issues.

Despite this understated rivalry between national policy entrepreneurs, and as a result of their continuous interaction a policy community at EU level on urban issues slowly develops. The above-mentioned statements show an increase level of detail and commitment towards discussing urban issues at European level. The locus of this growing consensus are the technical meetings organised by the European Commission and Member States ahead and after the ministerial meetings: the *Urban Development Group* (UDG) and the more intergovernmental gathering of the *National Territorial Cohesion contact Points* (NTCCP). These two bi-annual meetings are supplemented by a number of other regular fixtures formally devoted to the implementation of EU Structural Funds but materially also covering urban issues: the Informal Meeting of Ministers responsible for Cohesion Policy (better known as the "Informal Cohesion Council"), preceded by the so-called "Director Generals Meeting Responsible for Cohesion Policy" hosted by each EU Presidency.

There are also internal logics within the Commission at play. Each Directorate General is surrounded by a wider ministerial and stakeholder policy community. Frequently these different communities compete for political attention and more importantly resources. Indeed, a long-standing ambition of this EU urban policy community has been to secure an official status, against the views of other Ministries and Directorates-General of the Commission, for the so-called informal Council of Ministers responsible for Cohesion Policy<sup>21</sup>.

A way to address this resistance is to resort to creating a multilevel coalition of Type II "club", that is, a loose group of actors across levels of government clustering around a particular issue, using Hooghe and Marks 1993 classification of different types of multi-level governance.<sup>22</sup> This can be done by the identification of allies within the Member States that would help "triangulate" the reluctance within other parts of the Commission or other ministries with respect of an EU urban agenda. The obvious solution has been to attract precisely the theoretical recipients of this agenda, the municipal level and specifically the cities. The concrete mechanism has been to co-opt for these coalitions the European organizations of municipalities (CEMR) and large cities (EUROCITIES). In fact, these organizations are now taking part in most of the preparatory meetings and the informal Cohesion Council of Ministers. This is the only instance in which both organizations, in their role as representatives of the subnational level, can participate as observers (non-voting), but speaking in their own name (as opposed to when a *Land* or Autonomous Community participates in a meeting of the Council of Ministers) at meetings of the Member States with the European Commission.<sup>23</sup>

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<sup>21</sup> J. Hahn, " Informal Meeting of Ministers responsible for Cohesion Policy ", Speech, Milano, 10 October of 2014.

<sup>22</sup> L. Hooghe and G . Marks , "Unravelling the Central State, but How?, Types of Multi-level Governance", *The American Political Science Review*, vol. 97, 2 (2003), 233–243.

<sup>23</sup> European Commission, *Cities of Tomorrow Challenges, visions, ways forward* (Brussels: European Commission, 2011 ), 7.

## The (new) EU Urban Agenda

The new impetus towards an EU Urban Agenda is the result of both emergence of a suitable structure of political opportunity and pure calculation of rational choice maximisation. This phase was quick-started by the activism of a single but well placed individual, the former Commissioner for Regional Policy Johannes Hahn. As he acknowledged in public speeches<sup>24</sup>, his own experience in the government of Vienna, which in addition to a city is a *Land* of the Austrian federation, greatly influenced his particular interest in urban issues. There are, however, equally important reasons for political opportunity. First and foremost the fact that when he took office, the multi-annual Structural Funds programme 2014-2020 had been pretty much sketched developed by his predecessor, the Polish teacher Danuta Hübner. Largely reflecting her academic background, she used her mandate to draw a range of influential academic and researchers to help scope the above-mentioned post 2014 programmes. This took place in particular through the academic debates and rounds of consultations around Ms Hübner's *2007 Green Paper on Territorial Cohesion*<sup>25</sup>, and in particular the "place-based" narrative that was the core tenement of the report she commissioned to Professor Fabrizio Barca<sup>26</sup>. This new approach was regarded as the "salvation" of Cohesion Policy (Méndez)<sup>27</sup> at a moment whose legitimacy and need was being questioned by other parts of the Commission. Given this context it is perfectly understandable that the new Commissioner Hahn wanted to leave his mark on the cohesion policy arena and increase his personal standing vis-à-vis the public and the rest of the College of Commissioners, by promoting a new approach focus specifically on urban issues. So much so that in 2013 the Commissioner took the very significant initiative to change the name of your general direction DG Regional Policy (DG REGIO) to Directorate General for Regional *and Urban* Policy.

The Commissioner's own statement<sup>28</sup> provide a hint of this implicit material interest in urban policy: Mr Hahn calls for his department to have "new coordinating role within the Commission" in the field of urban policies. This provides at least a circumstantial indication that this renewed interest also has a logic of maximizing the influence of the Commissioner and DG REGIO within the Commission on urban policy. This can be seen as a preventive move at a time when other Directorates-General They began to question more openly why EU urban policies should be primarily channelled through DG REGIO and cohesion policy. The first significant event was the official launch of the "Covenant of Mayors" by Andris Piebalgs, Energy Commissioner, which took place on 29 January 2008 in the framework of the *ManagEnergy* Annual Conference, in the second Sustainable Energy Week of the EU (EUSEW).<sup>29</sup> This initiative aims to persuade local authorities across Europe to sign up to and even exceed EU targets by 2020 in renewable energy and energy efficiency (and later climate change). It differs from other programs DG Energy focused on locally, for example, the already mentioned *ManagEnergy*, due to its programmatic and strategic nature: the Covenant is not about funding for projects but a model of multi-level governance that links the Commission (DG ENER) with a given local authority.

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<sup>24</sup> J. Hahn, "Harnessing urban potential - working together for a smart, sustainable, and inclusive" Europe "Speech, Urban Forum 16 February 2012. Accessible [http://europa.eu/rapid/press-release\\_SPEECH-12-101\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-12-101_en.htm) Accessed June 26, 2016.

<sup>25</sup> European Commission, *Green Paper: Towards a new culture for urban mobility* (Brussels: European Commission, 2007), COM (2007)55.

<sup>26</sup> Fabrizio Barca, *An Agenda for a Reformed Cohesion Policy: A place-based approach to meeting European Union challenges and expectations, Independent Report prepared at the request of Danuta Hübner, Commissioner for Regional Policy*, (Brussels: European Commission, 2009).

<sup>27</sup> Méndez, C. "The post-2013 reform of EU Cohesion Policy and the place-based narrative", *Journal of European Public Policy*, vol. 20, 5 (2013): págs. 639–659.

<sup>28</sup> J. Hahn "Reform of Regional Policy: A reinforced role for European cities", Speech 12 di December 2013. Accessible in: [http://europa.eu/rapid/press-release\\_SPEECH-13-1062\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-13-1062_en.htm) Accessed June 26, 2016

<sup>29</sup> European Commission, "Sustainable Energy Cities take the lead on climate change: the European Commission launches the Covenant of Mayors", Press Release, Brussels, 29 January 2008

Seen from the point of view DG REGIO, and on the basis, following Bachtler and Mendez (2007)<sup>30</sup> that the European Commission creates programs to involve regional and local authorities (such as in the former Community initiative URBAN), not only as a way of improving the impact and innovation of cohesion policy on the ground but also as a way for the Commission to triangulate if not bypass the rigid ministerial structures, the emergence of the so-called Covenant of Mayors was not a minor issue. There was now an initiative of another Commissioner / Directorate-General was not only successful at the level of involvement of the local authorities, but it also had a clear relevance to the strategic objectives of the Durao Barroso Commission. Indeed, by the time of Mr Hahn's arrival as EU Commissioner DG ENER had even already co-opted several of the partners of reference of DG REGIO in urban policy such as the CEMR and EUROCITIES (both were already under contract with DG ENER to manage part of the Covenant of Mayors). Therefore, a response that reaffirmed the central role of DG REGIO in urban matters was needed.

A second external factor was the emergence, almost at the same time as the Covenant of Mayors, of the new initiative of Smart Cities, eventually known for *Smart Cities and Communities Initiative*, which was formalised in 2011 by the *Smart Cities and Communities Initiative European Innovation Partnership*, in 2011<sup>31</sup>. The objective of this initiative is to finance innovative and integrated projects in energy, transport and ICT. Neither modest size of the initiative, about 300 million Euros per year, nor the nature of the project, similar to the failed initiative from DG REGIO *Regions for Economic Change*<sup>32</sup>, was the real source of concern for REGIO. Their main threat was not just the greater visibility for much of its traditional *customers* had these new initiatives of two other Directorates General of the Commission. Indeed, the fundamental problem was that these two new initiatives brought with it a new multilevel governance dynamic whereby with cities directly engage with the Commission and in so doing these initiatives were, and are, being actively supported by key technological and business players. Given the all above, the risk to Commissioner Hahn and DG REGIO losing the central role in urban issues within the Commission vis-a-vis the Member States and the cities themselves was too high, and hence the new urban *initiative*.

Once the cost-benefit calculation of DG REGIO as an organisation allows the creation of a window of political opportunity, the *political entrepreneurs* within REGIO were able to use it to advance their own pre-existing ideas on urban issues. That role corresponded to Unit C.2 Urban Development, Territorial Cohesion, led at that time by Wladyslaw Piskorz, undoubtedly one of the great political entrepreneurs within the Commission in recent years as a promoter who was ITI and CLLD. Thus, once the marching orders from Commissioner's Cabinet orders were received, the C-2 unit had little trouble in quickly starting to formulate a new Urban Agenda.

The first major action of DG REGIO to regain the initiative in the Urban Agenda was the "Cities of Tomorrow" document of October 2011<sup>33</sup>. This document was of a mainly academic nature and by the same Mr Piskorz (which incidentally came also from academia) and had the fairly explicit goal of establishing a *business-case* for a new Urban Agenda, focusing on the new challenges in cities, new forms of governance and recapitulation of the actions and initiatives from the Commission until that moment.

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<sup>30</sup> J.Bachtler y C.Méndez, "Who Governs EU Cohesion Policy? Deconstructing the Reforms of the Structural Funds", *Journal of Common Market Studies*, vol.45,3 (2007):537.

<sup>31</sup> European Commission, *Communication from the Commission. Smart Cities and Communities- European Innovation Partnership*, Brussels, 12 July 2012. C (2012) 4701 Final

<sup>32</sup> Communication from the Commission of 8 November 2006 *Regions for economic change*. COM (2006) 675.

<sup>33</sup> "Cities - Cities of Tomorrow: Investing in Europe", Brussels 17-18 February 2014, the findings be accessed in the European Commission Issues paper for discussion in the forum "Cities - Cities of Tomorrow: Investing in Europe", Brussels 17-18 February 2014 and in the conclusions European Commission 2014, "Forum Summary Report", available at:

[http://ec.europa.eu/regional\\_policy/sources/conferences/urban2014/doc/report\\_cities\\_of\\_tomorrow\\_2014.pdf](http://ec.europa.eu/regional_policy/sources/conferences/urban2014/doc/report_cities_of_tomorrow_2014.pdf) accessed 26 June 2016

In spite of this, over the following couple years the Commissioner's agenda was devoted to the negotiations of the Structural Funds regulations and the preparation of the national and regional operational programs for the period 2014-2020. Therefore it was not until the end of the Commission's mandate Barroso, and Johannes Hahn as Regional and Urban Commissioner, when a Forum of Cities was held in February 2011<sup>34</sup>, to which about a hundred elected representatives of cities and representative bodies were invited. While those could provide input during and after the event, the discussion process was clearly led by DG REGIO, and with the *Policy entrepreneur* (and *chef de file*) that was the C1 unit.

The result of these discussion was presented in way of a Communication in July 2014<sup>35</sup>. That is a significant and premonitory date, for two reasons:

*First*, because it is the Commission's practice that when an initiative is presented in July, just before the holidays in Brussels, it is a sign that (at least among the insiders) this is an initiative that is either too urgent that it could not wait until September, or simply because the initiative is not a priority but there was a prior commitment to table it. In our view the tabling of this Communication is due to the latter issue. Indeed, it was clear by that time that the main backer of this initiative, Commissioner Hahn was to change portfolios with the new Juncker Commission that would take office after the Summer. A second reason of this urgency was the imminent retirement of Mr Piskorz and the rotation of his team to other parts of the Commission.

*Second*, this Communication remains to this day the last official document of a high level political that has been produced the European Commission on the Urban Agenda. While it is true that at the end of the *Urban Forum* mentioned above, a public consultation was announced, the results were not presented until May 2015, and not even as a Communication but as a lower level document, a Staff Working Paper (internal working document)<sup>36</sup>. Part of that downgrading can be directly attributable to the instructions by the new Commission President Jean Claude Juncker to reduce, as much as possible, any new Commission initiatives and particularly all those with possible implications for subsidiarity. A contributing factor has been the circumstantial but significant fact that the new Regional Policy Commissioner Corina Crețu, Romanian, had not identified the Urban Agenda as a significant priority<sup>37</sup>. Given the departure of the main policy entrepreneurs and the loss of momentum the odds were that that "new" EU urban agenda would not prosper under the Juncker Commission. But then enter the Dutch.

### **The Pact of Amsterdam**

This new EU Urban Agenda would have been acquired a fossilised form had it not been for other relevant actors having a vested interest in pursuing it: the Dutch Government, or more precisely a small team within its Ministry of the Interior. It is an unusual example of *policy entrepreneurship* in which it is not the Commission which is the lead actor.

Thus the genesis of the Pact of Amsterdam is a rare occasion to observe the potential, but also the limits, of establishing a multilevel coalition in the formulation of European policies when the

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<sup>34</sup> "Cities - Cities of Tomorrow: Investing in Europe", Brussels 17-18 February 2014, the findings be accessed in the European Commission Issues paper for discussion in the forum "Cities - Cities of Tomorrow: Investing in Europe", Brussels 17-18 February 2014 and in the conclusions European Commission 2014, "Forum Summary Report", available at: [http://ec.europa.eu/regional\\_policy/sources/conferences/urban2014/doc/report\\_cities\\_of\\_tomorrow\\_2014.pdf](http://ec.europa.eu/regional_policy/sources/conferences/urban2014/doc/report_cities_of_tomorrow_2014.pdf) accessed 26 June 2016

<sup>35</sup> European Commission, Communication from the Commission of 18 July 2014, *the urban dimension of EU policies: key elements of an Urban Agenda for the EU*. COM (2014) 490

<sup>36</sup> European Commission *Staff Working Document. Results of the Public Consultation on the Key Features of an EU Urban Agenda*, Brussels May 27, 2015, SWD (2015) 109 final / 2.

<sup>37</sup> C. Crețu, " Cohesion Policy: a modern investment policy ", *Speech at General Affairs Council*. Brssel as 19 as November as 2014.



Commission is not really, de facto when nor formally, the main promoter. We have already described the historically important role of (part of) the Dutch Government in the EU level discussion on the an Urban Agenda and the reasons behind their intense activism over the years. This was the determining factor that explains that, once it became clear that interest in the Urban Agenda within the Commission had diminished, the focus of discussion would, in fact, be passed on to the Council, and more specifically a small and informal multilevel “club” in the sense of Hooghe and Marks (1993) which was de facto led by the Dutch officials over no less than five EU Presidencies.

As summarized by Van Lierop (2015)<sup>38</sup>, the beginning of the handover of urban agenda policy lead from the Commission towards the Council (the Dutch government) took place during the preparation of the Conclusions of the informal Council in Vilnius, November 2013. This document already mentions the leadership role of the Dutch Government<sup>39</sup> will have with a view to a new agreement under his semester presidency in the first half 2016, i.e. four presidencies later. As outlined above Vilnius is when the change of focus of the urban agenda shifts from mainly a spatial planning, local economic policy scope to a wider scope in EU governance. The initial focus was to scope the urban dimension of energy use, urban poverty and migration and, in general, the multilevel aspects of urban policy. In any case, already at the meeting in Vilnius the misgivings of the European Commission were evident as regards to the growing activism of the Dutch representatives at the Urban Development Group. As said above by that time Commission was still working, at least at civil servant level, in the above-mentioned Communication which was released the following year. To understand why a particular government could take such a clear role, despite the reservations of the Commission, it should be noted that these discussions between governments took place back to back to the more formal meetings of the *Urban Development Group and the National Territorial Cohesion Contact Point*. As we have seen, both are informal meetings over the years have established an *issue network* and in certain respects a genuine policy community among its members, who are officers or senior officials from the ministries responsible for territorial cohesion, urban cohesion and / or structural funds<sup>40</sup>. It should also be noted that in either the UDG or the NTCCP the Commission lacks the formal an leverage resources it normally has in formal meetings within the EU decision-making process. In those bodies it is a *primus inter pares* at best, as it does not enjoy special status in this informal intergovernmental body, thus they were unable to contain the Dutch ambition. The more so as such Dutch activism did not raise concerns among the other EU presidencies, particularly the trio of Italy, Latvia and Luxembourg, even though much of their EU Presidencies’ work on issues of cohesion and urban development would be led in the shade by another government.

Work began quickly and Dutch negotiators organized, a series of informal preparatory meetings to determine the scope of the agenda. They continued under the following EU Presidencies. Clearly, although the Dutch negotiators were responsible for organizing the meetings, sending documents and provide the secretariat to these discussions their role was informal and thus did not raise protocolary concerns with the Member States holding the rotating EU Presidencies. That is why, as acknowledged by the successive Conclusions of the informal Councils and the Pact of Amsterdam itself, that it was possible that the organizations of municipalities (CEMR) and large cities (EUROCITIES) were able to participate in all preparatory work and political level meetings. This is a reflection of the extremely and unusually open approach that the Dutch presidency to develop this

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<sup>38</sup> A simple summary of this process can be found at: Cristiaan Van Lierop, *Developing an EU Urban Agenda* (Brussels: European Parliamentary Research Service, 2015),5. PE 565,865

<sup>39</sup> A summary of this meeting can be found at Jan Vogelij, "DG meeting (UDG / NTCCP) The Joint Meeting of Directors General Responsible for Territorial Cohesion and Spatial Development for Urban Development was held under Lithuanian EU Presidency in Vilnius, 20/21 November 2013 ." accessible <http://www.ceu-ectp.eu/images/stories/PDF-docs/ECTP%20DG%20Vilnius.pdf> accessed June 26, 2016.

<sup>40</sup> This author enjoyed direct access to and could send was able send contributions to discussions of it since CEMR was a member of these meetings. Therefore all information that is not explicitly referenced by a publicly available document is drawn from the field notes that the author collected at the time.

agenda, and the Dutch approach to EU policy making in general. The contribution (and validation) by directly concerned *stakeholders* was important to reinforce the process because, at least in theory, these organizations represent sub - national authorities in all Member States, including those less receptive to this agenda.

Similarly, in a fairly clever way the Dutch were content to do the rowing but let the successive Presidencies do the steering. They would run the process, organise the discussion but let the successive EU Presidencies to focus on a given urban-related issue that was particularly important for them. For example, a significant contribution was the Latvian Presidency who insisted (for obvious reasons) that this agenda should all urban areas applied regardless of size, which was accepted<sup>41</sup>.

Within this chronology, the Informal Council of Riga is the fundamental turning point on June 2015 as it is then when clearly rooted at ministerial level that the new urban policy of the EU is clearly beyond traditional issues of cohesion and regional planning: the new Agenda urban thus becomes an instrument of "*Better Regulation*" by including all other EU policies, when concerning urban issues:

***“ Ministers invite the European Commission:***

*19. To make the EU Urban Agenda a priority and take concrete and immediate steps to:*

*19.1 improve coordination and effectiveness of EU policies and instruments with an urban impact to support sustainable and integrated urban development and contribution of urban areas to EU priorities;*

*19.2. enhance ex-ante impact assessment of new EU initiatives and legislation with regards to their territorial impacts and consequences for local authorities; and*

*19.3. strengthen, consolidate and harmonise the knowledge base and the data on urban development issues at the EU level, referring to different types of urban units.”<sup>42</sup>*

In addition to this new and holistic approach of urban matters there is also a marked change in its working method. It would be based on thematic working groups between the Commission, Member States and crucial aspect, local and regional authorities or their representatives, as can be seen here:

*“20. To initiate and facilitate concerted actions in a limited number of cross-sectorial priority issues to be identified and selected in close cooperation among Member States, the Commission and other concerned stakeholders. In doing so:*

*20.1 also take into account the recommendations prepared at the intergovernmental level among others those specific to small and medium sized urban areas, urban poverty (including in the most deprived neighbourhoods), intra EU mobility and adverse effect of migration;”*

***“Ministers invite local and regional authorities:***

*23. To actively contribute, through existing governance mechanisms, to the development of the EU Urban Agenda by identifying major urban challenges and opportunities that are both rooted in the local reality and broadly shared by cities and towns across Europe.*

*24. In accordance with the legal and institutional framework of the Members States, where appropriate and where resources allow, to:*

*24.1. play an active role in policy development and territorial impact assessment where ”<sup>43</sup>*

This was a fundamental change in approach is the real novelty of the Covenant of Amsterdam. Before examining it, it is important to understand why it is precisely at the Riga meeting that this

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<sup>41</sup> A similar tactic to build ownership was applied by the Commission in a previous state of this process during the Greek EU Presidency semester in order to include in the discussions an issue that the Greeks were particularly keen such as crisis and urban poverty, as can be seen in , Greek Presidency "*Presidency Conclusions at the Informal Meeting adopted by Ministers responsible for cohesion policy of 24-25 of April 2014 in Athens*" (2014).

<sup>42</sup> Latvian EU Presidency, " Informal Meeting of EU Ministers Responsible for Territorial Cohesion and Urban Matters Riga Ministers Declaration of 10 June 2015 27/04/2015 -draft " (2015),4.

<sup>43</sup> Ibid.

new dynamic takes shape. Clearly through this development we are seeing the confluence of a window of political opportunity being exploited by a skilled political entrepreneur, notably the Dutch ministerial delegation.

The Riga meeting takes place in June 2015. That is, just a month after the European Commission put forward its " *Better Regulation "Package "* <sup>44</sup>, which is one of the major political initiatives of the new Juncker Commission to deal with the public criticism over the lack of transparency and efficiency of the EU decision making process while paying more attention to the multilevel and subsidiarity dimensions of EU policy formulation. This "Better Law-making" agenda is led within the Commission by, by none other than Vice President First Frans Timmermans, who in addition to being responsible for the General Secretariat of the Commission (the department that coordinates all DGs) and second in line after President Juncker, was, until his appointment as Commissioner, Minister of Foreign Affairs of the Netherlands. His main contribution to the EU policymaking at the time had been the Dutch Subsidiarity Initiative, whose main focus is "*European where necessary, National [or local] where possible*".<sup>45</sup> In fact, this self styled subsidiarity review as in practice an analysis of how to cut red tape, in other words what in the EU jargon is known as "*Better Regulation*".

Therefore, the new "better regulation" linkage with the renewed Urban Agenda is therefore not casual, and respond to both tactical needs (exploit a window of opportunity) as a longstanding campaign of policy entrepreneurialism by successive by Dutch representatives in the European institutions. Putting it in another way, by way of the new Urban Agenda with the new landmark initiative of the Commission, "*Better Regulation*", it was politically very difficult for the Juncker team to dissociated itself from the Urban Agenda <sup>46</sup>as reshaped by the Netherlands.

However, we must point out that this new approach of equating Urban Agenda = "*Better Regulation*" does not primarily reflect and opportunistic or tactical rationale from the Dutch. This association of urban issues and cutting red tape has been a consistent approach by Dutch representatives in the EU institutions. This longer term political programme can, for instance, be clearly observed in the Verkerk Opinion of the Committee of the Regions<sup>47</sup>, which was tabled in 2013 and was approved in July 2014. Indeed the Opinion was drafted precisely to influence the Riga Informal Council. Mr Verkerk's proposal is clearly angled towards linking urban issues with "*Better Regulation*", fostering integrated approaches and cross-sectoral public policies. This would take form in particular via his proposal for *Urban Proofing*, which is another way of referring to the *Territorial Impact Assessment* that the CoR had proposed for years and which would be recognised in the "Better Regulation" Package. The degree of consistency between the national and the local EU initiatives is clearly understood given the great level of interconnectedness between the national and the local levels in shaping EU policies. As recalled by Goedings et. al (2010)<sup>48</sup> the Dutch position most major EU dossiers having a local and a national dimension are effectively co-produced between the corresponding Ministry and the National Association of Dutch Municipalities (VNG) and the Association of Provinces (HNP). This extends to coordinated work at EU level at Council, MEP and Committee of the Regions (where VNG and HNP form the Dutch

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<sup>44</sup>European Commission, *Commission Staff Working Document. Better Regulation Guidelines*, Strasbourg, 19 May 2015. SWD(2015) 111 final.

<sup>45</sup> Dutch Government, "European where necessary, national where possible", News item, 21 June 2013.

<sup>46</sup> When we are referring to the "Commission" we mean in this particular context the EU Commission as an institution, as expressed mainly by the agreement of the College of Commissioners. Obviously within the Commission different Directorates General, and within those specific Units were part of the growing *policy community* that was developing the urban agenda at the intergovernmental level via the UDG and informal working groups. The challenge was to persuade the Colleague to politically endorse the work being carried out by EU officials, national governments, local and regional experts under several EU Presidencies.

<sup>47</sup> Committee of the Regions, *Opinion of the Committee of the Regions - Towards an Integrated Urban Agenda for the EU* Brussels, 25 June 2014. CDR 6902/2013 " Verkerk Opinion ".

<sup>48</sup> Simone Goedings, Emile Perton and Lisa Vermeer, *Europese milieuwetgeving en decentrale overheden - Van beleid en recht naar de praktijk via de onderhandelingstafel*, (Den Haag: SdU Uitgevers,2010).

national delegation). Mr Verkerk is a major local government official in the Netherlands and a CoR member hence the linkage was clear, and there as a clear Dutch governmental interest in that Mr Verkerk used his CoR involvement to drum up support for the forthcoming Dutch EU Presidency work of a new urban agenda.<sup>49</sup>

At a deeper level, it should be understood that this focus on the so-called “urban proofing” is deeply ingrained within national policymaking in the Netherlands. VNG and IPO have a formal agreement with the Dutch Government to jointly develop policies that might have a legal or financial impact at provincial and municipal level. This has developed over time a very close cooperation framework between national and local representatives, one that we may dare term as a *policy community*. Therefore it was only natural that when Foreign Minister Timmermans became EU Commission Vice President Timmermans the rationale and underlying philosophy of Dutch policy making were translated into his “Better Regulation” package.

In other words, it is the confluence of all these interactions at a very specific time, which provided the structure of opportunity and content that coalesced into this "new" Urban Agenda. However, this does not explain itself why other stakeholders, mainly the other Member States and their own local and regional authorities, came to accept the Dutch proposal urban agenda.

As regards to local and regional authorities their active support and contribution to the Dutch efforts is due to the fact that this new methodology behind the new EU Urban Agenda would allow them, through their European representative associations, it is closely involved in formulating European policies impact or local level That is indeed the longstanding focus of the political agenda of local and regional authorities in Europe<sup>50</sup>. In fact, it can be said that if the new thematic partnerships between the Commission, governments and local representatives that would ultimately being organised after the signing of the Pact of Amsterdam, fructify in practice, this would be the greatest advance in the practice of multilevel governance from the 2001 White Paper on Governance and its failed attempt to set tripartite contracts for the Commission, the Member State and a given region to work together on a particular problem.<sup>51</sup>

For the other Member States, the acceptance of this Dutch-led approach is the very reflection of the existence of a growing *policy community*. Over many years of continuous cooperation trust and ownership were built as to allay any mayor reticence from other governments. In addition to that by linking the Urban Agenda to a high level European Commission priority such as *Better Regulation* was easier to defend back in the national capitals. Another factor as play was that policy community, the result of decades of intergovernmental discussion on urban issue, was looking forward to final have tangible results. Indeed, in spite of the voluntarism of Dutch or French representatives, given the institutional framework of the EU, it is only when the Commission is fully involved (so it can use its near monopoly of legislative and policy initiative and crucially, financial means) can an intergovernmental proposal take real shape. Lastly, a final reason for the acquiescence of the other Member States towards the Dutch proposals is that ultimately all these developments, including the so-called " *Pilot Partnerships* " were experimental and non binding in nature allowing the other Governments sufficient room for manoeuvre should it evolved into something that would be against their interests.

### ***Excursus: the "other" EU initiatives on urban governance***

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<sup>49</sup> European Parliament Report on 1 June 2011 on *European Urban Agenda and Its Future in Cohesion Policy* , June 1, 2011. (2010/2158 (INI)) " Vlasak Report "

<sup>50</sup> Wolfgang Schuster "Governing in Partnership An EU Governance Model"(Stuttgart:City of Stuttgart, 2011)

<sup>51</sup> M. Mazzolenia, "The first Tripartite agreement in the EU. An actor-centred analysis of an experimental multi-level interaction", *Regional & Federal Studies*, vol. 16, 3 (2006): 263-279.

Before moving on to examine the content of the negotiations in the run up to the Pact of Amsterdam it seems appropriate to contextualise these Dutch-led efforts with a number of parallel and in a certain way rival initiatives to involve urban authorities in EU policy issues.

Most directly relevant is the fact that DG REGIO, not content with having a secondary role, and in view of aligning itself with the emerging political agenda of the Juncker Commission, launched a rival Task Force that would put in place the Better Regulation (or more specifically, its Better Law-making subset) agenda on urban-specific issues. The format would be the same as in the Dutch initiative: working groups with sub-national authorities to examine the problems of implementing European rules.<sup>52</sup> The topic choice was the Directive on Energy Efficiency in Buildings (EPBD)<sup>53</sup>, whose review was scheduled for 2016.

This seemingly duplication can be regarded in two ways:

*On one hand*, it can be read as an indication that the Commission wanted to contribute to the momentum generated by the Riga Council Conclusions and the implementation new EU "Better Regulation" Package. In fact, in another parallel move, the Riga Declaration also led to the creation of the High-Level Group Simplification of the Structural Funds<sup>54</sup> whose aims is to make the Structural Funds more user friendly for beneficiaries.

*On the other hand*, the coincidence in time of both processes suggests, once again, the concern of DG REGIO to preserve and affirm its role of "chef de file" within the Commission on urban cross-cutting issues. Both the Verkerk Opinion and Westphal Report<sup>55</sup> from the European parliament (rightly) highlights there are too many urban initiatives through the various Directorates General of the Commission and even at the intergovernmental level, so more and more coherence relation to national or local governments themselves is necessary. By the fact of DG REGIO taking the initiative and become the Directorate General who coordinates the specialised DGs that are responsible for formulating and implementing Directives (in the case of the EPBD Directive they were DG ENER, DG CLIM and DG MOVE) DG REGIO was reaffirming its position within the Commission and outside, such as also highlighted by the Westphal Report that the Secretariat General of the Commission would be better place to exercise that coordination work of the different Directorates-General, DG REGIO included. After all the Secretary General directly reports to Mr Timmermans, whose portfolio formally includes subsidiarity and better regulation. To avoid arise sensitivities by DG REGIO this is done rather implicitly: point 26 and 27 of the Westphal report "asks the President of the European Commission to appoint a political lead within the College of Commissioners to give strategic direction to the Urban Agenda of European policies" who in turn would designate a special EU urban coordinator, based on already existing services or bodies within the Commission" "with the help of the Commission's Inter-service Group on 'Urban Development'" (which is led by REGIO).]The implication of what MEPs and those who lobbied them, want is clear enough, as it would be for REGIO. However, in a sign of how prevalent *path dependency* is within the Commission this proposal was never enacted and REGIO continued with its assigned role of leading on urban issues within the Commission. Which is also a sign of how little priority this was for the Commission Secretariat General and 1<sup>st</sup> Vice President.

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<sup>52</sup> EUROCIITIES " Statement on the Review of the Energy Performance of Buildings Directive " (2016) URL: <http://www.EUROCIITIES.eu/EUROCIITIES/allcontent/EUROCIITIES-statement-on-the-review-of-the-Energy-Performance-of-Buildings-Directive-EPBD-WSP0-A65LHU> Accessed November 26, 2016.

<sup>53</sup> Directive 2010/31 / EU of the European Parliament and of the Council of 19 May 2010 on the energy performance of buildings.

<sup>54</sup> European Commission , Commission Decision of 10.07.2015 setting up the *High Level Group of Independent Experts on Monitoring Simplification for Beneficiaries of the European Structural and Investment Funds* . C (2015) 4806 Final.

<sup>55</sup> European Parliament *Report of 26 June 2015 on the urban dimension of EU policies* . (2014/2213 (INI)) "Westphal Report"

Lastly, this excursus of the lush ecosystem of EU initiatives of urban governance would not be complete with at least mention no less than three other governance/problem-solving EU structures aiming directly at urban areas. This is in itself quite revealing of the above mentioned path dependency and sedimentation of EU policy initiatives where new ones rarely substitute those that were in place previously. We are specifically referring to URBACT III, Innovative Urban Actions and the Urban Development Network.

Starting with the oldest one, the EU Structural Funds 2014-2020 include **URBACT III**<sup>56</sup>, programme for European Territorial Cooperation worth €75m that has been in place for the best part of the last two decades that while focusing on EU Structural Funds implementation has several features that are clearly reminiscent of the new Pilot Partnerships of the Pact of Amsterdam: “Planning Action Networks” for integrated urban design strategies - 99 networks involving 500 cities have submitted proposals, but only 20 of them were selected; “*Implementing networks*” of 6-8 cities working together about putting in practice an innovative approach in a given policy field (for instance, energy efficiency issue, social inclusion, etc.) and finally “*Transfer networks*” that aims to disseminate the findings of the other two networks.

However the one of such other ESI financed structures that most closely resemble the new Urban Agenda approaches is in fact almost contemporaneous with the launch of the Pact of Amsterdam: the *Innovative Urban Actions* (IUA)<sup>57</sup>. This €371m initiative was one of the key priorities for DG REGIO as it wanted to have reserve a small earmark of the EU Structural Funds Budget to be directly managed by the Commission (in fact this has been entrusted by REGIO to Hauts-de-France formerly known North Pas de Calais region) to help it identify good practices of true innovation in urban areas. Size of projects is about 5 million and areas above 50,000 inhabitants can submit their candidacy either alone or as part of a wider network of the same country or several of them. The project duration is 3 years’ maximum.

As with the URBACT program, methodology and objectives of the IUA very much resemble the pilot partnership of the new Urban Agenda programs. In fact, in various preparatory meetings<sup>58</sup> it was suggested by Commission officials that there was de facto causal relationship, not recognized in the own call for projects, between the participation in the new EU Urban Agenda and the receipt of funding under the IUA initiative<sup>59</sup> (including participation in the drivers of the new Urban Agenda and the chances of success in receiving funding from the Urban Initiative projects innovative. In fact, discussions on the priorities of the Urban Agenda that took place from July 2015 were intended to inform priorities eligibility of projects Innovative Urban Agenda. The problem with this was that, in the absence of a formal link between the two agendas, it was enormously difficult for non-insiders to understand this causality between Pact of Amsterdam partnerships and IUA funding, especially at the local level. The more so as very often the specialised municipal services participating in the Pilot Partnerships would not normally work with those dealing with Structural Funds, which is how in practice the IUA are mainly yet wrongly perceived by the potential beneficiaries. Once again, this is a clear case *path dependency* and *silo approach* in EU multilevel initiatives. Incidentally the same can be said as regards the possibility that the IUA funds could finance the development of the Sustainable Energy Plans (SEAPs) of the

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<sup>56</sup> European Commission, *European Regional Development Fund 2014 - 2020 European Territorial Cooperation. URBACT III. Operational Program*, (European Commission, 2014).

<sup>57</sup> Urban Innovative Actions Joint Technical Secretariat, *Terms of Reference: 1st Call for Proposals Urban Innovative Actions* (European Union Région Nord-Pas de Calais, 2015)

<sup>58</sup> Personal field notes from the author.

<sup>59</sup> However in a further sign of how disjointed this landscape is, in the end and to our knowledge very few of IAU beneficiaries were members of the Pact of Amsterdam pilot partnerships.

Covenant of Mayors - as we have seen a separate initiative of DG ENER- given that the main barrier for the SEAPs being developed is precisely the fact that the Covenant has not funds attached to it<sup>60</sup>.

To complete this brief excursus and risking the readers total confusion it should be highlighted that in spite of the above mentioned *Urban Innovative Actions* (and prior the launch of the Pact of Amsterdam) the Commission had proposed in the ERDF Regulation that it would create an *Urban Development Network*. The Commission wanted to directly select a small number of cities to work with the Commission on urban policies. In the end, Member States imposed their view that it would be them who would select cities (Pazos-Vidal, 2014).<sup>61</sup> This network does not imply funding, as it only consists of a series of workshops, very like the Dutch Presidency was made: The first was held during the so - called Urban Forum of the EU on June 2, 2015, and the second in March 2016, aiming to have a direct dialogue with major cities and the problems that affect them.

In conclusion, while it is not the intention of this digression from our assessment of the genesis of the Pact of Amsterdam to further confuse the reader, it should be noted that *all* these initiatives are very similar, complementary and overlapping. They have been developed simultaneously and in mutual competition. This is important as to put in context the true extent of the Pact of Amsterdam. While the Pact of Amsterdam has no doubt the biggest degree of publicity and high level ownership of all the above mentioned urban instruments and mechanisms it has the crucial disadvantage of lacking legal grounding and more importantly autonomous financial means. This as we will see next is not without consequence.

### **Political negotiations of the Pact Amsterdam**

Coming back to our account of the development of the Pact of Amsterdam, the final stage of negotiations in the six to 12 months before the Informal ministerial meeting of May 2016 was quite a remarkable process both in terms of method and predictable as well as in terms of the actual result.

The Conclusions Riga led the way to the Pact Amsterdam. It is useful to examine at some of the main aspects of this process because they are illustrative of the praxis of multilevel governance and of its limitations when it is done primarily through para-legal and extra-institutional mechanisms.

Immediately after the Riga Declaration, the Dutch negotiating team got down to work. In July 2015, the (future) Dutch Presidency team sent a questionnaire to the Member States and representative organizations mentioned in the Riga Declaration to precisely outline specifically all issues and thematic areas targeted by the Declaration, and should be completed to late August.

In September, specifically on 16, 22 and 23, several meetings between representatives of the Member States and European associations such as CEMR were organized based on the input collected by these questionnaires, with the idea of having a first draft Pact Amsterdam in October.

The final outcome was the result of the voluntarism of the major players, particularly the Dutch Presidency, combined with the *path dependency* and structural constraints imposed by the other actors involved.

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<sup>60</sup> Committee of the Regions *Committee of the European Regions - The future of the Covenant of Mayors*, Brussels, February 10, 2016, 43-47. CDR 2592/2015 "Tuttö Opinion"

<sup>61</sup> S. Pazos-Vidal, "The Partnership Principle in Cohesion Policy 2014-2020." *European Structural and Investment Funds Journal*,4 (2014): 277-288.

This is why that on the one hand was an extremely open process; it can be said that any expert or minimally EU engaged local or regional authority had the opportunity to contribute to the drafting the terms of the Pact of Amsterdam. That said, however, the final document was the result of the usual intergovernmental working group for urban issues and therefore subject to the legacy of this group own internal culture and path dependencies, only slightly affected b the fact that the Commission and the tow above mentioned associations of municipalities participate at these meetings as observers.

As regards to the Dutch determination it can be said that the work plan from Riga to Amsterdam was followed *a la lettre* as shown below<sup>62</sup>-and as this author could personally witness:

2015	Action/event/output
June	<ul style="list-style-type: none"> <li>• Publication of Commission Staff Working Document (SWD) on EU urban agenda consultation</li> <li>• 2nd CITIES Forum (Jun 2)</li> <li>• Informal ministerial meeting (Jun 10): Riga declaration</li> <li>• Inquiry about MS priority areas (start Jun 11)</li> <li>• EGTCUM meeting (Jun 18): Presentation of urban agenda SWD and first discussion with MS</li> </ul>
July	<ul style="list-style-type: none"> <li>• Deadline inquiry MS about priority areas (Jul 10)</li> </ul>
September	<ul style="list-style-type: none"> <li>• UDG Luxembourg (10 sept): <ul style="list-style-type: none"> <li>- Discussion on priority areas (based on inquiry)</li> <li>- Discussion about Urban Acquis document</li> </ul> </li> <li>• EP: vote on Westphal report</li> <li>• Workshop on TIA (tbc)</li> <li>• EGTCUM meeting (Sep 17): Discussion with MS on priorities for Urban Innovative Action first call.</li> <li>• Dedicated workshops (COM/MS/Cities/experts) to define scope for action within each broad theme (priority area) identified in SWD</li> </ul>
October	<ul style="list-style-type: none"> <li>• Joint workshop NL-CoR-COM on Urban Agenda during Open Days (14 Oct)</li> <li>• DG-meeting (Oct 21): <ul style="list-style-type: none"> <li>- COM reports preliminary results of scoping studies</li> <li>- Conclusion on the Urban Acquis document</li> <li>- Agreement on the first 2-3 priority areas</li> </ul> </li> </ul>
November	<ul style="list-style-type: none"> <li>• Definition of roles of platforms (URBACT, UDN, etc.)</li> <li>• First written procedure on draft declaration sent to UDG-members</li> <li>• COM Work Programme 2016</li> <li>• Urban Innovative Actions first call (tbc)</li> </ul>
December	<ul style="list-style-type: none"> <li>• First meeting to build partnerships around the first 2-3 priority areas</li> <li>• EGTCUM meeting (Dec 17): reporting on state of play of COM actions in support if EU urban agenda</li> </ul>
2016	Action/event/output
January	<ul style="list-style-type: none"> <li>• Second written procedure on draft declaration sent to UDG-members</li> </ul>
February	<ul style="list-style-type: none"> <li>• Referral CoR accepted in plenary meeting</li> <li>• Second meeting to build partnerships around the first 2-3 priority areas</li> </ul>
March	<ul style="list-style-type: none"> <li>• Third draft written procedure on draft declaration sent to UDG</li> <li>• EGTCUM meeting (tbc): reporting on state of play of COM actions in support if EU urban agenda</li> </ul>
April	<ul style="list-style-type: none"> <li>• Capital Mayors meeting Amsterdam (tbc): declaration on Urban Agenda</li> <li>• UDG-meeting (April 7th): <ul style="list-style-type: none"> <li>- Discussion about contents priority areas, partnerships</li> <li>- Discussion draft declaration</li> <li>- Last meeting partnerships before launch</li> </ul> </li> <li>• First draft 'State of European Cities Report'</li> </ul>

### Schedule Urban Agenda Source: Dutch EU Presidency (2015)

The method of working was laying the ground for the future pilot partnerships that would take form once the Pact were approved. These preparatory, informal groups included as we said not only Member States and Commission but organizations representing local authorities, as well as the Committee of the Regions and more sector organizations or technical, for example, the *European Urban Knowledge Network* cited in the schedule.

Their objective was to develop the following:

" *The Amsterdam declaration will be a concise document defining the key elements of the EU Urban Agenda. In particular, the document will provide:*

<sup>62</sup> Dutch EU Presidency , *EU Urban Agenda: Roadmap from Riga to Amsterdam*, ( 2015 )



- *An updated, shared understanding of urban development (Urban Acquis) based on key EU documents, such as informal ministerial conclusions, the Territorial Agenda of the EU 2020, and the Cities of Tomorrow report. To facilitate the discussion, the Netherlands has commissioned EUKN to prepare a “State of Play” document outlining the conceptual framework.*
- *The priorities areas on which to focus cooperation. The Commission has identified three broad priority areas. Their broad formulation gives the Member States and other key stakeholders room to specify more precisely the concrete issues where they would like work to focus on. This should result in a rolling agenda allowing new priority areas to be addressed as need arises.*
- *A working method defining what to do, the role of the key actors and the governance of the process, including monitoring of results. Sustainable urban development **requires partnerships between public and private actors and engaging citizens, within and beyond the boundaries of cities.** This is necessary to **bridge the gap between the different logics of sectoral policies and of urban and territorial policies, by enabling the development of multi-sectoral interventions adapted to the specific place-based potentials and problems. Informal partnerships between the Commissions and other EU institutions, the Member States, European organisations, cities and urban stakeholders should be built in the selected priority areas.***

*The UDG and DG meetings [n.b. meeting of Directors General of Regional Policy and Urban of EE.MM.] during the Dutch and Luxembourg Presidencies are the key platforms to reach a consensus on the elements cited ".<sup>63</sup>*

This was certainly an ambitious political and organizational programme aimed at providing for the first time a holistic approach to all urban policies of the EU. It is also an innovative approach regarding its inclusiveness, since, in addition to involving the aforementioned municipal organizations in a way like never before performed, also seeks to give voice and at that stage members of the Committee of the Regions and MEPs, who were contacted directly to send their own contributions <sup>64</sup>. Indeed, in a rather exceptional move the Dutch Government invited all of them to send draft wording proposals for the drafting of the Amsterdam Council conclusions.

As for the method, which was promised in the schedule was fulfilled as it: sending initial ideas in June-August 2015 by EM and associations of local authorities, other experts, preparatory working groups in September and the first draft available (publicly) in December, and work on several drafts before finalization by more traditional structures ( *Urban Development Group, Directors General*) in mid-May for final approval in Amsterdam, on May 30 (the Pact of Amsterdam is a statement) as official conclusions of the Council adopted on June 24<sup>65</sup>.

This author, along with others, had the opportunity to have direct access and send several rounds of amendments to the drafts directly to the Dutch Presidency. There is no need to give a blow-by-blow account of the changes and specific contributions to the negotiating process since it can be summarised and explained by way of the following factors:

- The interest of the Dutch Presidency to make the Pact of Amsterdam a document and solemn as accurate as possible. At an initial stage the Dutch even contemplated that instead of being just one of a long series of statements on urban issues in a non-binding resolution agreed by Ministers the Dutch originally wanted that the Pact (hence the word chosen) of Amsterdam

<sup>63</sup> Dutch EU Presidency , *EU Urban Agenda: Roadmap from Riga to Amsterdam* , 1  
Bold italics added by author.

<sup>64</sup> Committee of the Regions and the European Parliament, " Joint Statement of REGI-COTER cooperation" Towards the "Pact of Amsterdam" " REGI-COTER meeting, Brussels, 13 October 2015.

<sup>65</sup> Committee of the Regions and the European Parliament, " Joint Statement of REGI-COTER cooperation" Towards the "Pact of Amsterdam" " REGI-COTER meeting, Brussels, 13 October 2015.

became a formal intergovernmental agreement. Quite unsurprisingly as negotiations progressed subtle changes in headings, terms and even formatting were demanded by the different national representatives. They insisted tactfully but firmly, to accommodate the Dutch initiative to the usual form and format of the UDG discussions, DG meetings and Cohesion Informal Ministerial meetings

- The work plan of Riga remained virtually identical to the final product agreed in Amsterdam: it aimed at redirecting EU urban policy discussions from a sectoral, territorial, one that is closely related of EU Cohesion Policy, towards a decidedly more interdisciplinary nature on good governance in line with the "*Better Regulation*" Package of the Commission and its new impact assessment policies.
- Involvement of local and regional authorities, especially through their representative organizations (CEMR and EURO CITIES) and (belatedly) by the Committee of the Regions by means of two opinions: one very focused on the issue, the Verkerk Opinion, a much more general one drafted by Ms. Dunger-Löper<sup>66</sup>. This high degree of participation of subnational authorities and their representatives is not in itself a novelty, as such consultation exercises in the pre-legislative stage have existed in the past. The crucial difference on this occasion was the intensity and capacity of real influence that they had in the discussions. However, the structure of political opportunity for greater involvement of these actors soon clashed with the prevailing intergovernmental institutional framework. This means that between time of the latest draft that were consulted on end April 2016 and the final document negotiated by national governments alone to be agreed in Amsterdam, there was a notable return to the prevailing status quo. This amounted to the reversal of some concessions given to them throughout the negotiation: the final text agreed in Amsterdam talks again of local authorities and their representatives as "stakeholders" rather than "partners". Even the choreography of the announcement of the Pact on May 30<sup>th</sup> clearly reminded that in spite of the Dutch openness not that many things had changed in terms of achieving recognition of the subnational levels in EU policymaking. While it is true that several representatives CEMR and EURO CITIES were invited to attend the signature by ministers of the Pact in the Amsterdam City Hall, most other representatives were invited to discuss in the Forum for Urban Agenda the yet unborn Pact at a warehouse on the outskirts of the city. After the signature the Dutch minister and Commissioner Crețu left the Informal Council to announce the good news to the many mayors gathered by the CoR at the said forum. However, regardless of disputes about status and recognition, the issue that is more important for the future, and the real novelty of the Pact of Amsterdam are the pilot Partnerships which will be discussed in the next section.

## **Post Amsterdam: the " *pilot partnerships* "**

The most innovative aspect of this new approach to urban policy for the EU is the creation of these "Urban Partnerships", formed by the European Commission, Member States and European cities to work together to ensure that the urban dimension is strengthened in EU policies<sup>67</sup>. Pact Amsterdam provides for no less than 12 of those partnerships, which are in most respects akin to thematic working teams:

*10.1 Inclusion of migrants and refugees.*

*10.2 Air quality.*

*10.3 Urban poverty.*

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<sup>66</sup> Committee of the Regions, *Opinion on Concrete steps for Implementing the EU Urban Agenda*, Brussels, April 7, 2016 CDR 5511/2015 "Dunger-Löper Opinion".

<sup>67</sup> Dutch EU Presidency, "Pact of Amsterdam". Accessible at: <http://urbanagendaforthe.eu/pactofamsterdam/> Accessed June 26, 2016

- 10.4 Housing.
- 10.5 Circular economy.
- 10.6 Local Jobs and skills in the economy.
- 10.7 Climate adaptation 10.7 (including green infrastructure solutions).
- 10.8 Energy transition.
- 10.9 Sustainable use of land and Nature-Based Solutions.
- 10.10 Urban Mobility.
- 10.11 Digital transition.
- 10.12 Innovative and responsible public procurement. " <sup>68</sup>

In another example of the Dutch government entrepreneurialism four of these working groups were formed half a year before the actual signature of the Pact of Amsterdam and in the second half of 2015, i.e. six months before the Amsterdam Pact were even signed. Specifically, four were already launched during the Dutch Presidency rather than the European Commission. They are as follows<sup>69</sup>:

"1. **Air Quality** , coordinated by the Netherlands (Ministry of Infrastructure and Environment).

*Member States: Croatia*

*Cities: Helsinki (FI), London (UK), Utrecht (NL), Milan (IT), Constanta (RO)*

*Other members: European Commission (DG Regio, DG Energy, DG Research, DG Agriculture, DG Grow, DG Move, DG Environment, DG Connect, DG JRC), Consortium Healthy Air Ruhr Area (Arnhem & Nijmegen (NL), Duisburg, Dusseldorf , Moers (DE)) represented by the city of Duisburg, EURO CITIES, URBACT, Health and Environment Alliance (HEAL)*

2. **Housing**, coordinated by Slovakia (Ministry of Transport, Construction and Regional Development).

*Member States: Latvia, Luxembourg, Netherlands, Slovenia*

*Urban Areas: Vienna (Coordinator), Madrid (ES), Poznan (PL), Riga (LE), Scottish Cities Alliance (UK)*

*Other participants: European Commission (DG Regio, DG ENER, DG EMPL)*

3. **Inclusion of Migrants and Refugees**, coordinated by the city of Amsterdam and the European Commission (DG HOME).

*participating Member States: Denmark, Italy, Greece, Portugal*

*Participants urban areas: Amsterdam (Netherlands, Athens (Greece), Metropolitan Area of Barcelona, Berlin, Helsinki*

*Other participants: European Commission (DG HOME (Coordinator), DG REGIO, DG EMPL), CEMR, European Investment Bank (EIB), EURO CITIES, European Council for Refugees and Exiles, Migration Policy Group, URBACT*

4. **Urban Poverty**, coordinated by Belgium (Urban Federal Public Service) and France (Commissariat général à l'égalité des territoires, CGET).

*Member States: Belgium (coordinator), France (coordinator), Germany, Greece, Spain.*

*Urban Areas: Birmingham (UK), Keratsini (Greece), Kortrijk (Belgium), Lille (France), Daugavpils (Latvia), Timisoara (Romania), Lodz (Poland).*

*Full members:*

*Other participants: European Commission (DG REGIO, DG EMPL), Brussels Capital Region Ile de France, URBACT, EUKN, EURO CITIES.*

*Observers: UN Habitat, Eurochild, FEANTSA “*

<sup>68</sup> Dutch EU Presidency" Establishing the Urban Agenda for the EU. 'Pact of Amsterdam'. Agreed at the Informal Meeting of EU Ministers Responsible for Urban Matters on 30 May 2016 in Amsterdam, The Netherlands "(2016), 9.

<sup>69</sup> Nicolaas Beets, "Establishing an Urban Agenda for the EU" *Workshop "Verso l'Urban Agenda "*, Rome, June 23 June 2016 . URL:

[http://www.sdabocconi.it/sites/default/files/upload/pdf/Nicolaas\\_Beets\\_Establishing\\_an\\_Urban\\_Agenda\\_for\\_the\\_EU.pdf](http://www.sdabocconi.it/sites/default/files/upload/pdf/Nicolaas_Beets_Establishing_an_Urban_Agenda_for_the_EU.pdf)

Accessed June 26, 2016.

Source: Dutch Presidency (2016) <sup>70</sup>

A second round of expressions of interest was launched in the summer of 2016. After the meeting of Directors General of Urban Development (DG) organized under the auspices of the Slovak Presidency on October 4, the DG agreed to establish the following new partnerships starting on January 2017:

*“Employment and Skills in the local economy, coordinated by Romania, the city of Rotterdam (Netherlands) and the city of Jelgava (Latvia); Circular Economy, coordinated by the city of Oslo (Norway); Digital Transition, coordinated by Estonia, Sofia (Bulgaria) and the city of Oulu (Finland); The aim is to provide better public services to citizens and create business opportunities. The focus will be on data collection, including ownership of them, the best use of open data, data management, [...]; Urban mobility, coordinated by the Czech Republic and the city of Karlsruhe (Germany). The objectives are to achieve a sustainable and efficient urban mobility. Public transport, soft mobility: they will focus on (walking, cycling, public space) and accessibility (disabled, elderly, young children, etc.) and an efficient external transport with good internal connectivity (local) and (regional).”*

Finally the last four partnerships on Energy Transition, Sustainable Use of Land, Climate Adaptation and Public Procurement were set up, after a new round of request of expressions of interest, at the meeting of Directors General in Malta on April 4, 2017.<sup>71</sup>

The reasons for this urgency was not so much the ambition of the Dutch Presidency to begin working in all these issues as a sign of weakness of the intergovernmental method, especially when the leadership of an initiative run mainly by a small group *policy entrepreneurs*, as is was in this case. In other words, the Dutch Presidency had a strong incentive to launch and several pilots during his presidency, even before there was a proper agreement about the scope of their work, because only during in those six months of Presidency the Dutch were able to shape events and create a momentum that would reduce the chances that a future, less keen EU Presidency could simply discontinue work by these Partnerships, the more so as by 2016 attention would focus to the post 2020 and post UK withdrawal EU Budget negotiations.

At first glance, and judging the performance of the initial four Partnerships their membership and scope are quite impressive, particularly given its standing of many of the participating actors. On the positive side this method work jointly develop European policies by the competent national, local and community authorities, is a true heir of the unborn Tripartite Contracts proposed by the Prodi Commission White Paper back in 2001. It should be said however that this kind of method of multilevel policy development work is relatively common in a number of corporatists Member States (as they are termed by Esping Andersen's classification)<sup>72</sup> either to formulate multilevel domestic policies such as in Italy or Spain, or to shape national positions towards the EU, as in Austria)<sup>73</sup>. They are also common in countries that have a multiparty political system and a consociative political culture such as the Scandinavian countries and the Netherlands. In fact, although the Dutch EU Presidency never made it explicit, the template for the Pact of Amsterdam Partnerships was no less than a carbon copy of the *Interbestuurlijke Dossier Teams* (IBDT) that as

<sup>70</sup> Available from: [www.urbanagendaofthe.eu](http://www.urbanagendaofthe.eu) accessed on June 26, 2016

<sup>71</sup> Available from: <http://urbanagendaforthe.eu/urban-agenda-for-the-eu-during-the-european-week-for-regions-and-cities/> Retrieved on December 15, 2016

<sup>72</sup> Gøsta Esping-Andersen, *The three worlds of welfare capitalism*, (Princeton: Princeton University Press, 1990).

<sup>73</sup> The Constitutional Concordats in Austria between the federal government, the Länder and municipalities (the associations national municipalities are explicitly recognized in the Constitution) contain mechanisms for consultation on any provision imposing financial obligations on the other levels government or is in violation of tax rules in the EU.

Anna Gamper, "The Third Tier in Austria: Legal Profiles and Trends of Local Government" *Hrvatska i Javna uprava komparativna - Croatian and Comparative Public Administration*, vol. 8, 1 (2008): 71-94.

described by Goedinds (*vid.supra*), define intergovernmental work in the Netherlands, inclusive for formulating EU positions. Neither they are an absolute novelty at European level, since there are a number of preparatory working groups that local and regional representatives can participate to help the Commission draft EU proposals. In fact, the guidelines of the "*Better Regulation*" Package indicate that this method of work, which was previously more ad hoc and dependent on the culture of each DG and even of specific teams within a given DG would be expanded. However, the contribution of the Dutch presidency has been characterized by its ambition, its systematization and ensure active participation at the level of Member States, this working method.

## Conclusion

The new Urban Agenda, with all its novelty and innovation, is also a clear example of the limits of political entrepreneurialism even in those occasions when there is a sufficiently robust multilevel able to initiate a new proposal and maintaining it over time, sometimes in spite of the formal institutional framework of the EU.

Indeed as, as shown in the list of participants in the four Partnerships that have been working the longest, the list of Member States actively involved is very small, not reaching or fifth. The selection of cities and other participating organizations was the result of voluntarism own them. It has several negative effects, first the most obvious is the " *self-selecting bias* " because of asymmetric information. Basically, only those local authorities who possessed direct contact with members of the Committee of the Regions or are members of EUROCITIES / CEMR were in a position to present volunteers (asymmetric information). Although the pre - existence of links with European is often a good predictor of the ability of a subnational authority to engage in the EU, these bias raise sensitive questions about equity and representativeness of any conclusions that these Partnerships might come up with. Although the focus of these partnerships are "cities" (although this is not explicitly reflected in public documents) chances are that most of the contributions of cities come through the pan-European associations listed above. In this case, as highlighted by Loughlin *et. al* when discussing the limits of multilevel governance in Europe, the agentic power (Weber) of these networks and their ability to replace their principals, constitute , in their own words, "a real challenge for democracy".<sup>74</sup> They indeed reflect a real "principal agent problem".<sup>75</sup> This author own experience as one such representatives involved in the Pact of Amsterdam via CEMR clearly evidenced that the need to work against deadlines and different institutional culture in Brussels compared domestic administration results in the opinions and contributions of the Brussels-based actors or intermediaries representative bodies ( "agents") have much more leeway than any mandate provided (when it exists) provided by concerned local authorities themselves (the "principals")<sup>76</sup>. Although perhaps unavoidable, this situation raises fundamental issues of representativeness and legitimacy of representation that can threaten the subsequent acceptance of the results of this work, especially by other actors not involved or openly sceptical of this new Urban Agenda (other Member States, other DGs, and even other associations of cities not included in the working groups)<sup>77</sup>.

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<sup>74</sup> John Loughlin, Frank Hendriks y Anders Lidstrom, "Introduction" en *The Oxford Handbook of Local and Regional Democracy in Europe*, ed. John Loughlin, Frank Hendriks y Anders Lidstrom, (Oxford: Oxford University Press , 2011), 733.

<sup>75</sup> In the original meaning of the concept, as framed by. Jensen, Michael C. and William H. Meckling. "Theory of the firm: Managerial behavior, agency costs and ownership structure" *Journal of Financial Economics*, vol, 3, 4(1976): 305–360

<sup>76</sup> Kristine Kern describes in abundant detail the emergence of what he calls " Transnational Municipal Networks " , in the case of the European agenda and overall sustainability. I believe that the role of these networks described by Kern largely applicable to the case of urban Agenda.

<sup>77</sup> This disagreement of non-involved stakeholders is very diplomatically but very clearly expressed, for example, in:

Conference of Atlantic Arc Cities, "First Reactions to the Pact Amsterdam - June 2016 - Conference of Atlantic Arc Cities" ( 2016 ) .

Lastly, at a more fundamental level, the current focus on the urban agenda at EU level has a number of fundamental problems:

*First*, it is not truly multilevel as it does not include all the Member States nor the level of participation of local authorities corresponds to minimum standards of competence or at least political influence nationally. Also it does not include the regions, which poses clear problems of conceptualization and implementation of any multilevel EU solution, since, in a number of Member States and certainly those with Regions with Legislative Powers (REG LEG), urban policy is also a legal competence of the regions, especially those *mesogovernments* (Keating) which are the ones that have exclusive competence over municipalities and cities rather than the national government (UK, Germany in particular)<sup>78</sup>.

*Second*, if not all Member States are involved there is not sufficient EU-wide ownership to sustain it over time, as it would also act as a disincentive to MEPs and other players such as CoR to keep propping this agenda let alone to make of these Partnership real multilevel policy communities in their field of expertise.

*Third*, although the exercise of refocusing the EU Urban Agenda towards the "*Better Regulation*", was indeed an effective move it is also revealing of a certain degree of tactical behaviour by the policy entrepreneurs behind this Agenda. Putting it bluntly, a good reason why the Urban Agenda was reshaped as "Better Regulation for the cities" was that this redefinition has the better chances of achieve real traction in the EU policy arena based on the previous affiliation of Mr. Timmermans and the new focus of the Juncker Commission. So regardless the obvious merit of the new approach a good reason of this refashion of the EU urban discourse into better regulation was to maximise influence by way of an emerging window of opportunity. This is clearly a limiting factor as the success and continuity of this initiative is heavily dependent on how far that window of opportunity is kept open. In this regard, it is interesting to note that the policy community around the DG AGRI, being aware of the relative success of the REGIO DG patrimonialise the urban agenda, is now asking for the same thing, under the name of "rural proofing", at certainly through its very widely publicised summit Cork September 2016<sup>79</sup>.

*Fourth*, being a highly informal process, one which has no anchor in the institutional structure of the European Union is a clear barrier for future consolidation. At present the only such tenuous linkage is a tenuous one by way of the link between the Urban Partnerships and the mostly intergovernmental bodies that are the UDG, DG and the informal Council of cohesion. It is doubtful that these entities alone can provide sufficient institutional anchor as to ensure continuity of this new urban agenda over medium term. This lack of institutionalisation also has a critical effect in the resources that are available. It was indeed the Dutch EU Presidency itself from 2014 until the end of their terms in July 2016 the ones financing all meetings. The small amount available could hardly cover travel costs for participants which generated equity issues over the representativeness of the work of the partnerships. Finally after much hesitation in the in the summer of 2016 DG REGIO launched a call for proposals worth 4.6 million euros for an external organization (in the event awarded to ECORYS, together with EURO CITIES)<sup>80</sup> it take charge of the Secretariat of such partnerships. This at least marginally improves their institutional anchoring. However, this move of contracting out this work precisely for an activity nominally aimed at shaping the Commission internal policy thinking is a sign that now that the Dutch activism is no longer driving the agenda, and the other DGs are less active than they were a few years ago, there are less incentives by the Commission (REGIO) to actively engage in this as a top priority. Indeed, it would be tempting to argue that hat the respective earlier engagement by both REGIO and the

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<sup>78</sup> This is why regional governments have pre-emptively engaged in this agenda by way of intermediaries, such as the Scottish Government setting up the Scottish Cities Alliance to participate in this and other initiatives.

<sup>79</sup> European Commission, "Cork 2.0 Declaration 2016. A Better Life in Rural Areas". Cork, 5 and 6 September of 2016, 2.

<sup>80</sup> Notice No 2016.CE.16.0GT.004 - Support in the implementation of the Urban Agenda for the EU through the provision of management, expertise and administrative support to Partnerships. Official Journal of the European Union: 2016 / S 127-227373

other DGs in these Dutch-inspired partnership was as a way to prevent that other parts of the Commission could use this forum as way to secure the political initiative over urban issues vis a vis the rest of the Commission DGs. In addition, the fact that DG REGIO has insisted on being "chef de file" which is perfectly understandable from the internal rationality of the Directorate General (maximize its influence in the process) is from an external rationality standpoint more than questionable: if the "new" Agenda Urbana is mostly multi-sectoral and is focused on "*Better Regulation*", the logical thing would be that the coordination of this agenda should cede to the General Secretariat of the Commission, whose role is precisely to interdepartmental coordination and among whose core competencies are precisely the "*Better Regulation*", the policy-making process and relationship with other institutional actors, regions, etc. In addition, the General Secretariat of the Commission is the direct responsibility of the 1<sup>st</sup> Vice President of the Commission, who in turn is responsible for subsidiarity matters and as Dutch Minister was very much the lead on this discussion among national governments as evidenced by the Conference Timmermans hosted in The Hague on 6 May 2014.<sup>81</sup> Therefore, the ambition leadership of the urban agenda by DG REGIO have much meaning for them, it does not make sense in the overall context of the European Commission.

*Fifth*, there is a fundamental problem of conceptualization of this agenda as an exclusively "urban" agenda. Itself reflects *path dependency* by the Dutch political entrepreneurs, because in their country there are no regions but have by contrast immense knowledge capital on urban policy issues due to their obvious geographical and socioeconomic structure. The other *path dependency* comes from the existing institutional design: there is Urban Development Group, as already said, but nothing equivalent to speak of regions. For rural issues, there are Civil Dialogue Group within the DG AGRI and European Network on Rural Development. In other words there is no EU forum<sup>82</sup> where regional issues or, more widely, *place-based approaches* can be discussed with the same level of detail provided by the UDG.

That is why if we talk about *Urban Agenda* rather than a *Local Development* agenda, it is because there is such a path dependency that, in spite of the findings of the landmark *Barca Report* on the importance of the "place-based" dimension, previous working structures have carried on by inertia to continue focus on urban, and rural, rather than *territorial* issues. This is ironic as the whole rationale behind Barca and as enshrined in the Common Provisions Regulation of the 2014-2020 Structural Funds includes a specific chapter on integrated local development<sup>83</sup>,

Therefore, looking ahead the eventual success or at least continuity of the work of the Pact of Amsterdam our forecast is quite pessimistic. In addition to the above arguments we have a number of recent examples of similar efforts of political entrepreneurialism which did not have continue over time as it was the case of the RURBAN initiative of the European Parliament, namely the prominent Polish MEP and chairman of the Urban Intergroup Jan Olbrycht, and the Reference Framework for Sustainable Cities (RFSC) launched by the Marseille Declaration<sup>84</sup> and has been financed since then by the French Government alone.

- As regards to RURBAN it sought a new approach to policies affecting the urban-rural relationship. It never took off the most that managed to achieve was that MEPs were able to include in the 2010 EU budget a small amount to fund a "Preparatory Action", which

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<sup>81</sup> J.C. Juncker, "Mission Letter by Jean Claude Juncker to Vice President Frans Timmermans" 1 November 2014

<sup>82</sup> In my view as a participant the above mentioned Partnership Principle Group of Experts is not a viable forum given the heterogeneity of stakeholders involved, where public authorities are in the minority.

<sup>83</sup> Specifically Part II of the Common Provisions Regulation of the Structural Funds 2014-2020.

<sup>84</sup> French EU Presidency, *La ville durable et solidaire. Déclaration finale des ministres en charge du développement urbain, 25 novembre 2008*.

basically consisted of a series of study days OECD<sup>85</sup> and a closing conference.<sup>86</sup> All this despite the undoubted interest of the matter, the active participation of stakeholders in the meetings and the window of opportunity provided by the early stages of drafting of the 2014-2020 Regulations of the Structural Funds 2014-2020 to introduce some of the main

- In the case of RFSC<sup>87</sup>, the initiative has more than a decade and its primary function is to develop a single format to formulate and evaluate the development and implementation of sustainable policies in cities. This required not only the development of the criteria, but also a computer application and data base that was tested by governments and participating cities. However, the initiative still exists thanks to the support of the French government, never got a spill over effect (not many participants) to take his internalisation in Member States or EU level. In fact, soon she had a very strong competition from the Covenant of Mayors, but a similar initiative funded by the European Commission and successful.<sup>88</sup>

These two examples are clear evidence that, whenever there are several initiatives political entrepreneurialism in competition, it is the one supported by the European Commission which will have more chances of success, giving the central institutional positioning within the EU framework and its greater willingness to provide continued economic resources to sustain such activities over time. Money and the institutionalisation do matter more than good ideas and that is why it is likely that the Pact Amsterdam / new Urban Agenda, lacking both, will not be able to continue in the future.

The more so, as we outline as a coda, as while large energies have been devoted in Brussels to formulate this new EU Urban Agenda national governments have been negotiating at UN level “another” cross-sectoral urban agenda : the UN Sustainable Development Goal 11 *Make cities inclusive, safe, resilient and sustainable* adopted by the United Nations in September 2015 in Paris climate agreement COP 21 and the agreement Development of Sustainable Cities (HABITAT III) which he signed in Quito in October 2016<sup>89</sup>. Many governments (and the Commission)<sup>90</sup> have already committed to implementing the goals and indicators of these agendas of the United Nations. These developments add in turn serious doubts over the future consistency and visibility the “new” EU Urban Agenda *à la sauce hollandaise*.

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<sup>85</sup> It should be highlighted comprehensive study conducted by the OECD case studies (Germany, Czech Republic, Finland, France, Italy, Poland, Portugal, Spain) OECD *Rural-Urban Partnerships. An Integrated Approach to Economic Development* (Paris : OECD Publishing, 2013)

<sup>86</sup> European Commission " Results of the preparatory action -" RURBAN - sustainable rural-urban partnerships " *Seminar - Brussels, 28 January 2014* .

<sup>87</sup> "Reference Framework for Sustainable Cities" URL: [www.rsfc.eu](http://www.rsfc.eu)

<sup>88</sup> European Commission, "Press release.EU Covenant of Mayors and Compact largest launch of Mayors Global Coalition of Cities Committed to fighting climate change", Brussels, June 22, 2016, press release, IP / 16/2247 .

<sup>89</sup> Not to mention the ISO standards Sustainable development that many national governments and the private sector are developing at this time and includes issues as little as political as technical and good urban governance. ISO 37120: 2014

<sup>90</sup> Commission Communication of 22 November 2016 on *Next steps for a sustainable European future* COM(2016) 739 final