

Organisation of External Relations

External relations of the Austrian Länder – examples from Salzburg

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1. Introduction

Austria as a small country depends on good relations with its neighbours and the international community. Eight out of nine Länder have borders with foreign countries, so contacts and relations across borders always played an important role.

This chapter complements the detailed description of the role of the Austrian Länder in foreign, European and cross border activities presented in the Global Dialogue series of the Forum of Federations.¹ It describes regional cooperation and partnerships and their legal and practical aspects are analysed.

The term "region" refers to the first territorial entity below the state level endowed with a democratically elected assembly / parliament and an executive / government responsible to the parliament, as set out in the Declaration of the Assembly of the Regions of Europe on Regionalism in Europe (AER) from 4 December 1996². For example it means the Länder in Germany and Austria, the Regions and Communautés in Belgium, the Kantone in Switzerland, the regioni in Italy as well as the various subjects of the Russian Federation.

"Europe" in the context of this article refers to the continent in its geographical and political boundaries. When it comes to Council of Europe (CoE) and European Union (EU), these bodies are mentioned as such. This needs to be made clear, as frequently in EU countries, "Europe" is used as a synonym of the EU! Cross border cooperation means that the cooperating regions share a common border while interregional cooperation refers to transnational cooperation, where the partners in different countries do not necessarily share the same border.

¹ Andreas Kiefer *Republic of Austria*. In: A Global Dialogue on Federalism, Volume V. Foreign Relations in federal Countries. Hans Michelmann, ed. McGill-Queen's University Press, Montreal & Kingston, London, Ithaka. 2009. Pages 66 – 90.

² The Declaration was adopted by the General Assembly of the Assembly of the Regions of Europe (AER) in Basel and is published in 18 languages. Russian version: http://www.a-e-r.org/fileadmin/user_upload/PressComm/Publications/DeclarationRegionalism/DR_RUSSE.pdf viewed: 2 March 2009

Behind the very well-known image of Europe with its 47 member states of the Council of Europe (Image1) there is a second layer that is not always seen as clearly as it would deserve it: the regional level (Image 2).

Find the picture: Q:/2004/KIEFER/europe-map

Europe of the States

Image 1: <http://www.mapsofworld.com/europe-political-map.htm>

Find the Picture: Q:/2004/KIEFER/Tabula_2008_Moyenne

Europe of the regions

Image 2: <http://www.a-e.r.org/fileadmin/userupload/PressComm/Publications/Tabula/Tabula2008.jpg>

Regions are different in all countries. Some can adopt their own regional constitutions, have legislative and implementing powers (Austria, Belgium, Germany, Switzerland), others have legislative and implementing powers (Italy, Russian Federation, Spain and parts of the territory in Finland, Ukraine, United Kingdom, Portugal) whereas there are some non-legislative regulatory and implementing powers within the framework of national legislation in Albania, Croatia, Greece, Hungary, Ireland, Netherlands, Norway, Poland, Romania and Sweden, to name just a few.

Therefore regions have different scopes for action and experience different ways of supervision by the state for the implementation of national legislation. The discretion for implementing national law is generally higher in federal systems than in unitary ones. Differences can also be found in the involvement of regions in drafting European norms like charters of the Council of Europe or directives and regulations of the European Union, when they touch upon the sphere of competencies of the sub national level(s).

Associations and institutions boost external activities

From a perspective of international relations studies, regional foreign policy and external relations for a long time were neglected. It is not states that act and the channels of influence and the arena of politics are often more informal. Scholars of international relations, therefore, often speak of paradiplomacy—ranging from minimal (*ad hoc*, technical cooperation) activity to maximal cooperation if competing with national foreign policy or protodiplomacy (preparing a secession) when addressing and categorizing these phenomena.³ In the 1980s it still was considered, that this kind of "small diplomacy" or "Kleine Aussenpolitik", as external activities of Länder are called in Germany, and symbolic foreign policy was ceremonial rather than substantive, lacking direct impact on the substance of national foreign policy and international treaties; however, these activities had and have political impact.

³ See Klaus Faupel, "Philosophie und System der gliedstaatlichen Außenpolitik," in *Die regionale Außenpolitik des Landes Salzburg*, ed. Roland Floimair (Salzburg: Amt der Salzburger Landesregierung, 1993), 27-47; Eric Philippart, "Le Comité des régions confronté à la 'paradiplomatie' des régions de l'Union Européenne," in *Le Comité des Régions de l'Union Européenne*, ed. Jacques Bourrinet (Paris: Economica, 1997), pages 147-180.

The creation of associations of regions like the Assembly of European Regions (AER) in 1985 and the establishment of representative bodies of regions and local authorities within the European Union (EU) – the Committee of the Regions (CoR) – and within the Council of Europe (CoE) – the Congress of Local and Regional Authorities (CLRAE) - both in 1994, lead to more and more involvement of the regional level in the shaping of legal provisions. In some member states regions gained more and more influence in shaping the positions to be introduced by their respective member states e.g. in EU lawmaking. By establishing networks and project focussed cooperation new field of external activities of Länder opened – within the EU, the CoE and beyond.

Soft law and project focussed relations

Frequently based on common political declarations and not on formal international treaties, soft law governs relations between regions in different countries. In many cases not spectacular and focussed on concrete projects, external activities are rarely debated in the regional political arenas, so also media scrutiny and coverage is low. Typical topics and issues of cooperation are concrete problems of everyday life and, since EU-membership, the participation in EU-funded programmes based on regional development strategies. They focus on research and development, education and training, transport, tourism, to mention a few.

2. What are external relations of regions?

External relations can be described as political and administrative activities of regions with a dimension across national borders. This can be done directly between actors in of the regions or indirectly via, for example, national governments or in multilateral institutions or associations. The actors mainly are executives, more and more also regional parliaments become active in this field.

Regional foreign activities complement the foreign policy of the state, which often does not cover all fields of action or competencies of the regions. Motives for regional external relations are multifarious. In federal systems with a long tradition of autonomous territories they are an expression of identity⁴. Land Salzburg, for example, became member of Austria in 1805 and before was an independent principality ruled by prince-archbishops from the beginning of the 13th century, developing a tradition also on the international scene of that time⁵. Besides the pleasant effects of protocol and official visits the commitment to solve problems common to other regions is the driving force. The search for new and innovative solutions on the basis of the experiences and the

⁴ It has to be kept in mind that after the collapse of the Habsburg Empire, the identification with Austria as a nation was far from the level that it has reached after World War II. There was open support for an Anschluss to Germany. The 1919 Peace Treaty of St. Germain clearly restricted such intentions, although spontaneous—and eventually ineffective—separatist plebiscites in Tyrol, Salzburg (in favour of joining Germany), and Vorarlberg (in favour of joining Switzerland) afterwards showed that, especially in the Western parts of Austria, there was no confidence among the population towards an Austrian nation. See also Anton Pelinka, “Austria,” in *Federalism and International Relations: The Role of Subnational Units*, ed. Hans J. Michelmann and Panayotis Soldatos (Oxford: Clarendon Press, 1990), pages 124-141, here 138.

⁵ Johann Kolmbauer, *Von Konsuln und Gesandten. Die Geschichte der Diplomatie in Salzburg*, Sonderpublikationen Nr. 116 der Schriftenreihe des Landespressebüros (Salzburg: Land Salzburg, 1998).

knowledge of other regions then lead to the implementation of common projects and the establishment of networks to pursue common aims and objectives.

Cross-border cooperation always played a major role in the politics of the European regions. From the early 1970's the Austrian Länder have engaged in cross-border cooperation and also followed the developments in the European Union and in the Council of Europe, namely the European Grouping for Territorial Cooperation (EGTC) and the Third Protocol to the European Outline Convention on transfrontier Co-operation between territorial Communities or authorities (Madrid Conception) concerning Euroregional Co-operation Groupings (ECG).

External relations can be found in different categories: bilateral, multilateral and institutional as well as in the framework of the foreign policy of the state itself.⁶

2.1. Bilateral

Cooperation describes cooperation of two regions across a common border or trans-nationally. Examples for bilateral cooperation of subjects of the Russian Federation and Austrian Länder can be found on the website of the Austrian Embassy in Moscow⁷. Also other Austrian embassies show this kind of relations on their websites.

Most visits of Länder politicians to their counterparts are documented in the annual Austrian Foreign Policy Yearbook published in German and English by the Federal Ministry for European and International Affairs⁸. Between 2000 and 2007 368 visits are mentioned (see table below). Working visits in neighbouring countries outside the national capitals are rarely documented.

Land → Country ↓	All Länder	Burgen- land	Carin- thia	Lower Austria	Upper Austria	Salz- burg	Styria	Tyrol	Vorarl- berg	Vienna
Albania	2			1					1	
Armenia	1			1						
Australia	2							1		1
Belgium	10	1		3	2	1		2		1
Bosnia and Herzegovina	14	1	2			8	2			1
Bulgaria	3			3						
Brazil	1				1					
Canada	4	2			2					
China (PRC)	15	1		2	2	5	1	2		2

⁶ A thorough description of external relations of the Länder can be found in: Stefan Hammer, Peter Bußjäger *Aussenbeziehungen im Bundesstaat* Nr. 105 der Schriftenreihe des Instituts für Föderalismus, Wien, Braumüller, 2007

⁷ Russian: Отношения между регионами и городами; :
http://www.aussenministerium.at/view.php3?f_id=5302&LNG=ru&version=;
 German: http://www.aussenministerium.at/view.php3?f_id=5302&LNG=de&version=
 viewed 2 March 2009

⁸ Source: Austrian Foreign Policy Yearbooks 2000 to 2007. Visits in the institutional framework of the EU and of the Council of Europe are not included. Website: www.bmeia.gv.at

Croatia	7		2				2	1		2
Cuba	1									1
Czech Republic	17			7	7	1		1		1
Denmark	4						4			
Estonia	2			1					1	
Egypt	1		1							
France	3			1					1	1
Germany	74	3	7	11	19	10	9	3	4	8
Greece	3					1				2
Guatemala	1					1				
Holy See	8				5		1	2		
Hungary	11	1		2	3		2			3
India	2					1		1		
Indonesia	2		1					1		
Iran	5	2	2	1						
Ireland	1				1					
Israel	7			1	6					
Italy	22		3	2	3	3	2	8		1
Japan	1				1					
Kazakhstan	1			1						
Kenya	1		1							
Korea	2			1	1					
Kuwait	1		1							
Latvia	5			1	1		1	1	1	
Libya	2		2							
Liechtenstein	1								1	
Lithuania	4			1	3					
Luxemburg	5			1	3					1
Macedonia	1				1					
Mexico	1						1			
Oman	2			1		1				
Peru	1							1		
Philippines	1							1		
Poland	13			1	2	1	4	1	1	3
Romania	7	1		2	2		1			1
Russian Federation	10		1	3	1			2		3
Sweden	11		1	3	3	1	2			1
Serbia	7	1	2			1	2			1
Slovak Republic	17	2		11	1				1	2
Slovenia	14		6		2	1	4			1
Spain	2				1	1				
Switzerland	2		1	1						
Syria	3		2	1						

Thailand	1							1		
Uganda	1		1							
Ukraine	3		1	1			1		1	
USA	9	1	2			2	2	1		1
UAE	7		1			3	1			2
UK	8		1	1	1	2				3
Vietnam	1			1						
Total	368	16	41	67	74	44	42	30	12	42

Regional presidents and members of governments and sometimes members of regional parliaments occasionally are invited to participate in the official delegation of state visits of the federal presidents. Examples since 2001 are:

Federal President Thomas Klestil:

2001, China: Franz Schausberger, Salzburg

2004, Germany: Hans Niessl (Burgenland), Josef Pühringer (Upper Austria)

2004, Iran: Hans Niessl (Burgenland)

Federal President Heinz Fischer:

2005, India: Gabriele Burgstaller (Salzburg), Herwig van Staa (Tyrol)

2006, Romania: Hans Niessl (Burgenland);

2006, United Arab Emirates: Omar Al-Rawi (member of the regional parliament of Vienna);

2007, Korea: Josef Plank (member of the government of Lower Austria), Michael Strugl (member of the regional parliament of Upper Austria);

2.2. Multilateral

Cooperation takes place in the framework of partnerships and agreements between more than two regions. It often comprises several regions from several states sharing the same interests or facing the same problems. Examples are the different associations and networks established from the 1950s onward.

The Working Community of Alpine Regions, ARGE ALP, was founded in 1972. At present the German Land Bavaria, the Swiss cantons of Graubünden, St. Gallen and Ticino, the Italian region of Lombardy, the autonomous provinces of Bolzano-South Tyrol and Trento, as well as the Austrian Länder Salzburg, Tyrol and Vorarlberg are members of this association.

The Assembly of European Regions (AER) was founded in 1985 and is the political mouthpiece of the regional level in the European Union and Council of Europe, as well as towards the member states. It was founded by nine associations and 48 regions in Louvain-la-Neuve, Belgium, with the aim to create a forum for general regionalism affairs. Until then only sectoral associations of regions had existed, focussing the interest of their members on topics like border regions, regions affected by industrial decline, maritime regions, etc. In 2008 it counted some 270 member regions.

A significant contribution to the strengthening of capacities of regions also in performing their external relations is the CENTURIO programme launched by AER. The regions of Europe have to take up the new challenges of a rapidly changing European and global context. Growth and competitiveness depend on the capacity of the regions to enhance their own development based on sustainability. To achieve this goal, the AER-Centurio⁹ Programme, gathering almost 50 Regions and lead by the Assembly of European Regions, provides an interregional platform for exchange of know-how and experience in three key areas of regional sustainable development: sustainable economic development, environmental protection and sustainable quality tourism. The programme also offers an opportunity for developing initiatives in these priority fields.

Other important pan-European associations of regions¹⁰ are:

Council of European Municipalities and Regions – CEMR, founded 1951 in Geneva, Switzerland

Association of European Border Regions - AEBR, founded 1971 in Anholt, Germany

Conference of Peripheral Maritime Regions of Europe – CPMR, founded 1973 in St. Malo, France

AREV Assembly of European Viticultural Regions – AREV, emanated 1988 from the AER

Airport Regions Conference – ARC, founded 1994 by members of the AER.

Within the European Union the regions with legislative powers established two networks to pursue their interests especially in institutional matters and matters of regionalism: the Conference of the European Regional Legislative Parliaments (CALRE), founded 1997 in Oviedo, Asturias, Spain and the Conference of Presidents of Regions with Legislative Powers (REGLEG), set up in November 2000 in Barcelona, Catalonia, Spain in cooperation with the Working group “Regions with legislative powers” of the Congress of Local and Regional Authorities of the Council of Europe.¹¹

⁹ Details about CENTURIO in English: http://www.a-e-r.org/fileadmin/user_upload/Programmes/Centurio/Documents/CENTURIO_GB.pdf viewed 2 March 2009.

¹⁰ Links to the Internet-websites of these associations: <http://www.a-e-r.org/>, <http://www.ccre.org>, <http://www.aebr.net/index.php>, <http://www.cpmr.org/>, <http://www.airportregions.org/>, <http://www.arev.org/>, <http://www.argealp.org/> viewed 2 March 2009.

¹¹ The websites are www.calre.eu for CALRE and www.regleg.eu for REGLEG.

Descriptions and analysis of the two networks of regions with legislative powers and their activities are published in German in the Yearbooks on Federalism 2004, 2005 and 2006 - Federalism, Subsidiarity and Regions in Europe by the European Center for Research on Federalism at the University of Tübingen, Germany: <http://www.uni-tuebingen.de/ezff/english/institute.html>

Kiefer, Andreas. 2004. Informelle effektive interregionale Regierungszusammenarbeit: REG LEG—die Konferenz der Präsidenten von Regionen mit Gesetzgebungs- befugnissen und ihre Beiträge zur europäischen Verfassungsdiskussion 2000 bis 2003 [Informal effective interregional intergovernmental co-operation: REG LEG – the Conference of Presidents of Regions with Legislative Powers and their contributions to the European constitutional debate 2000 – 2003]. *Jahrbuch des Föderalismus 2004—Föderalismus, Subsidiarität und Regionen in Europa*. Ed. Europäisches Zentrum für Föderalismus-Forschung. Baden-Baden: Nomos Verlagsgesellschaft: 398–412.

Kiefer, Andreas. 2005. Der Verfassungsvertrag für Europa und die Vorbereitung auf seine Anwendung: Initiativen von REG LEG im Jahr 2004 [The Constitutional Treaty for Europe and the Preparation for its Implementation: Initiatives of REGLEG in 2004]. *Jahrbuch des Föderalismus 2005. Föderalismus, Subsidiarität und Regionen in Europa*. Ed. Europäisches Zentrum für Föderalismus-Forschung. Baden-Baden: Nomos Verlagsgesellschaft. 607-619

Kiefer, Andreas. 2006. Gesetzgebende Regionalparlamente und ihr europäischer Verband: die CALRE [Regional Parliaments with Legislative Powers and their European Association: CALRE]. *Jahrbuch des Föderalismus 2006*.

Additionally networks were set up for specific topics. An example is the GMO-free regions' network fighting for the possibility to conduct an agricultural policy based on organic principles. In this context the protection of these fields from genetically modified organisms known under the key word "coexistence" is the main issue.

2.3. EU funding promotes external activities

European states were very reluctant in acknowledging autonomous activities of the regional authorities. The EU regional policy in general and the last years of INTERREG did and the future options in "objective 3" of territorial co-operation will foster interregional co-operation in a way that member states alone would not have promoted or permitted or bilateral co-operation alone would have not achieved. European legislation provides the basis for concrete actions across and beyond borders. The European Grouping for Territorial Co-operation (EGTC)¹², effective from 1 August 2007, will even enhance this and provide a formal cross border legal structure for the co-operation of member states, Länder/regions, local authorities and bodies governed by public law and their associations. In the framework of the Council of Europe member states are also negotiating a legal instrument aiming at facilitating interregional and cross border cooperation in the form of a third protocol to the Madrid European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, there is political will to finish negotiations about this protocol and invite ministers to sign later in 2009.

In the seven years period from 2007 to 2013, the EU regional policy provides €308 billion for projects stimulating interregional co-operation; that is app. 36 percent of the EU budget. The new objective 3 "European territorial co-operation" is funded with €7.75 billion, that is 2.4 percent of the EU-budget. Its three strands cross-border co-operation, transnational co-operation and interregional co-operation will induce a doubling of the EU funds, as they have to be co financed by national and mostly regional contributions.

Presently, the Länder participate in two transnational programmes (formerly INTERREG III B): CADSES (Central, Adriatic, Danubian and South-Eastern European Space) and Alpine Space (a programme for spatial development in the Alpine region of several adjacent countries).¹³ The added value of participating in these programmes consists mainly in soft factors. Languages, administrative structure, cultural backgrounds and mentalities are factual barriers that are often not obvious at the beginning of the co-operation. EU funds stimulate the co-operation and lead to networking and the establishment of certain standards in interregional project-related co-operation. These standards are, for example, the definition of common goals and objectives, the criteria for the evaluation of "successful" projects, financial regulations etc. Furthermore it leads to

Föderalismus, Subsidiarität und Regionen in Europa. Ed. Europäisches Zentrum für Föderalismus-Forschung. Baden-Baden: Nomos Verlagsgesellschaft: 606–629.

Kiefer, Andreas. 2007. The Contribution of the Regions with Legislative Competences to the European Constitutional Process. *Occasional Papers 2/2007. The EU-Constitutional Treaty and the Regions of Europe.* Ed. Institute of the Regions of Europe. Salzburg: edition pm: 165-206.

¹²Official Journal of the European Union, L 210/19

¹³ Participating countries and regions/Länder, objectives, and priorities can be found at: <http://www.cadses.net/en/programme.html> and <http://www.alpine-space.eu/> respectively. Both viewed 25 September 2008.

communication between domestic actors on national and regional level that had not existed in that intensity before.

The role of the Länder can be project partner benefiting from the project itself but also running the Managing Authority. Land Salzburg was chosen as the managing authority for the Alpine Space programme. This authority implements EU law in several member states! Nearly all projects are implemented on regional level, some with participation of federal/national ministries or institutions.

One example to be mentioned is the co-operation between fourteen Austrian, German and Italian regional partners in "Meteorisk", a project on prediction of extreme meteorological events with floods, landslides, avalanches etc. A network of computerized meteorological stations, improved interpretation of local meteorological models and swift ways of communication enable the authorities north and south of the alps to inform the public and disaster assistance units. The EU funds € 930.000, the project partners contribute the same amount.

2.4. Institutional

2.4.1 Congress of local and Regional Authorities of Europe (CLRAE)

The Council of Europe was the first European institution to set up a body for matters concerning the regions and local authorities. It started in 1952 with a Parliamentary Committee for Local and Regional Questions, followed in 1954 by a Committee for Local Affairs. In 1957, the "Conference of Local and Regional Authorities" was set up. The establishment of the Congress of Local and Regional Authorities of Europe (CLRAE) in 1994 as a consultative organ of the Council of Europe marked a breakthrough. Its 318 full and 318 substitute members work in a Chamber of Regions and a Chamber of Local Authorities and represent - being directly elected local and regional politicians - the 200,000 local and regional authorities in the 47 Council of Europe's member states. National delegations must reflect the geographical and political composition of local and regional authorities in their countries and embody a fair balance between women and men.

Each member state has the same number of seats in the Congress as it has in the Parliamentary Assembly. The documents being adopted in two annual plenary sessions are prepared by four committees: Institutional Committee, Committee on Culture and Education, Committee on Sustainable Development, and Committee on Social Cohesion. Key tasks are the monitoring of the application of the European Charter of Local Self-Government, the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities, and the Convention on the Participation of Foreigners in Public Life at Local Level,¹⁴ the observation of local and regional elections, and advice to the Committee of Ministers on municipal and regional issues. The Congress also addresses member states of the Council of Europe with resolutions and monitoring

¹⁴Treaties and conventions of the Council of Europe with a regional and local dimension are published on the website of the treaty office:
<http://conventions.coe.int/Treaty/Commun/ListeTraites.asp?MA=7&CM=7&CL=ENG>

reports. In 2007 and 2008, it focused on an additional protocol to the Charter of Local Self-Government and a proposed legal instrument on regional democracy.

Land Salzburg's representative in the CLRAE in 2008/2009 was Bernd Petrisch, member of the regional parliament (Landtag). He also sat on the working group "regions with legislative powers" of the CLARE and in October 2008 was appointed as rapporteur for a resolution on the role of the regions with legislative powers. In 2008 the other members and alternate members in the chamber of Regions were from Carinthia, Tyrol, Lower Austria, Upper Austria and Vienna. Half the delegation has a social democrat and half a Christian democrat background.

The three Austrian members and three alternate members in the Chamber of Local Authorities (mandate 2008-2010) represent municipalities from Tyrol and Lower Austria and from Upper Austria, Salzburg, and Styria respectively. Nominations by the umbrella organizations follow the strength of the political parties with three representatives of both the SPÖ (social democratic party – Sozialdemokratische Partei Österreichs) and the ÖVP (christians democratic party – Österreichische Volkspartei).¹⁵

2.4.2. The Committee of the Regions (CoR)

The CoR is the EU-counterpart of the CLRAE and became operational in 1994. After the latest enlargement on 1 January 2007 the number of its members rose from 317 to 344. As about three quarters of EU legislation are implemented at local or regional level, the local and regional representatives should have a say in the development of new EU laws. Secondly, there were concerns that the public was being left behind as the EU was further developed. Involving the elected level of government closest to the citizens was one way of closing the gap. The CoR is working in six commissions and preparatory work is done in the national delegations and political groups. Specific input comes from interregional groups. These are loose networks of CoR-members with a common background across political and national borders set up under the terms of the rules of procedure of the CoR. A recent one is the interregional group "Regions with legislative powers" composed of members and alternate members that have their CoR mandate from a parliament or government from a region with legislative powers. CALRE and REGLEG are the backbone of this interregional group.

The European Commission and the Council have to consult the Committee of the Regions whenever new proposals are made in areas that have repercussions at regional or local level. The Maastricht Treaty (in force on 1 November 1993) set out 5 such areas - economic and social cohesion, trans-European infrastructure networks, health, education and culture. The Amsterdam Treaty (in force on 1 May 1999) added another five areas to the list - employment policy, social policy, the environment, vocational training and transport - which now covers much of the scope of the EU's activity. Additionally, the Commission, Council and European Parliament may consult the CoR on issues with

¹⁵ For the composition of the Austrian delegation, see http://www.coe.int/t/congress/whoswho/pays_en.asp?id=12, viewed 2 March 2009. A list of the composition of the national delegations in the Congress can be found at: <http://www.coe.int/T/Congress/>

significant regional or local implications to a proposal. The CoR can also draw up an opinion on its own initiative, which enables it to put issues on the EU agenda.

The three main principles of the Committee's work are subsidiarity, proximity and partnership. Subsidiarity found its way into the Treaties at the same time as the creation of the CoR and means that decisions within the European Union should be taken at the closest level to the citizen. The European Union, therefore, should not take on tasks which can be sufficiently taken care of by national, regional or local legislation and/or administrations. Proximity aims at being as close to the citizens as possible when decisions are taken, in particular by organising legislative and administrative work in a transparent fashion, so people know who is in charge of what and how to make their views heard. Sound European governance in partnership means European, national, regional and local government working together - all four are indispensable and should be involved throughout the decision making process.

The nine Länder nominate one CoR member and one alternate member each.¹⁶ In 2008 Salzburg was represented by Landeshauptfrau Gabriele Burgstaller as member and by former Landeshauptmann Franz Schausberger as alternate member.

3. The domestic framework

Frequently the implementation of international treaties concluded by the states falls in the responsibility of the regions. This is the case both in bilateral as well as in multilateral agreements as for example European Charters. This area deserves more attention than it had up until now, as it seems the regions in many countries are not aware of the possibilities opened by these.

Out of the 36 agreements concluded for example between the Russian Federation and Austria¹⁷ there are several touching the sphere of competence of the Länder: Agreement on Tourism from 28 January 2002, Agreement on Culture, Science and Technology from 27 October 1998 or the Agreement on Health from 10 April 1981, just to name a few.

In the bodies of the Council of Europe and of the European Union representatives act on behalf of their respective member states. Federal countries, however, have involved the regions step by step in the composition of delegations and in the process of preparing legislation on European level affecting the regions.

Within the Council of Europe, ministers set up a “Steering Committee for Local and Regional Democracy (CDLR)” and working groups. The delegations of Austria and Switzerland always are composed of representatives of the national and the regional

¹⁶Legal basis: Federal Constitutional Act (*Bundes-Verfassungsgesetz B-VG*), Article 23c (4). Austrian delegation in the CoR, <http://cormembers.cor.europa.eu/cormembers.aspx?critName=&critCountry=AT&critFunction=MEM%7CALT&critGroup=&critDossier=&iaction=Search> , viewed 02.03.09

¹⁷ A full list in German is available on: http://www.bmeia.gv.at/view.php3?r_id=257&LNG=en&version=&mode=country&submit=1&vb_vp_id=143&dv_staat=141 viewed 02.03.09

level. Land Salzburg is part of the Austrian delegation in the LR-GI (later renamed LR-IC) committee. The Belgian delegation consists only of representatives of the regions (territorial) and the communities (cultural), as there is no national competence for the affairs dealt with in these committees. In some member states the awareness and the wish to include regional representatives in the respective national delegations is growing.

After the Maastricht Treaty several EU member states introduced constitutionally or legally granted participation rights for the regions in the spheres of their competences. It was only the negotiation of the EU Treaty (EU) of 7 February 1992 (the Maastricht Treaty) that led to the introduction in Germany of Article 23 of the Basic Law (Grundgesetz = German Constitution) as well as the law on the cooperation of the federation and the Länder in matters of the European Union from 12 March 1993 (Gesetz über die Zusammenarbeit von Bund und Ländern in Angelegenheiten der Europäischen Union, or EUZBLG)¹⁸.

According to the domestic process of federalisation and delegation of competences to the regions and communities, Belgium pursued and developed a detailed regime on the participation of the three regions (Flanders, Wallonia and Brussels-Capital) and the three communities (French speaking Community, Flemish Community and German speaking Community) in the European politics.

In the run-up to Austria's accession to the European Economic Area (EEA) and the European Union (EU), the Länder demanded that rights to information and participation in matters of integration be anchored in the constitution.¹⁹ In early 1992, this goal was achieved by an amendment²⁰ to the Federal Constitutional Act (B-VG²¹) as well as by two agreements pursuant to Art 15 a B-VG and concluded between the federation and the Länder²² and an agreement between the nine Länder themselves.²³

Recent developments in Spain, Italy and the United Kingdom go into a similar direction aiming at involving the regions in the domestic process as well as in the member states' delegations in the Council of Ministers and its preparatory bodies²⁴.

¹⁸ The German Federal Law Gazette 1993 I, page 313 as well as the executive agreement between the federal government and those of the Länder on cooperation in matters of the European Union, implementing § 9 of the Law on the Cooperation of the Federation and the Länder in Matters of the European Union, dated 20 October 1993, with an amendment dated 8 June 1998. Published by the Press and Information Office of the Federal Government, the Treaty of Amsterdam together with the accompanying German laws, 3rd edition 1999.

¹⁹ Resolutions of the conferences of the presidents of the Länder (Landeshauptmännerkonferenz) from 8 June 1990 and 23 November 1990.

²⁰ Amendment to the B-VG 1992, Austrian Federal Law Gazette Nr. 276/1992, developed further by the amendment to the B-VG 1994, Austrian Federal Law Gazette Nr. 1013/1994.

²¹ B-VG: Bundes-Verfassungsgesetz = Federal Constitution

²² Agreement between the federation and the Länder pursuant to Article 15a B-VG on the rights of participation of the Länder and local authorities in matters of European integration, Austrian Federal Gazette Nr. 775/1992 dated 9. December 1992.

²³ Agreement between the Länder pursuant to Article 15a B-VG on the common political viewpoint of the Länder in matters of European integration dated 12 March 1992, published in the regional law gazettes of the Länder, i.e. Vienna 29/1992, Salzburg 51/1993 etc.

²⁴ Details see also in the study of the Committee of the Regions: Procedures for local and regional authority participation in European policy making in the Member States, Brussels, 2005.

4. Involvement in EU affairs

The Austrian Länder were active promoters of Austrian membership in the then European Communities. On 13 November 1987 the presidents of the Länder requested the federal government to immediately submit a request for Austria to become a member of the European Communities. In the run-up to Austria's accession to the European Economic Area (EEA) and the European Union (EU), the Länder – similar to the German development - demanded that rights to information and participation in matters of integration be anchored in the federal constitution²⁵. In early 1992, this goal was achieved by an amendment²⁶ to the Federal Constitution (B-VG²⁷) as well as by two treaties pursuant to art 15a B-VG: one concluded between the federation and the nine Länder²⁸ and one between the nine Länder themselves²⁹.

The amendment of the B-VG in 1994 took account of Austria's imminent accession to the EU. In a new section "The European Union" the necessary provisions are laid down. Art. 23 d B-VG as well as the two agreements mentioned above determine the participation rights of the Länder in Austria's EU policy:

4.1. Information and comment (art. 23 d (1) and (2) B-VG)

The federation must inform the Länder without delay regarding all projects within the framework of the European Union affecting the Länder's autonomous sphere of competence or could otherwise be of interest to them. The federation must allow the Länder the opportunity to present their views within a reasonable interval.

If the federation is presented a "uniform opinion" („einheitliche Stellungnahme“) by the Länder on a project within the framework of the European Union where legislation is Länder competence, the federation is bound thereby in negotiations with and voting in the European Union. It may deviate only for compelling foreign and integration policy reasons. From the introduction of this measure in 1992 until December 2008 the Länder passed 75 uniform opinions which were introduced into the negotiations in Brussels by the federation.

In negotiations for the General Agreement on Trade in Services (GATS), the EU represents the member states in the World Trade Organization (WTO). The Länder adopted several resolutions seeking to exempt from GATS the opening of markets for services of general interest that are often provided by constituent units, such as water, health, education audiovisual services, urban transport, and social services. The federation respected the binding character of the uniform opinions and defended the

²⁵ Resolutions of the conferences of the presidents of the Länder (Landeshauptmännerkonferenz) from 8 June 1990 and 23 November 1990.

²⁶ Amendment to the B-VG 1992, Austrian Federal Gazette Nr. 276/1992, developed further by the amendment to the B-VG 1994, Austrian Federal Law Gazette Nr. 1013/1994.

²⁷ B-VG: Bundes-Verfassungsgesetz = Federal Constitution

²⁸ Agreement between the federation and the Länder pursuant to Art. 15a B-VG on the rights of participation of the Länder and local authorities in matters of European integration, Austrian Federal Gazette Nr. 775/1992 dated 9. December 1992.

²⁹ Agreement between the Länder pursuant to Art. 15a B-VG on the common political viewpoint of the Länder in matters of European integration dated 12 March 1992, published in the regional law gazettes of the Länder, i.e Vienna 29/1992, Salzburg 51/1993 etc.

Länder positions in the EU. Two cases, the Council Directive 1999/22/EC of 29 March 1999 on the keeping of wild animals in zoos and the Directive 2003/4/EC of 28 January 2003 on public access to environmental information are reported as examples, where the federation did not follow the position of the Länder.³⁰ The Länder also introduced their positions in the deliberations of the CoR and in networks of European regional and local authorities. This holds true also for positions of the Länder developed in the framework of the subsidiarity monitoring procedure of the Committee of the regions.

Because the autonomous legislative powers of the Länder are weak, EU legislation affects them only in part while also affecting the federation. Because the Austrian distribution of powers is highly fragmented, EU legislation often requires implementation by both the federation and the Länder - each within its sphere of legislation. As a result, the Länder often issue common positions ("*gemeinsame Stellungnahmen*") that have no binding character. From 2005 until December 2008 they adopted 61 common positions that were then generally respected by the federal government.

The previous prevailing legal situation had granted the Länder in the case of international treaties affecting their autonomous area of influence, only a right of expressing an opinion. The federal government was not obliged and could not be forced to submit itself to a unified view of the Länder. It was precisely this new regulation that brought a considerable increase in the powers of the Länder and their relationship to the federal government compared with the previous legal situation. However, it should not be forgotten that it were not new competences the Länder received, but participations rights as a compensation for losing sovereign powers in the new EU environment.

4.2. Representing Austria in the Council (art. 23 d (3) B-VG)

Art. 23 paragraph 3 B-VG implements art. 203 of the Treaty establishing the European Community (TEC)³¹ in Austria. In matters of regional legislation the federal government can transfer participation in the creation of an opinion in the European Union to a representative named by the Länder. This shows not least that the regional level is resolute and prepared to take on responsibility in Europe. Due to swift coordination mechanisms between the federation and the Länder and the possibility of the Länder to participate in all preparatory inter-ministerial meetings ministerial representatives of the Länder rarely participated in Council meetings. The federation generally feeds the Länder positions into the official Austrian one. It should not be forgotten that the autonomous legislative competences of the Länder are not reflected in a single Council formation, but as little elements in several ones.

The early participation of common representatives of the Länder in preparatory meetings has proven more influential and effective.

³⁰ Andreas Rosner: Das österreichische Länderbeteiligungsverfahren: Rechtslage und Staatspraxis in: Stefan Hammer, Peter Bußjäger *Aussenbeziehungen im Bundesstaat* Nr. 105 der Schriftenreihe des Instituts für Föderalismus, Wien, Braumüller, 2007, page 54.

³¹ Art. 203 in the consolidated version of the TEC, Treaty of Nice, reads: "The Council shall consist of a representative of each Member State at ministerial level, authorised to commit the government of that Member State.", OJ C 325/117, 24 Dec 2002

4.3. Obligation to transpose, implement and apply EU law (art. 23 d (5) B-VG)

The Länder are bound to take the necessary measures within their autonomous sphere of competence for the implementation of legal acts within the framework of European integration. Should a *Land* fail to comply punctually with this obligation and this be established against Austria by a European court, the competence for such measures, in particular the implementing of the necessary laws, passes to the federation. A measure taken by the federation pursuant to this provision, in particular the issue of such a law or the issue of such an ordinance becomes invalid, as soon as the *Land* has taken the requisite action. Only once (in 2002) has the federation had to act on behalf of a *Land*, when Carinthia failed to incorporate EU labour-protection regulations into its *Land* staff codes.³²

Besides introducing and defending Land policy preferences in the legislative process, the federation defends the positions of the Länder in infringement procedures. Each year the European Commission holds Austria responsible for failing to implement a number of directives; some of these fell within the jurisdiction of the federation, while some fell within the jurisdictions of both the Länder and the federation (figures for the years 2005, 2006 and 2007: see table below).³³ Over the years, the majority of directives affecting the Länder have dealt with nature and wildlife protection, the environment, and ski guides.

	2005	2006	2007
Directives to implement	1635	1635	1630
Failed to implement	24	19	14
Jurisdiction of the federation	11	10	9
Jurisdiction of the Länder and the federation	13	9	5

The government has to present to the Landtag biannually an outlook report about the priorities of Land Salzburg in European integration. This document is the strategic orientation and serves as a guideline for representatives in different bodies.³⁴

4.4. Participation in Austrian delegations

The federation and the Länder agreed³⁵ that politicians and/or officials as representatives of the Länder are to be included in the Austrian delegations. For instance one or two Länder presidents participated in ministerial meetings of the negotiations on membership and were able to influence the line adopted by the Austrian delegation in important areas such as trans alpine transport and second homes. At the same time

³² 173. Verordnung: Schutz von Bediensteten des Landes Kärnten sowie der Gemeinden und Gemeindeverbände dieses Landes gegen Gefährdung durch biologische Arbeitsstoffe, in *Bundesgesetzblatt* (Federal Law Gazette) 2002 part II number 173, pg. 701. See also Gerhard Hörmanseder, "Probleme der EG-Richtlinienumsetzung aus Ländersicht," in *Kärntner Verwaltungsakademie*, ed., *4. Klagenfurter Legistik-Gespräche*, 133-50 (Klagenfurt: K-Verlag, 2007).

³³ 30. / 31. / 32. *Bericht über den Föderalismus in Österreich*, ed. Institut für Föderalismus (Wien: Braumüller Verlag, 2005, p. 117 / 2006, p. 112 / 2007, p. 124).

³⁴ The report ("Europapolitischer Vorhabensbericht") and the proceedings of the debate in the Landtag are published on the website of Land Salzburg: http://www.salzburg.gv.at/vorhabensbericht_2007fin.pdf

³⁵ Art. 8, Vereinbarung zwischen dem Bund und den Ländern gemäß Art. 15a B-VG über die Mitwirkungsrechte der Länder und Gemeinden in Angelegenheiten der europäischen Integration.

representatives of the Länder were able to explain the Austrian position and the results of the negotiations to their people in many informative events before the referendum concerning EU membership on 12 June 1994. In the Intergovernmental Conference on the institutional reform of the Union of 2000 (Treaty of Nice) the Länder introduced their positions successfully. The Treaty extends majority voting to a series of additional areas, whereby Austria – which supported the extension in principle – managed to have unanimous voting retained in particularly sensitive areas like water management, land use, choice of energy, strategic transport policy and some environmental questions of importance for the Länder.

The presidents of Salzburg and Vorarlberg were nominated for participation in the intergovernmental conferences on treaty revisions and for the domestic preparation of the Austrian position on the Constitutional Treaty (2004) and the Lisbon Treaty (2007). Austria is, in addition to Germany and Belgium, the only EU state whose delegation officially also includes representatives of the constituent states, that is the regional level.

The most effective tool of the Länder are 42 politicians and 185 civil servants appointed as "Joint representatives of the Länder" (Gemeinsame Ländervertreter (GLV)) for bodies in the EU and – under a different requiem – in the council of Europe the Council of Europe. They range from ministerial level to committees and working groups and comprise also the Committee of the Regions. The GLV have to make clear that they act on behalf of all nine Länder and try to get a mandate for their activities and negotiations. They have to provide the relevant meeting documents and other information to the other Länder and to report after the meetings.

Land Salzburg nominates politicians for 5 bodies and civil servants for 30 bodies (26,3% of all bodies with representatives of the Länder)

4.5. Employees of the Länder in the Permanent Representation of Austria

The Länder are entitled³⁶ to send staff – on their own expenses - to the Permanent Representation of Austria to the European Union in Brussels. Permanently two officers from the staff of the Vienna based liaison office of the Länder (Verbindungsstelle der Bundesländer) work there. Temporary secondment of Länder civil servants is possible as well. The full integration opens access to nearly all documents passing through the Permanent Representation on the way to the national capital. The Länder receive documents and briefings partly via their representative in the Permanent Representation and partly officially by the Ministry for foreign affairs according to the provisions of the federal constitution (information rights).

Additionally the eight liaison offices (Verbindungsbüros) of the Länder collect information. Due to the size of the offices (1 – 5 persons) each region focuses on specific topics and achieves a high degree of expertise in these topics. The sharing of information works very well. While the European affairs offices in the Länder – generally speaking - focus on the implementation of the participation scheme (federal government →

³⁶ Art 9, Vereinbarung zwischen dem Bund und den Ländern gemäß Art. 15a B-VG über die Mitwirkungsrechte der Länder und Gemeinden in Angelegenheiten der europäischen Integration.

Council), the Committee of the Regions and interregional associations and networks, the Brussels offices mainly deal with the Commission and the European Parliament.

4.6. The obligation to take legal action

The discussion in the Committee of the Regions about the question of the legitimacy to sue e.g. in the case of violation of the subsidiarity principle has already been partially answered in Austria.

In the case of unlawful action or neglect by EU institutions in matters of *Land* legislation, the federal government, at the request of a Land, is obliged by Article 10 of the agreement concluded between the federation and the Länder in 1992 to press for appropriate legal remedies before the European Court of Justice (ECJ) – that is, if no other Land vetoes the action and no compelling integration or foreign policy reasons are claimed by the federation. The Constitutional Court would decide whether this was claimed rightly. No Land has thus far initiated a legal action. The costs of the proceedings are to be borne by the Länder that have demanded legal action.

Recent judgements allow regions to address the Court directly and be addressed directly in matters of regional legislative responsibility. EU courts have regarded not only member states but also constituent governments as capable of acting in court on matters falling within their legislative responsibility. On 5 October 2005 the Court of First Instance ruled against certain legal provisions issued by Upper Austria prohibiting the cultivation and planting of genetically modified organisms as well as the breeding and release of transgenic animals for the purposes of hunting and fishing.³⁷ These provisions were held not to comply with provisions of the treaty establishing the European Community and governing the EU's Internal Market.³⁸ More relevant than the result, however, was the court's acknowledgment of Upper Austria as a directly concerned legislator exercising powers granted to it by the Austrian constitutional system. This trailblazing decision forms the basis for Länder and regions to defend their own jurisdictions in European courts and constitutes an approach to a new role for the regions before European courts. If the domestic constitutional system assigns legislative competence to the regions, action by the regions against a negative decision pursuant to EU provisions governing the internal market is now admissible.³⁹

4.7. Co-financing to Austria's EU contributions

The Austrian Länder and municipalities are not only widely affected by European legislation, they bear nearly a fourth of the costs for Austrian membership of the European Union. After a political agreement between the federation, the Länder and the associations of cities and municipalities the shares were laid down in the financial

³⁷ Judgement of the EU Court of First Instance (Fourth Chamber) of 5 October 2005, Joined Cases T 366/03 and T 235/04, Land Oberösterreich and Republic of Austria versus Commission of the European Communities. The question of the admissibility of the action brought by Oberösterreich is dealt with in paragraphs 25 to 30.

³⁸ The judgment referred to Article 95, paragraph 5, of the Treaty Establishing the European Community (TEC), consolidated version published in the *Official Journal of the European Union*, C 321, 20 December 2006, 1-331. In his statement in the subsidiarity conference organized by REGLEG and CALRE on 19 May 2008 in Brussels, judge Koen Lenaerts also referred to the importance of this judgement.

³⁹ 30. *Bericht über den Föderalismus in Österreich*, ed. Institut für Föderalismus (Wien: Braumüller Verlag, 2005): 112..

equalization act. § 9 (3) of the Financial Equalisation Act 2008 (Finanzausgleichsgesetz 2008, FAG), Federal Law Gazette I 103/2007) governs the sharing of the costs of Austria's EU membership between the federation, the Länder and the municipalities. In 2006 the Austrian contribution, amounting to € 2,386 million €, was shared as follows: federation 1,801 million € (75.48%), the nine Länder 496 million € (20.79%) and the municipalities 89 million € (3.73%)⁴⁰. Since the Länder and municipalities are directly affected, it is understandable that they have a considerable interest in European political projects with a financial dimension. They express their views both at the national level and through their critical involvement in the drafting of opinions in the Committee of the Regions which have impact on European, national, regional and local budgets.

5. External relations – some examples of Land Salzburg

Many national constitutions reserve "foreign relations" to the national level, as does the Austrian Federal Constitution (B-VG) in article 10 (1) 2: "foreign affairs with the political and economic representation towards the exterior". However, regional external activities often implement bi- and multilateral agreements of the state within the sphere of regional competence. The Austrian Länder may also shape the Austrian foreign policy on the basis of Art. 10 (3) B-VG. The Federation has to consult the Länder before concluding international treaties, where implementation falls in the responsibility of the Länder. As a whole, the role of the Länder in this context is rather weak. The role of the Länder in Austria's EU policy is different and much stronger, as shown above.

Often the federation and the Länder implement common projects abroad. The Austrian School in Guatemala City, the equipment of Austrian libraries and cultural institutes abroad, developments projects in countries of Asia, Africa, South America etc. can be mentioned. This good cooperation is also based in art. 22 of the federal constitution: "All authorities of the Federation, the Länder and the local authorities are bound within the framework of their legal sphere of competence to render each other mutual assistance".

In the 1970s the federal government invited the Länder to establish relations with Soviet Republics of that time. Salzburg, for example, was proposed to work with the Lithuanian SSR from 1970 onwards. After the fall of communism Salzburg urged the federal government to recognize Lithuania formally, this then happened on 28 August 1991. The contacts established at that time are still alive, although the former partner changed from Soviet republic to sovereign state. The same holds true for the cooperation with Slovenia, a former Yugoslav region.

A large part of external activities of the Länder comes from their own initiative and is independent of federal action. Partnerships were set up often after getting to know each other and each other's priorities in interregional working structures like the ARGE ALP, the Assembly of European Regions (AER), the Alps Adriatic Working Community, to mention a few.

⁴⁰ Figures provided by the department of finance, Land Salzburg regional administration.

5.1. Objectives

The main objectives of the external activities of Land Salzburg in the fields mentioned below aim at defending the own legal and political spheres of action. This autonomy and responsibility is defended vis-à-vis the federal government as well as on European level in the EU or in the Council of Europe. Salzburg supports initiatives to strengthen regions as a principle of decentralisation and democracy. In a figurative sense this could be called “subsidiarity instead of subsidising”, meaning that the region prefers to take own decisions accountable to the citizens instead of realising projects subsidised by others, but at the terms and conditions set up by the financing level(s).

The political work in European institutions finally is a matter of majorities, when it comes to voting an opinion or position paper. It is therefore essential to know, where to find allies and supporters for one’s position, when needed. This networking is also a priority of Land Salzburg.

Lastly it is prestigious and desirable to host international institutions or their subsidiaries and regular events of European and/or global dimension. Land Salzburg, together with the Republic of Austria and the Catholic University Foundation, is patron of the Austrian Human Rights Institute⁴¹, founded in 1987. Its existence goes back to Recommendation (79) 16 of the Committee of Ministers of the Council of Europe of 13 September 1979, which encouraged the establishment of national human rights centres in Member States.

Land Salzburg used the impulse of Austria’s first EU presidency in 1998 and managed, together with the federal government and the European Commission, to establish the European Health Forum Gastein⁴² (EHFG) as a renowned annual congress involving all stakeholders of the health sector from all over Europe and beyond.

5.2. The constitutional, legal and factual framework

Although the federal Constitution foresees a formal treaty making power for the Länder in art. 16 (1) B-VG, this option is rarely used. The reason is the complicated procedure: Before starting the negotiations of the Länder with bordering states of their constituent entities the Länder have to obtain permission for these negotiations by the federal government. This applies also before concluding such treaties. Treaties may be concluded in all matters of the autonomous sphere of action of the Länder. This covers all own legislative competences (art. 15 B-VG) as well as all implementing powers (art 11 und 12 B-VG). Upon request of the federal government (unanimous vote) a land has to terminate the treaty in question. Here the Land would act under international law.

The Austrian Länder, however, did not develop cooperation as part of their (partly) sovereign or official activity but as subjects to civil law. For activities carried out by the Länder as subjects to civil law, the regulations concerning the constitutional allocation of powers between the federal government and the Länder do not apply – Art. 17 B-VG.

⁴¹ <http://www.menschenrechte.ac.at/> viewed 2 March 2009.

⁴² <http://www.ehfg.org/> viewed 2 March 2009.

As the first region in Austria Land Salzburg introduced a pioneering provision in its constitution: Art. 1 (3) L-VG⁴³ reads: “As a region Land Salzburg participates in the European integration process and in cross border and interregional cooperation”. This demonstrates the commitment Salzburg shows to the important field of politics.

5.3. Bilateral cooperation

Land Salzburg and the Italian region of Trentino signed an agreement on 2 October 1981 comprising a number of objectives and measures in the areas of cooperation of the two regional archives and the exchange of documents, partnerships of the institutes for Roman and Germanic studies of the Universities of Salzburg and Trento, exchange of artists, pupils and students, cooperation of the regional administrations of castles and palaces (maintenance, touristic activities), tourism, education and research.

On 22 April 1992 Land Salzburg and Slovenia signed a bilateral agreement following good cooperation in the framework of the ARGE ALP working community. The agreement takes into account the new sovereignty of Slovenia and encompasses economy, tourism, culture, agriculture, health, technology, science and education and – a flagship of the regional politics of Land Salzburg – sustainable development for rural villages.

Bilateral agreements were concluded with the German Land North Rhine-Westphalia and with the Chinese province of Hainan. Both agreements have a focus on economy and tourism.

Commemorating the historic tradition Land Salzburg maintains contact with the organisations of the families of former emigrants. Prince Archbishop Firmian applied the principle “*cuius regio eius et religio*” and forced protestants on 11 November 1731 to leave the country or become catholic. A “Salzburger Association” Bielefeld, founded 1911 in Gumbinnen, today Kaliningrad Oblast (Russian Federation), and the Georgia Salzburger Society, founded 1925 in Savannah, Georgia, (USA) keep contact alive. The first Governor of the American state of Georgia, John Adam Treutlein, is quoted "a Salzburg patriot" in the Georgia State Capitol in Atlanta. The regional archives support the families in tracing the history of their ancestors – with a very welcome touristic side effect.

5.4. Multilateral

Salzburg is active in associations and networks of regions as the Assembly of European Regions (AER) and chaired the networks CALRE in 1998 and REGLEG in 2003.

⁴³ L-VG : Landes-Verfassungsgesetz = Regional Constitution .

6. Hindering and supporting factors for external interregional cooperation

"Success" in bi- und multilateral external relations of regions as well as in the active participation of regions in the CoR and the CLRAE requires certain preconditions on political and experts' level. Experience shows negative and positive factors for successful interregional cooperation. Among the non supportive ones are:

- Selective interest on topics and short term objectives
- Personalising the cooperation instead of institutionalising it
- Lack of tradition in interregional co-operation
- Lack of finances and (skilled) personnel
- Not defining external relations as a political and administrative task
- Linguistic barriers (politicians and administration)
- Lack of competences and/or legal instruments
- Legal constraints (national / international)
- Little involvement of regions in federal/national foreign relations
- Different structures in regions / countries concerned; different level(s) of responsibility for implementation
- Lack of support of the national government(s)
- Insufficient project management skills
- Bureaucratic access to funding from international sources

As success factors can be identified:

- Active domestic co-operation (other regions and federation) → Common representatives of regions in international fora
- Identification of external activities as defined task for politics (Government, possibly Parliament); assignment of financial resources
- Regional strategy for foreign relations (regularly adapted and developed further)
- Strong political support: federal and regional level
- Mutual trust and open flow of information between federal and regional level
- Agreed structures and procedures with the partners; common strategies and timetables
- Follow up of agreements and decisions
- Experience in international organisations of regions (Assembly of European Regions, Assembly of European Border Regions) or institutions (Congress of Local and Regional Authorities)
- Membership, work in committees, internships
- Good networking with partners
- Involving regional and national media
- Using existing international treaties for implementation
- Involvement of local authorities, companies, civil society etc. where concerned
- Avoiding negative factors (as mentioned above).

7. Conclusions and experiences:

Bilateral cooperation mostly takes place on a concrete project driven basis and hardly in the framework of vague agreements. Legal basis is the flexible provision of art. 17 B-VG. It has proved successful to contribute actively in associations and networks and to take responsibility there. Members not involving their politicians and civil servants in the work and just trying to harvest the benefits of interregional cooperation will find themselves isolated.

In the last years European politics became more and more domestic politics. The Länder achieved participation rights and use their possibilities by presenting proposals and positions to be introduced in Austria's European policies in EU and Council of Europe.

Brussels is an indispensable field of action and moving the liaison office from Vienna to Brussels in 1993 – as the first Austrian Land to do so – was a wise decision. Success in inter-regional cooperation is not mainly a matter of size. What counts is that a region knows, what it wants to achieve, that it is well embedded in the relevant networks and that it disposes of political and administrative structures capable for acting swiftly.

8. Replies to the questions put forward by Flanders to be dealt with in Workshop 3: Organisation of external relations

- What is the relationship between your region and the central government in developing foreign policy?

Outside the institutionalised EU and Council of Europe schemes there are no programmatic or institutional cooperation mechanisms in foreign affairs established between the federation and the Länder, as far as bilateral contacts of Länder is concerned. For bilateral visits the Länder are supported by the Austrian diplomatic service abroad and the relations can be described as very positive and mutually beneficial.

- How are policy priorities reflected in the structure, the organisation and the instruments of your region's foreign and external relations' policy?

External affairs (Aussenbeziehungen) in general are defined as a portfolio held by the regional president (Landeshauptmann/Landeshauptfrau). This comprises the responsibility for consular affairs and contacts to ambassadors of other countries. The protocol service takes care of this on administrative level. Other members of government, however, often also have an international dimension in their portfolios.

Bi-annually the Land government presents a report on the future EU priorities of Land Salzburg. It comprises all aspects of EU impact on Land Salzburg and is published on the Land Salzburg website after adoption by parliament. For other policy fields the respective coalition agreement is the guideline for actions.

- Is there a mainline department and/or a central agency with political responsibility for foreign affairs and external relations? Do individual departments strongly affected by international relations have units/responsible officials to look after that aspect of the department's responsibilities?

EU-affairs have become cross cutting issues and part of domestic policy both within the regional administration and the relations to the federation. Therefore not only EU-coordination services deal with EU matters and also specialists work in different bodies and programmes.

The constitutional and legal service of Land Salzburg administration is responsible for the transposition of EU legislation and for implementing treaties ratified by the federation. This service acts in close contact with the specialist service / ministry concerned.

General EU- and Council of Europe affairs are assigned to the European affairs office, a coordination unit in the central administrative structure. This service also runs the liaison office in Brussels and services other departments. EU-affairs officers were established in all departments to help coordinate the adaptation period after EU membership in 1995. Due to the routine acquired their tasks have become less relevant.

- Does your region have representative offices abroad? Are these offices maintained for primarily commercial reasons or do they serve other purposes?

Land Salzburg does not have offices abroad. For political purposes it cooperates with the Austrian embassies, for economic one with the trade commissioners. The latter are staffed by the Austrian chamber of commerce and seconded to the embassies.

- How are the international activities and interests of municipal governments, particularly major cities (centres of international commerce, location of transportation nodes, home of multicultural populations, host of important business organizations with international interests) managed vis-à-vis both the constituent and federal governments?

City twinning is reported to the embassies abroad and municipalities enjoy support, where possible. Land Salzburg encourages municipalities to join forces and cooperate with their counterparts in fields, where the Land is active as well. Examples are the regional cooperation of Land Salzburg with Lithuania and the twinning of Vilnius and the city of Salzburg, activities of Land Salzburg, city of Salzburg and Salzburg University in China, development cooperation etc.

- What is the relationship between your region and the central government in developing foreign policy? Is there coordination or consultation on foreign affairs issues at such meetings as governors'/premiers' conferences, meetings of ministers, or at the level of officials?

Between 1989 and 2001 the Länder participated in the Council for Matters of the Austrian Integration Policy, which dealt with EU matters only. The Council for

Matters of Austrian Integration and Foreign Policy and the National Security Council were established in 2001, replacing the former Council for Foreign Affairs and the Council for (European) Integration. This reorganization enhanced involvement of the Länder and allowed their EU experience since 1995 to be taken into account. The Länder send two representatives of the Land presidents' Conference and two representatives of their regional parliaments (Landtage) to the Council for Matters of Austrian Integration and Foreign Policy. The council advises the federal government on fundamental questions of foreign policy that have not been reserved for the National Security Council. The latter advises the federal government on all fundamental matters of foreign, security, and defence policy. A representative of the chair of the Land Governors' Conference must sit on the council as an advisory member. If the council deals with issues touching on the interests of a Land, the respective Land governor must also be invited.

Political bodies or conferences in general do not deal with foreign affairs topics. When needed or for the preparation of official visits ad hoc contacts are established.

Given the federal structure of the Austrian political parties, regional presidents (Landeshauptleute) also hold posts of chairpersons of the regional parties and thus are involved in the discussions of external affairs in the political bodies and working groups of their respective parties at federal level.

Occasionally the federal Ministry for European and International Affairs and the Länder organise workshops dealing with European and external