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## **"The Regions with Legislative Power"**

### **In the perspective of the next institutional reform of the EU:**

At the invitation of the President of the Region of Tuscany, the Presidents of 40 Regions with Legislative Power of the European Union:

*Burgenland, Carinthia, Salzburg, Steiermark, Tirol, Vienna, Brussels Capital, Wallonia, Flanders, Aaland Islands, Baden Württemberg, Bavaria, North Rhine Westphalia, Rheinland Pfalz, Scotland, Wales, Abruzzo, Basilicata, Calabria, Campania, Emilia Romagna, Friuli Venezia Giulia, Lombardy, Piedmont, Puglia, Sardinia, Sicily, Tuscany, Trentino Alto Adige, Umbria, Valle d'Aosta, Autonomous Province of Bolzano, Azores, Andalusia, Balearic Islands, Canary Islands, Catalonia, Extremadura, Galicia and The Basque Country*

met in Florence on 14 and 15 November 2002. In reference to the work of the European Convention, they debated the need for a reinforced role for the Regions with Legislative Power within the EU.

### **They adopted the following resolution:**

#### **HAVING REGARD TO:**

- the Final Declaration of the First Conference of Presidents of Regions with Legislative Power adopted in Barcelona on the 24<sup>th</sup> November 2000,
- the Political Declaration by the constitutional regions of Bavaria, Catalonia, Flanders, North Rhine Westphalia, Salzburg, Scotland and Wallonia of 28<sup>th</sup> May 2001,
- the Resolution "Towards the reinforced role of the Regions with legislative power within the European Union" adopted by the Second Conference of Presidents of Regions with Legislative Power on 15<sup>th</sup> November 2001 in Liège,
- the individual and common contributions that the Presidents of Regions with Legislative Power have made to the Convention on the Future of the European Union.

#### **WHEREAS:**

A The **European Council** adopted the Laeken Declaration of 14<sup>th</sup> and 15<sup>th</sup> December 2001, in which the Heads of State or Government referred for the first time to the Regions with Legislative Power, mentioned several times the regional dimension as an area meriting further consideration, with a view to better distributing and defining powers in the European Union, and raised the following questions:

- *“how can we ensure that a redefined division of competences does not lead to a creeping expansion of the competence of the Union or to encroachment upon the exclusive areas of competence of the Member States and, where there is provision for this, regions?”*
- *“should not the day-to-day administration and implementation of the Union's policy be left more emphatically to the Member States and, where their constitutions so provide, to the regions? Should they not be provided with guarantees that their spheres of competence will not be affected?”*

B. The **European Parliament** (Resolution on the division of competences between the European Union and its Member states of 16<sup>th</sup> May 2002) stated that:

- *“territorial units with legislative competences now exist in almost half the Member States, where the transposition of Community legislation into domestic law is in some cases a matter for decentralised authorities; whereas the management of Community programmes is, at all events, just as much a matter for the regions and municipalities as for central government, and consequently the basic Union texts can no longer disregard the role of these particular partners, which must help both to make Community policies more effective and bring citizens closer to the process of European integration,*
- *at all events, it is for the Member States to promote, within the framework of their constitutional system, suitable participation for the regions in decision-making processes and representation in the field of European affairs in each country, without forgetting the necessary role to be played by municipalities in this connection,“*

C. The **European Commission** has recognised in the “White Paper on Governance” that an enhanced inclusion of the sub-national authorities can contribute to the quality of European decision-making and has called upon the Member States to examine how the involvement of regional and local actors in EU-policy can be improved. Furthermore, the Commission has itself committed to greater engagement with regional and local government:

- *“At EU level, the Commission should ensure that regional and local knowledge and conditions are taken into account when developing policy proposals.”*
- *“There should be more flexibility in the means provided for implementing legislation and programmes with a strong territorial impact, provided the level playing field at the heart of the internal market can be maintained.”*

#### **TAKING INTO ACCOUNT:**

The need to reinforce and respect the principle of subsidiarity and the principle of proportionality, which to date have not been fully applied in developing European policies;

The necessity of delimiting and better attributing powers among the different institutional and governmental levels, to clarify, simplify and update what already exists, and to provide mechanisms for respecting these reforms in future.



The fact that in 8 of the 15 Member states there are 74 Regions with Legislative Power which together account for some 56% of the total EU population; that these regions have their own Governments and Parliaments; that they often have similar (legislative, executive and judicial) responsibilities to their respective Member States; that, in areas falling within their legislative remit, the regions concerned are also responsible for implementing directives in accordance with Article 249 of the EC Treaty; that these regions also have varying degrees of influence on the negotiating stance of the respective Member States in discussions at the Council; and that a number of these regions have a considerable influence on the ratification of amendments to the Treaty.

The fact that the fully fledged role of Regions with Legislative Power in the internal structure of many Member States is not reflected in the European Union, as demonstrated by the fact that these Regions are not fully involved in the European decision-making process, as would be in accordance with their responsibilities.

**The Presidents of the Regions with Legislative Power are convinced that the Convention is a unique opportunity to make up for deficiencies in the European institutional framework. All the political levels with legislative power should be partners in the European decision making process and be involved on an appropriate basis. The European Union can only achieve its goals in terms of democracy, transparency, efficiency, flexibility, proximity, effectiveness and accountability if it provides more opportunities for the Regions with Legislative Power.**

**Consequently the Regions with Legislative Power call upon the European Convention to take into account the following proposals :**

1 – The preamble to the constitutional Treaty, a preliminary draft of which was presented by the Praesidium to the Convention on 28 October 2002, must take as a starting point the preamble of the Charter of Fundamental Rights, which states in particular that “The Union contributes to the preservation and to the development of these common values while respecting the diversity of the cultures and traditions of the peoples of Europe as well as the national identities of the Member States and the organisation of their public authorities at national, regional and local levels.”

Moreover, the Treaty must include an article specifying that the Community shall take account of – without undermining them – the internal rules of the Member States regarding the division of competences.

2 - The **principles of subsidiarity and proportionality** should be included in the EU's future constitutional text as a binding obligation, and not only as political principles.

3 - **An ex-ante mechanism** should be established in order to safeguard the principle of subsidiarity at an early stage of the legislative process. Such a mechanism should provide for full and direct involvement by the Regions with Legislative Power. The involvement of the Committee of the Regions on its own would not be sufficient.

4 - On the basis of the principles of the EU's restricted prerogatives, subsidiarity, proportionality and the obligation to respect the national identity of the Member States, the **competences of the European Union** should be more precisely allocated and its various policy making instruments should be simplified.

5 - These principles can only be usefully implemented if the Treaties mention explicitly all politically elected actors that may contribute to a reinforcement of the EU's democratic legitimacy (Member States, the Regions with Legislative Power, the administrative regions and the local authorities).

Consequently it is necessary **to reformulate article 5** of the EC Treaty in order to include an explicit reference to sub-national entities.

6 – The Regions with Legislative Power ask for explicit **recognition of the regional dimension** – and specifically of the Regions with Legislative Power – in all relevant parts of the Treaty. In particular, it could be stated that respect of the “national identities of its Member States” as laid down in Article 6, paragraph 3 of the EU Treaty also covers their respective state structure – in particular the internal distribution of competences –, their regional division and local government.

7 - Where European action affects regional competences, involvement of the regions in European decisions should be regulated at national level. Therefore the Regions with Legislative Power ask for a **generalised application of article 203** of the EC Treaty, which should ensure that the Regions with Legislative Power are allowed to participate in the Council of Ministers, where appropriate to the competences devolved to them through the internal organisation of the Member State.

8 - The Regions with Legislative Power ask for a **special status** within the Union, to include the following specific rights:

- to be consulted by the European Commission when it develops proposals concerning matters for which regions are responsible;
- whatever final decisions are reached regarding the ex-ante monitoring of the application of the principle of subsidiarity, the Regions with Legislative Power must be given a full and direct opportunity to participate;
- the power to bring actions directly to the European Court of Justice on competence disputes with the Union;
- that any Convention proposals for enhancing the way that national parliaments are involved in the European integration process should be extended to include regional parliaments;
- that the division of the constituencies for the European Parliament elections should take into account the territorial distribution of the Regions with Legislative Power.

9 - In its present form, the **Committee of the Regions** (CoR) does not correspond to the expectations of the Regions with Legislative Power when they called for the establishment of the CoR at the negotiations on the Treaty of Maastricht.

- Taking into account that the mission of the Committee of the Regions is to safeguard and to support the interests of all the sub-national authorities, namely the Regions with Legislative Power, the administrative regions and local authorities, it is necessary to improve the way that it operates and to strengthen its impact on the EU decision-making.
- In the interest of subsidiarity and closeness to the citizens, the CoR should be composed of members charged with political responsibility at regional or local level.
- The composition of the Committee of the Regions should better correspond to democratic principles, which make it essential that the Regions with Legislative Power are better represented.
- The Regions with Legislative Power ask for a strengthening of the CoR through its recognition as a fully-fledged EU Institution.

- The CoR should be given direct access to the European Court of Justice in defence of its prerogatives.

**The 3<sup>rd</sup> European Conference of the Presidents of the Regions with Legislative Power ask all the members of the Conference to support these recommendations both at national and European level and asks that the Presidency of the Conference brings them to the attention of the Convention on the Future of the European Union.**