

COM. Inst. Aff./024

Brussels, 29 November 2001

**DECLARATION**  
**of the Bureau of the**  
**Committee of the Regions**  
**of 26 October 2001**

**on**

**The role of regions with legislative powers in the Community decision-making process**

**The Bureau of the Committee of the Regions,**

**HAVING REGARD TO**

- the decision taken at its meeting in Montpellier on 13/14 March 1995;
- the final declaration of 24 November 2000 of the Conference of Presidents of Regions with Legislative Powers, held in Barcelona on 23 and 24 November 2000;
- the political declaration made in Brussels on 28 May 2001 by the constitutional regions of Bavaria, Catalonia, Flanders, North Rhine-Westphalia, Salzburg, Scotland and Wallonia;
- the political priorities for the Belgian presidency of the Council of the European Union, as set out on 2 May 2001;
- the working document on the delimitation of powers (PE 294.757) submitted by **Mr Alain Lamassoure** to the European Parliament's Committee on Constitutional Affairs;

- the decision taken on 3 April 2001 to instruct the Commission for Institutional Affairs to draft a Bureau declaration on the role of regions with legislative powers in the European Union for submission to the extraordinary Bureau meeting to be held in Alden Biesen on 26 October 2001;
- the decision of the Commission for Institutional Affairs of 27 April 2001 to appoint the following as rapporteurs: **Mr Dammeyer**, First Vice-President of the Committee of the Regions, Member of the North Rhine-Westphalia Landtag (D-PES), **Mrs du Granrut**, Member of the Picardy Regional Council, Deputy Mayor of Senlis (F-EPP) and **Lord Tope**, Member of Sutton Council (UK-ELDR).

## WHEREAS

- a. under the Treaties, the Committee of the Regions is empowered to represent the EU Member States' regional and local bodies at European level. The Committee of the Regions alone is in a position to represent Europe's regions and local authorities generally. This applies both to the regions which, in federal Member States, have their own legislative powers and enjoy major political clout, and to regions with a key political and economic role in other Member States. However, the Committee of the Regions also includes representatives of Member States with centralised constitutions in which local authorities often have wide-ranging tasks and powers. The Committee of the Regions is the European Union forum in which the regions and local authorities of all Member States work together, regardless of differences in national territorial set-ups, to provide an input into the European opinion-forming process. The Committee of the Regions alone can properly represent Member States' diversity;

(b) in some EU Member States there are regions which have their own legislative and administrative powers. 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. These regions also have varying degrees of influence on the negotiating stance of the respective Member States in discussions at the Council; some of these regions are represented on the Council delegations of their respective Member States, and representatives of these regions may even conduct negotiations at Council meetings in accordance with Article 203 of the EC Treaty. A number of these regions have a considerable influence on the ratification of amendments to the Treaty. In other Member States there are special-status regions which also have legislative powers. Regions with legislative powers also have extensive administrative powers and are thus also responsible for implementing EU law, as is the case with many other regions in the remaining Member States and with local authorities;

(c) in the wake of the globalisation process, regulatory powers in respect of the economy and other key policy areas have, over the past few decades, increasingly been transferred to the EU. An ever increasing number of areas are taking on a European dimension; many such areas cannot be properly regulated within the confines of individual Member States and cannot simply be entrusted to market forces. On the other hand, economic globalisation, the establishment of the European single market, economic and monetary union and progress towards an information society have all increased the importance of regional economic areas. The regions are now involved in intensifying competition for growth and employment at EU level and are playing an increasingly important role in policy in respect of business location, industry and employment. The regions are the decisive

actors for competition and cooperation. EU enlargement and the almost doubling of the number of Member States will bring a further sharp increase in the economic, social and cultural differences between regions within the EU;

(d) at the intergovernmental conference in Maastricht in 1991 the regions with legislative powers asserted their political influence to the full to bring about the establishment at EC level of the Committee of the Regions as a political and parliamentary institution for the sub-national level. Representatives of regions with legislative powers are in the minority in the CoR vis-à-vis representatives of other regions and local authorities; they represent some 30% of the CoR's members. They are, however, well represented in leading positions in the CoR. They are very active in the CoR's work on institutional matters, in particular. During the CoR's second term of office (1998-2001) over half of the opinions were drawn up by rapporteurs or co-rapporteurs representing regions with legislative powers;

(e) in a large number of opinions on the institutional reform of the EU, the CoR has repeatedly called for regions with legislative powers to be given the right to initiate proceedings in the European Court of Justice (Opinion of 20 April 1995 (CdR 89/95 fin), Resolutions of 10 December 1997 (CdR 305/97 fin) and 3 June 1999 (CdR 54/99 fin) and Opinion of 17 February 2000 (CdR 53/99 fin));

(f) the Council of Europe's Congress of Local and Regional Authorities of Europe (CLRAE) set up in its regional Chamber a permanent working group of regions with legislative powers and organised a conference of the presidents of these regions in Barcelona on 23 and 24 November 2000;

the conference adopted a declaration which deals with the major issues of the European Union. As for the CoR, the old idea of dividing it into a regional and a communal chamber was reactivated;

the regions participating in the conference agreed to pursue their cooperation and to prepare a further Council of Europe conference of the presidents of regions with legislative powers, to be held in Liege on 15-16 November 2001;

following the European Council in Nice, Flanders initiated a project-related cooperation with its six major partners (Bavaria, Catalonia, North Rhine-Westphalia, Salzburg, Scotland and Wallonia) in order to work out a common position with a view to the European Council in Brussels/Laeken as part of the debate about the future of the European Union. In order to ensure the feasibility (of this venture), the number of regions involved should be limited; the other regions were invited to an open colloquium on 20 February 2001;

as a first step, the seven regions involved agreed on a joint political declaration which was discussed with the Belgian Prime Minister at a meeting on 28 May 2001. The seven regions with legislative powers demand that the role of the CoR should be put on the agenda of the next IGC. Working in liaison with eleven regions with legislative powers the Wallonian government is preparing a conference of all EU regions with legislative powers, to be held in Liege on 15 November 2001;

(g) the abovementioned activities of the regions with legislative powers have been echoed to a certain extent in the public debate and in discussions in the European Parliament, the Council and the Committee of the Regions.

## I.

1. The Bureau of the Committee of the Regions considers that the Committee of the Regions and the regions with legislative powers have a common interest and wish to strengthen the

CoR and to respect the fact that, the CoR can represent the local and regional authorities as an institution within the EU framework.

2. The Bureau of the CoR draws attention to the fact that, under the EU Treaty, the CoR was established as the sole body representing "regional and local bodies" in all the Member States; the CoR is therefore bound to reflect all the various forms of local and regional organisation in the individual Member States. Regions with various forms of legislative powers therefore have a role to play in this framework. The CoR regrets that it was created with only consultative status. This constraint limits the influence of its members. The CoR therefore demands the full status of an institution and new competences beyond that of consultation. The Bureau of the CoR recognises that some regions are dissatisfied with the influence that they get through the CoR.
  
3. Recalling the decision of its Bureau in Montpellier not to have two chambers, dividing the CoR would, in the Committee's view, produce a form of organisation which would be out of step with the demands placed on an EU political body playing an active part in the EU opinion-forming and policy-making process in which all Member States cooperate. Dividing the Committee into two chambers in this way would unnecessarily increase the complexity of its opinion-forming and policy-making processes and reduce its political clout. Such a division would be based too much on institutional criteria and would fail to reflect the variety of forms of local and regional government in the Member States.
  
4. The Bureau of the Committee of the Regions invites the regions with legislative powers to nominate leading political representatives as members of the CoR for its third term of office, starting in 2002. The Bureau of the CoR hopes that these representatives will play an active, ongoing role in the Committee's political work and that they will make a point of bringing matters of special concern to their regions into the discussions held by CoR bodies.
  
5. The Bureau of the Committee of the Regions respects the desire of a number of regions with legislative powers to collaborate more closely and to coordinate their European policy to a greater extent. Cooperation between individual groups of regions or municipalities, prior to formal policy-making in the various CoR bodies is a legitimate and useful way of enhancing the organisation of the CoR's political work and properly highlighting the political concerns involved. However, the Bureau of the CoR regards it as desirable in this context to use the institutional framework of the EU. The Bureau of the CoR therefore calls on the regions with legislative powers to organise their cooperation within the framework of the CoR and its Rules of Procedure. The CoR is prepared to provide technical support for such cooperation within the means at its disposal. The regions with legislative powers should accept that the diversity of the CoR, and its respect for different legislative and administrative cultures and traditions, is an important strength.
  
6. The Bureau of the Committee of the Regions recognises that many regions with legislative powers have particular political clout in the debate on the future of the Union and with regard to the preparation of the next IGC. The Bureau of the CoR exhorts the regions with legislative powers to cooperate and coordinate their actions within the Committee of the Regions, as the sole body representing regional and local authorities within the EU framework (Resolution of 4 April 2001, CdR 430/2000 fin, rapporteur **Vice-President Dammeyer**, North Rhine Westphalia (D-PSE). Representatives of regions with legislative powers could be appropriately represented on a CoR delegation to the body preparing the next IGC. The Committee of the Regions could provide the

requisite technical and administrative support for the necessary coordination work.

7. The Bureau of the Committee of the Regions calls on the regions with legislative powers to harness the capacity of their administrations to the task of drawing up strategic documents and outlook reports and opinions, new instruments provided for in the Joint Declaration of the President of the European Commission and the President of the CoR of 13 June 2001 and the European Commission's White Paper on European Governance (COM(2001) 428 final). The Bureau of the CoR expects the regions with legislative powers to play a particularly dynamic part in the Committee's new task of "[reviewing] the local and regional impact of certain directives, and [reporting] to the Commission by the end of 2002 on the possibilities for more flexible means of application". The same consideration applies to the task of [organising] the exchange of best practice on how local and regional authorities are involved in the preparatory phase of European decision-making at national level" (White Paper, III.3.1, page 15).

## II.

8. The Bureau of the Committee of the Regions invites the regions with legislative powers to engage with it and the other regions and municipalities in an open dialogue on the CoR's future role in the institutional architecture of the EU. The Bureau of the CoR expects from the regions with legislative powers ideas and proposals for the future position of the infra-national level in the system of adopting opinions and decisions and making law, in which the regions and local authorities of all Member States should be represented. The CoR recognises that the regions with legislative powers are in a position to play a leading role: (i) in promoting decentralisation; (ii) in representing the regional cause in the debate on the future of the Union; and (iii) in exerting their political influence on the governments and parliaments of their respective Member States, and that this can also be very important in securing the necessary further strengthening of the CoR at the next IGC. The Committee of the Regions intends to set out its demands in greater detail in its Resolution on the preparations for the Laeken European Council and the further development of the European Union in the context of the next intergovernmental conference in 2004 (CdR 104/2001, rapporteur: **Mr Stoiber**, Bavaria (D-PPE)); the CoR calls on the regions with legislative powers, together with the other regions and municipalities, to play their part in this debate.

9. The Committee of the Regions calls for regional governments to be more effectively involved in the work of the Council (Article 203 of the EC Treaty). The CoR set out its view on this matter in detail in its Opinion on the Participation of regional government representatives in the work of the Council of the European Union, and of the CoR in informal Council meetings (CdR 431/2000, rapporteurs: **Mr Martini**, Tuscany (I-PSE) and **Mr Schausberger**, Salzburg (A-PPE)), dated 14 November 2001.

10. The Bureau of the Committee of the Regions reaffirms its demand that the CoR be granted "the formal right to bring proceedings before the European Court of Justice in order to defend its powers" and its demand for regions with legislative powers to be granted a right to institute proceedings (Resolution of 10 December 1997, CdR 305/97). As "the legislative activities of the Union are of particular concern to regions endowed with legislative powers" the Committee of the Regions proposes that "such regions be granted the right to institute proceedings in order to defend their powers" (Opinion of 20 April 1995, CdR 89/95 fin).

11. The Bureau of the Committee of the Regions calls upon the representatives of all regions and local government to participate in the public debate about the future of the European Union and the points set out in this Declaration.

Adopted in Alden Biesen on 26 October 2001.

The President

The Secretary-General

of the

of the

Committee of the Regions

Committee of the Regions

**Jos Chabert**

**Vincenzo Falcone**

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