

Political declaration by the constitutional regions of Bavaria, Catalonia, North Rhine-Westphalia, Salzburg, Scotland, Wallonia and Flanders

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With this joint declaration, the constitutional regions of Bavaria, Catalonia, North Rhine-Westphalia, Salzburg, Scotland, Wallonia and Flanders (the coordinator of the initiative), want to contribute to the debate about the future of the European Union and its key tasks. They also want this initiative to highlight a number of issues that are of vital importance to them.

- The constitutional regions have a specific interest with regard to the debate on the future of the European Union. Firstly, the competencies of the constitutional regions are affected by the integration process. And secondly, the regions have an important role in implementing European legislation, but do not have a sufficient say in preparing and determining European policies and legislation. Therefore, the constitutional regions demand to participate directly in the preparatory work for the Intergovernmental Conference of 2004.
- The constitutional regions want a broader discussion than the themes listed by the Intergovernmental Conference of Nice and urge that *'the role and setting of the regions in the European policy-making process and the institutional framework'* will be added as a theme to be debated.
- The principle of subsidiarity has to be taken as the basis for the debate on the European Union's key tasks, a debate that has to result in an effective European Union that shall only take action if and insofar as the objectives of the proposed action cannot be sufficiently achieved on the regional and national level.
- The European Union's missions need to be carefully considered and, in keeping with the principle of subsidiarity, redefined by a clearer allocation of powers, so these can be more effectively distinguished from those of the Member States and their regions. In this respect the constitutional regions favour a flexible solution which would not hinder the European integration process.
- In order to ensure due compliance with the principle of subsidiarity and therefore guarantee full respect for the constitutional regions' own areas of competence, the political role of these regions has to be strengthened within the European Union.

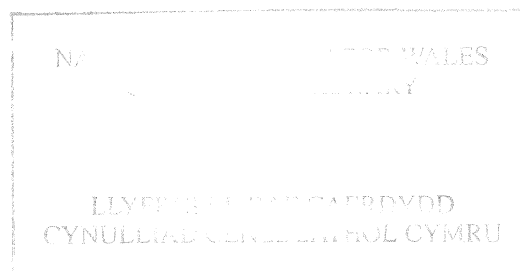
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The European continent has undergone major changes in recent decades. First of all, Europe is faced with the huge challenge of globalisation, which is characterised by an increasing level of interdependence. Second, the European Union has to address the historic mission of Enlargement. Last but not the least, an increasing move towards regionalisation is taking place within the different Member States, thus giving prominence to the regional level and its importance in the policy-making process, in addition to the national and European levels.

It is becoming increasingly obvious that the unique political system applied in the European Community (later to become the European Union) in the post-war epoch needs to be adapted to the changing social and political landscape. The traditional institutional architecture is built on the interaction between the nation state and the European Union. This does not take into account the move towards multi-level governance, whereby the traditional government structure is gradually giving way to 'multi-layered systems of governance'.

In recent years, public support for the European integration process has declined in several Member States. Therefore, it is of vital importance for the European Union to develop a new perspective that could be supported by the citizens to give fresh momentum to the European Union.

The constitutional regions have a specific interest with regard to the debate on the future of the European Union. Firstly, their freedom of political action is affected by the integration process as the European Union has, in a number of political fields and over the course of time, continuously interpreted and used its powers more and more broadly. Secondly, some regions have an important role in implementing European legislation, but in many Member States they do not have a sufficient say in preparing and determining European policies and legislation. And thirdly, in a democratic society our citizens have the right to know to whom they are allocating what power, and thus what responsibility, when they are going to the polls.



I. THE DEBATE ON THE FUTURE OF THE EUROPEAN UNION AND ITS KEY TASKS

1. Participation of the regions in the debate on the future of the European Union

A general consensus exists on the fact that the Intergovernmental Conference of 2004 should be prepared in a different way than the Intergovernmental Conference in Nice. This time, the challenges we face are much more important which makes a carefully considered preparation phase even more necessary.

In this respect, and irrespective of the preferred approach towards the structures of the debate (a “convention” or another appropriate structure), the constitutional regions demand to participate directly in the preparatory work for the Intergovernmental Conference of 2004.

The constitutional regions agree that particular attention should be paid to the four themes emphasised by the Nice “Declaration on the future of the Union”, but they certainly want a broader discussion and urge that ‘the role and setting of the regions in the European policy-making process and the institutional framework’ will be added as a theme to be debated.

2. The principle of subsidiarity as a guide for the debate on the key tasks and the delimitation of powers

The constitutional regions demand that the debate on the key tasks and the delimitation of powers will lead to solutions that provide for more transparency and accountability in the functioning and structures of the European Union. The regions take up their responsibility and support the efforts to make the European Union more democratic and efficient.

Any consideration of reform should take the following principles, currently laid down in the Treaties, as a starting point:

- the principle of the EU's restricted prerogatives, i.e. the European Union shall act within the limits of the powers conferred upon it by the Treaties,
- the principle of subsidiarity, which holds that the European Union shall take action only if and insofar as the objectives cannot be sufficiently achieved on the regional or national level,
- the principle of proportionality i.e. the restriction of EU action to the extent required to meet the Treaty's objectives,
- the obligation to respect the national identity of the Member States, which includes the identity and cultural diversity of the regions.

All these principles have to be taken into account during the process to reach unambiguous solutions on a better and clearer allocation of powers to the European Union. The European Union's missions need to be carefully considered and, in keeping with the principle of subsidiarity, redefined by a clearer allocation of powers, so these can be more effectively distinguished from those of the Member States and their regions. In this respect, the constitutional regions favour a flexible solution which would not hinder the European integration process.

The forthcoming enlargement and the further development of the European Union require the community's whole institutional set-up to be given a clearer structure, with a particular eye on simplification and a revision of the Treaties. In this context the constitutional regions demand to create a more transparent framework for action for the different spheres of government, that allows the citizen to distinguish more easily the responsible level(s) of government.

The need for the European Union's powers to be focused on key tasks has to be given further consideration, as the current range of activity goes beyond the possibilities of an enlarged Union. The European Union's involvement in too many activities is endangering the effectiveness, accountability, transparency and proximity of the European decision-making process.

Therefore, the constitutional regions demand that, in connection with a better delimitation of competencies, there should be a review of the division of political responsibilities between the European Union, on the one hand, and the Member States and their regions, on the other. This holds true in particular for the following key policy areas: "functioning of the Internal Market", "economic and social cohesion, regional policy", "common agricultural policy", "environmental policy", "research, technology and information society", "education, media and culture". In this context it is important to narrow down the scope of articles 94-95 of the Treaty, so that measures based upon these provisions must be primarily and directly aimed at the establishment and functioning of the internal market.

The constitutional regions demand that all government levels - European, national and regional - are directly associated to the works on these topics in order to define the debate in the different policy fields, to clarify the discussion and to have a well argued, legitimated debate in the future remit of the IGC.

Lastly, a root-and-branch assessment also needs to be made of the various policy-making instruments (legal instruments, EU programmes, the open co-ordination approach and the like) due to be included in the debate on the European Union's key activities. All these instruments should respect the EU competence system. Whatever form this takes, there has to be a guarantee that all levels will be involved.

In order to support a better system for a delimitation of powers between the European Union and the Member States or constitutional regions, different options should be examined.

One option could be to define categories of legislative competence, for example:

- the exclusive competence of the European Union,
- a framework competence of the European Union,
- a supplementary competence of the European Union.

In order to guarantee the application of the rules of competences and of the principles of subsidiarity and proportionality, a specific independent body should be appointed.

II. THE REGIONAL DIMENSION WITHIN THE EUROPEAN UNION STRUCTURES

The European Union's importance for the regional authorities has increased tremendously in recent years. Many European rules have direct or indirect implications for regional levels of policy making. As the European integration process moves on, so grows the need for the regional authorities to become more involved in European policy-making.

A suitable institutional setting giving tangible shape to the regional dimension at European Union level has to reflect the entire range of policy-making procedures (preparing, determining and implementing policies).

The constitutional regions are not satisfied with the current institutional framework in which the Committee of the Regions is the body representing the interests of the local and regional authorities. The constitutional regions have reservations whether the Committee of the Regions in its current shape and institutional status can meet the needs and wishes of the regions.

The broad debate on the future of the European Union should also provide a forum to develop institutional answers to the legislative and judicial involvement of the constitutional regions in developing, executing, monitoring and evaluating EU-policy.

With regard to this debate, the constitutional regions would wish that, amongst others, the following topics would be considered:

- *Committee of the Regions*
the role of the Committee of the Regions in the decision-making process could be clearly strengthened: that the Committee of the Regions should get the status of a fully-fledged EU institution with political powers going beyond a purely consultative role and with the right to institute proceedings in the European Court of Justice.
- *European Parliament*
national and regional parliaments could be better involved in the European policy process and their interaction with the European Parliament could be improved.
- *European Court of Justice*
the right for the constitutional regions, as exists for the Member States, to refer directly to the European Court of Justice when their prerogatives are harmed.

Within the legislative framework, the main aim is to boost the contribution of the constitutional regions in the Council. This request is in the first directed towards the national policy level. The Member States should be required to take into account the views of their constitutional regions about matters that fall within the latter's policy areas. The European Union has to give way to the involvement of the constitutional regions in the decision-making process as has already been done through article 203 EC Treaty.

The 7 constitutional regions who took this initiative are planning to present this declaration to other constitutional regions that are receptive to its aims. Co-operation between the regional authorities will be a key factor in exercising a real influence on the European policy agenda.