

AMENDEMENT FORM 6

Amendment of Article 10 §6

By: M.J.CHABERT
M.M.DAMMEYER
M.P.DEWAEL
Ms. C. du GRANRUT
M.C.MARTINI
M.R.VALCARCEL SISO

Status : - Member - Alternate - Observer

"RECOGNITION OF THE ROLE OF REGIONAL AND LOCAL AUTHORITIES"

Addition to Article 10 §6:

"The Union recognises and valorises the contribution of the regional and local authorities of the Member States to the formulation and implementation of its laws and policies."

Explanation:

As **Vice-President J.-L. Dehaene** noted in his conclusions at the end of the plenary session of the 7 February 2003 on regional and local authorities, the debate showed the Convention's willingness to recognize the role of the regions and local authorities in the Constitutional Treaty from its opening articles onwards.

Under the draft Article 1(2) "The Union shall respect the national identities of its Member States." The draft Article 9(6), which expands on Article 1(3), does indeed lay down that:

"The Union shall respect the national identities of its Member States, inherent in their fundamental structures and essential State functions, especially their political and constitutional structure, including the organisation of public administration at national, regional and local level."

However, the debate showed that it was necessary to go beyond this, and that the text of the Constitution, while acknowledging that the internal structure of each Member State is solely a matter for that State – which is clear from the wording of Article 9(6) – should also recognize in a

positive way the role of regional and local authorities in the European Union.

In the same way as for respecting the internal distribution of powers, it would be possible to introduce for the Member States a reference to their regions and local authorities in Articles 8 to 13, 15 and 16. Such repetition, justified in legal terms, could be regarded as stylistically inelegant. It is therefore proposed that a general clause for this purpose be inserted for the whole of Title II covering the powers of the Union. Logically, this clause should appear in the article on "Categories of competence". It would have the legal consequence that any reference to the Member States is also equivalent to a reference to their regional and local authorities where applicable.