

INFORMATION NOTE

from : Secretariat
to : Convention
Subject : Summary of discussions in the Contact Group of Regional and Local Authorities

1. The meeting of the Contact Group of Regional and Local Authorities held on 30 January 2003 under the chairmanship of Mr Jean-Luc Dehaene, Vice Chairman of the Convention, was attended by nearly a hundred participants from the Committee of the Regions, from European organisations of regional and local authorities ¹ representing both general and sectoral interests, from the Congress of Local and Regional Authorities of Europe, and from individual regions and towns themselves. The aim of the meeting was to take stock of the Convention's discussions and to prepare for the plenary session on 7 February, which is to deal with the "regional and local dimension in Europe". It gave participants a chance to acquaint themselves with the discussion paper submitted to Convention members by the Praesidium (CONV 518/03), and to air their views and express their expectations of the Convention.
2. All those taking part showed great interest in the Praesidium note and hoped that the Convention would respond positively to the questions it posed. The possibility raised in the Praesidium note, of a reference to regional and local authorities in the initial Articles of the Constitution thus received the unanimous support of Group members (see question 1). The same held for the comments on consultation and partnership with local authorities (see question 2).

¹ The Assembly of European Regions (AER), the Association of European Border Regions (AEBR), the Association of the Outermost Regions (ARUP), the European Association of Elected Representatives from Mountain Areas (AEM), the Conference of European Regional Legislative Assemblies (CALRE), the Council of European Municipalities and Regions (CEMR), the Conference of Peripheral Maritime Regions of Europe (CPMR), EUROCITIES and Coordination of Regions with Legislative Powers (REGLEG).

3. Furthermore, the participants agreed to request that:
- (a) the principles of local democracy and self-government, as defined in the Council of Europe's European Charter of Local Self-Government should be among the Union's fundamental values;
 - (b) territorial cohesion should be among the European Union's objectives;
 - (c) the Union should support services of general interest, pointing out that many of these services were provided by regional and local authorities.
4. The representatives of the Committee of the Regions, who are Convention observers, drew attention to their recent contributions to the Convention¹. In addition to their support for the Contact Group's proposals, they emphasised that the Committee wished to have the status of an EU institution, to have the right of appeal to the Court under the procedure proposed by the Convention with regard to subsidiarity, and in defence of its prerogatives. They also wanted the term of office of CoR members to be extended from 4 to 5 years and called for the institutions to give reasons if they were unable to follow the Committee's opinions.
5. Discussion also focussed on:
- (a) regions straddling the Union's internal borders: there was a call for these regions to have a legal instrument that would promote cross-border cooperation;
 - (b) the Council of Europe's European Charter on Local Self-Government: it was felt that once the Union had acquired legal personality, as requested by the Convention, it might at some later date accede to this Charter, which had already been ratified by all the candidate countries and almost all Member States (the last two were preparing for or in the course of ratification).

¹ CONV 494/03 and 520/03.

6. Lastly, there was a detailed exchange of views on the right of appeal for regions with legislative powers. These regions urged that the issue should not be left to the courts; they did not consider the proposal in point 8 ¹ of the European Parliament's Resolution of 14 January to be satisfactory.
 7. Vice-Chairman Dehaene concluded the debate by proposing that in addition to the Praesidium note (CONV 518/03), Convention members should receive, for information, a brief summary of the meeting, together with a summary table (prepared by the associations) of the various proposals currently on the table.
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¹ "Calls on the Convention to ensure that regions and other territorial entities, in the light of the principle of subsidiarity and if their prerogatives have been directly infringed by a Community act, may defend their rights before the Court of Justice under the authority of the Member State concerned, according to its constitutional or national legislation."

Working document of the European associations representing local and regional authorities ¹ –

Addressed to the members of the European Convention

Plenary session on 7 February on the local and regional dimension of the Union

**INCLUSION OF THE ROLE OF LOCAL AND REGIONAL PLAYERS
IN THE CONSTITUTIONAL TREATY**

Summary table of proposals made by the Associations of local and regional authorities, the European Parliament, the European Commission and the Committee of the Regions, as presented to the meeting of the Contact Group Regional and Local Authorities, chaired by Mr Dehaene on 30 January 2003

Platform of Associations:

AER – Assembly of European Regions

AEBR – Association of European Border Regions

CALRE – Conference of the European Regional Legislative Assemblies

CEMR – Council of European Municipalities and Regions

CPMR – Conference of Peripheral Maritime Regions of Europe

EUROCITIES – Network of major European cities

and:

REG LEG – Coordination of Regions with Legislative Power

¹ This summary table was drawn up by the Conference of Peripheral Maritime Regions of Europe

1. Respect for national, regional and local identities

INSTITUTION / ORGANISATION	PROPOSED WORDING ¹	POSITION IN THE TREATY ²
Platform of Associations	<i>"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."</i> <i>"The Union shall act with respect for the national identities of the Member States, their domestic structure and the autonomy of their regions and municipalities."</i>	Preamble Article 6
European Parliament	<i>"The Union shall respect the national identities of the Member States, their domestic structure and the autonomy of the regions and municipalities. "</i>	Article 6(3)
European Commission	The Treaty should mention that integration should <i>"always have regard to the diversity of national, regional and local identities"</i> .	Not specified

¹ Document extracts:

- Address by the platform of four organisations representing regional and local authorities (AEER, CEMR, CPMR, EUROCITIES) to the members of the Convention. With a view to the plenary session devoted to the role of regional and local authorities in the European Union on 7 February 2003
- "Giving constitutional recognition to the role of local and regional authorities in the European Union". Working document of the European associations of the local and regional authorities (AER, AEER, CEMR, CPMR, EUROCITIES), 23 October 2002
- European Parliament resolution on the role of regional and local authorities in European integration (2002/2141(INI))
- Communication of the European Commission on the Institutional Architecture "For the European Union : Peace, Freedom, Solidarity" (COM (2002)728 final)
- Opinion of the Committee of the Regions of 21 November 2002 on the role of regional and local authorities in European integration (CdR 237/2002 fin)
- Contribution of the six observers to the Convention "The Committee of the Regions and the future of the European Union" CONV 494/03 CONTRIB 197, 17 January 2003

- Feasibility study - working document entitled PENELOPE : "Contribution to a preliminary draft constitution of the European Union, drawn up by a European Commission working party led by F. Lamoureux, at the request of President Prodi and in agreement with Commissioners Barnier and Vitorino, 4 December 2002

² Reference to the numbering of the draft Treaty presented by the Praesidium.

Committee of the Regions	<i>"The Union shall respect the national identities of the Member States, including (in accordance with their internal organisation) their regions and local authorities."</i>	Article 6
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Coordination of the Regions with Legislative Power	<p>– <i>"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."</i></p> <p>– <i>The Treaty should, moreover, include an article stating that the Community takes account of the Member States' domestic rules (without affecting them) on the conferral of competences.</i></p> <p>– <i>Respect for "the national identities of the Member State" as laid down in Article 6(3) of the TEU, must also cover their respective national structures—especially the internal conferral of powers, their regional breakdown and their local executives.</i></p>	
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2. The principle of subsidiarity as a link between the Community, national, regional and local levels

INSTITUTION/ORGANISATION	PROPOSED WORDING	POSITION IN THE TREATY
Platform of Associations	<i>"The Union shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States and, according to their national constitutional orders, by their local and regional authorities..."</i>	Article 5
European Parliament	<p><i>"The Union shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States or by the regional and local authorities on the basis of the powers conferred on them by laws of the Member State in question."</i></p> <p>Article 5 should envisage a mechanism for monitoring the application of the principle of subsidiarity.</p>	Article 5(2)

Committee of the Regions	<i>"The Union shall take action, in accordance with the principle of subsidiarity, only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States or their local and regional authorities, according to the competences reserved for them by each Member State. The Community shall give consideration to (and respect) the internal rules and organisation of the Member States regarding the distribution of competences."</i>	Article 5
Coordination of Regions with Legislative Power	<i>If the national parliaments participate in the ex-ante mechanism which evaluates compliance with the principles of subsidiarity and proportionality, such participation should be extended to the regional parliaments for matters within their sphere of competence and in compliance with the Member States' national rules.</i>	

3. Recognition of the principle of democracy and local self-government among the fundamental values of the Union

INSTITUTION/ORGANISATION	PROPOSED WORDING	POSITION IN THE TREATY
Platform of Associations	<i>"The Union respects the rights related to local self-government, as guaranteed by the Charter of local self-government of the Council of Europe (1985)."</i>	Article 6
European Parliament	Supports the request that the new institutional framework of the European Union incorporate the Charter of local self-government as a part of the <i>acquis communautaire</i> .	Not specified
Committee of the Regions	<i>"The Union shall respect the principle of regional self-government and the rights related to local self-government, as guaranteed in the Charter of Local Self-Government of the Council of Europe of 1985."</i> Paragraph 3 should make reference to the Charter of Fundamental Rights and the provisions should be incorporated in the Treaty.	Article 6

4. References to partnership and early consultation of regional and local authorities by the European Commission

INSTITUTION/ORGANISATION	PROPOSED WORDING	POSITION IN THE TREATY
Platform of Associations	<i>"European democracy is exercised through all the levels of democratically elected representation, i.e. European, national, regional and local, and as close as possible to the citizens. During the preparation of proposals for legislation, policies and actions which could have consequence for the regional and local authorities, the Union shall consult, at an early stage, the representatives of the interested parties."</i> <i>"The Union recognises that an active partnership between all levels of government, including local and regional authorities, is necessary for the development, implementation and effective communication of legislation and European policies."</i>	Chapter on the democratic life of the Union
European Parliament	Add <i>"carry out its activities in a spirit of mutual partnership with the Member States and their local and regional authorities"</i> Calls on the Commission to involve, on a full and regular basis, those who will be required to implement them in the preparation of legislative acts and in the devising of Community policies, with the national structure determining the arrangements for the involvement of regional and local authorities in such preparatory work.	Article 211 Not specified
European Commission	<i>"As regards the preparation of legislative initiatives and the formulation of policies, the future constitutional treaty could in a way which continues to respect Member States' constitutional systems, make provision for general principles of consultation of interested parties, the national administrations and the local and regional authorities. Better account will have to be taken, when necessary, of the diversity of local situations, at the time when policies are formulated or put into effect, for instance, in the form of tripartite contracts, which might be concluded by the Commission, the Member States and the regions or local authorities with a view to implementing certain items of Community legislation, in a way which continues to respect Member States' constitutional systems."</i>	Not specified
Committee of the Regions	Add to Article 6 the principles of consultation and partnership. Add to Article 211 an obligation on the <i>"Commission to pursue its activity in a spirit of partnership with the Member States and with elected regional and local authorities or their representative bodies, observing its principles of good governance, notably that of consultation."</i>	Article 6 Article 211

PENELOPE	<p><i>"In all its action, the Union shall satisfy the requirements of transparency, good governance and decentralisation."</i></p> <p>Also insert in Article 88: <i>"To secure proportionality, consistency and transparency in Union activities, the Commission shall undertake extensive consultations with interested parties."</i></p>	<p>Article 10</p> <p>Article 88</p>
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5. Reference to territorial cohesion in the European Union's objectives

INSTITUTION/ ORGANISATION	PROPOSED WORDING	POSITION IN THE TREATY
Platform of Associations	<p><i>"The Union's task shall be to organise, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples, in order to guarantee the economic, social and territorial cohesion of the European area as a whole."</i></p> <p><i>"The Union shall promote and support trans-European (cross-border, transnational and inter-regional) cooperation, including twinning arrangements and exchanges of experience, as a European task and political objective."</i></p> <p><i>"The Union must deepen this process, offering citizens a project with which they are comfortable and which will bring them prosperity, solidarity, and respect for a certain quality of life based on the preservation of the environment, the existence of high quality services of general interest accessible to all, and a high level of social protection."</i></p>	Article 2
European Parliament	<p>Insert in Article 2 <i>"to promote territorial cohesion"</i>.</p> <p>Add to Article 158: <i>"The Member States shall undertake to promote transfrontier cooperation at their internal and external borders, to create the requisite legal framework for that purpose and to apply the statute for transfrontier cooperation."</i></p> <p>Consolidate Article 299(2) concerning the outermost regions.</p>	<p>Article 2</p> <p>Article 158(3)</p> <p>Article 299(2)</p>
European Commission	Solidarity should be expressed <i>"between the countries and regions of Europe"</i> .	Not specified
PENELOPE	<i>"The Union shall seek to promote the European model of society by a sustainable development of economic and social activities, the flowering of the cultures of the Member States, a high degree of protection of the environment and solidarity between all its regions, whether they be central, peripheral or insular."</i>	Article 2

6. Reference to common policies in the constitutional part of the Treaty

INSTITUTION/ORGANISATION	PROPOSED WORDING	POSITION IN THE TREATY
Platform of Associations	<i>"The Union shall undertake to ensure that the European policies are designed to serve the missions defined in the European project. It shall make sure that their implementation contributes towards the development of a prosperous economy as well as to strengthening the solidarity required to ensure cohesion with society and the European area as a whole."</i>	In Title V "implementation and actions of the Union"
European Commission	<i>Caution is also needed with regard to how the common policies are presented in the future constitutional treaty. Apart from one general provision on objectives, the preliminary draft constitutional treaty submitted to the Convention describes the common policies, not in the part on the constitutional architecture, but only in a second part. This presentation should on no account affect the fact that all parts of the future constitutional treaty concern European Union primary law.</i>	Not specified

7. The role of the Committee of the Regions

INSTITUTION/ORGANISATION	PROPOSED WORDING	POSITION IN THE TREATY
Platform of Associations	<i>"The Court of Justice may also rule on proceedings for annulment brought by the Committee of the Regions with regard to acts which might infringe the principle of subsidiarity."</i>	
European Parliament	Add to Article 230 of the EC Treaty: <i>"The Court of Justice may also rule on proceedings for annulment brought by the Committee of the Regions for annulment of acts which might infringe the principle of subsidiarity or in order to defend its prerogatives."</i> Add to Article 265 of the EC Treaty: <i>"The Council and the Commission shall regularly adopt a reasoned report on the measures taken in response to opinions delivered by the Committee of the Regions."</i>	Article 230 Article 265
European Commission	There is a need to <i>"take due account of the full range of important tasks carried out by the Union's other institutions and bodies, especially the Committee of the Regions"</i> .	Not specified

Committee of the Regions	Add to the list of institutions in Article 7 " <i>a Committee of the Regions</i> ". Add to Part 5 a section entitled " <i>The Committee of the Regions</i> " Add to Article 230: " <i>The Court of Justice shall have jurisdiction in actions brought by a Member State, a region or a local authority of a Member State or by the Committee of the Regions for non-compliance with the principle of subsidiarity. The Court of Justice shall have jurisdiction under the same conditions in actions brought by the European Parliament, the Court of Auditors, the European Central Bank and the Committee of the Regions for the purpose of defending their prerogatives.</i> "	Article 7 Part 5 "The institutions" Article 230
Complementary opinion AER-REG/LEG-CALRE	Add to the end of Article 230(2): " <i>The Court shall for this purpose have jurisdiction in actions brought on grounds of lack of competence, infringement of an essential procedural requirement, infringement of this Treaty or of any rule of law relating to its application, or misuse of powers, brought by a Member State, the Council, the Commission or the regions within the framework of the competences and rights conferred on them under the constitutional order of the Member States</i> ".	Article 230

8. Loyal cooperation

INSTITUTION/ORGANISATION	PROPOSED WORDING	POSITION IN THE TREATY
Platform of Associations	" <i>Member States and the local and regional authorities shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of the Treaty or resulting from actions taken by the institutions of the Union. Their Member States shall assist the Union in the fulfilment of its task, in cooperation with their local and regional authorities.</i> "	Article 10
European Parliament	" <i>Member States, together with their local and regional authorities where their constitutional provisions so require, shall, within their respective remits, take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Community.</i> " Add a new Article 10a: " <i>In the areas provided for by national legislation, the regional and local authorities of the Member States shall be involved in attaining the objectives and enhancing the action of the Union.</i> "	Article 10(1) Article 10a
Committee of the Regions	" <i>Member States, and their regional and local authorities, in the context of their respective competences, shall take all appropriate measures, whether general or particular, to ensure fulfilment of the obligations arising out of this Treaty or resulting from action taken by the institutions of the Community.</i> " " <i>In connection with this, all legislative proposals shall include an estimate of the resource implications (financial and administrative) for the implementing bodies.</i> "	Article 10

PENELOPE	Article 4 on relations between the Union and the Member States which mentions: <i>"2. In compliance with the subsidiarity principle, the Union shall act in good faith in relation to the Member States and shall preserve their identity and their national and regional diversity. It shall respect the constitutional organisation of the Member States, including in its relations with their territorial units."</i>	Article 4
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