

CONV 561/03

CONTRIB 248

NOTA DE TRANSMISIÓN

de la: Secretaría

a la: Convención

Asunto: **Contribución de D. Claudio Martini, observador de la Convención:
"De cómo tomar en consideración la dimensión regional y local de la Unión
en las dos partes del Tratado"**

El Secretario General de la Convención ha recibido la contribución adjunta de D. Claudio Martini, observador de la Convención.

**CONTRIBUTION FROM CLAUDIO MARTINI, OBSERVER MEMBER OF THE
COMMITTEE OF THE REGIONS**

“Including the regional and local dimension of the Union in both parts of the Treaty”

Introduction:

During the plenary session on 7 February, some fifty Convention members recognised the regional and local level as being an integral part of the European democratic model, thereby supporting the positions already expressed by the European Parliament, the European Commission, the Committee of the Regions and the associations of regional and local authorities. A consensus emerged on the need to translate this role into the first articles of the Constitutional Treaty.

This shows that the “Europe of the Regions” versus the “Europe of States” is no longer an issue of debate.

The Constitutional Treaty must therefore confirm this established fact and aim to strengthen the democratic basis of the Union by encouraging greater cooperation between the Union, the States and the regions, while respecting the domestic institutional order of each State.

This should be done not only in the first, but also in the second part of the Treaty.

1. Introducing the regional and local dimension in the constitutional part

Only a realistic compromise based on the following wording will allow us to progress in this direction:

- reference to respecting national, regional and local identities; this will allow each Member State, in accordance with its own rules, to involve the regional and local tiers in the life of the Union,
- recognition of a European democracy that is exercised through all levels of democratically elected representation, i.e. European, national, regional and local,
- institutionalising the principles of consultation of the national, regional and local authorities, in compliance with the constitutional systems of the States, “upstream” of the law-making process in respect of legislative proposals with a high territorial impact, and “downstream” in respect of the implementation of these proposals,
- the inclusion of territorial cohesion as one of the objectives of the Union, as a corollary to economic and social cohesion,
- recognition of the role played by the common policies in ensuring the internal cohesion of the Union, especially the cohesion policy; this will allow us to press ahead with the implementation of dynamic and innovative instruments such as tripartite contracts and frameworks for trans-European cooperation,

- a stepping up of the role of the Committee of the Regions, by granting it the right to refer matters before the Court for infringement of the principle of subsidiarity.

2. Strengthening the cohesion policy in the second part of the Treaty

These principles will only be viable if the common policies, which all levels of government are called upon to implement, are clearly defined in the second part of the Treaty.

The draft that has been presented fails to fulfil this ambition. Firstly, it classifies the policies on the basis of competences and also on the basis of the objectives of the Union. This gives rise to confusion, which calls into question the desire for legibility expressed by the Convention. Secondly, it appears to minimise the contribution that certain common policies – especially the regional policy – make towards strengthening the Union's internal cohesion.

It is however necessary, in the context of an enlarged Union, to further develop the policies on which the unity and solidarity of the European area are based.

The Convention therefore ought to re-examine the draft of the second part of the Treaty and consider classifying the policies on the basis of how they are related to the objectives of the Union as defined in Article 3 of the Treaty, in a concern to ensure consistency and clarity in the eyes of the citizens.

Three of these objectives requiring a greater contribution from regional and local government to back up the action led by the Union and the States, are, however, missing from the current draft:

- Strengthening solidarity to meet the challenges of the enlargements,
- Strengthening the competitiveness of the European territory,
- The will to take better account of the problems related to sustainable development.

These three inter-dependent objectives deserve to be included in the Treaty in a legible and coherent manner, on the basis of the following model:

A. INTERNAL MARKET

- Free movement of persons and services
- Free movement of goods
- Capital and payments
- Harmonisation of legislation

B. ECONOMIC AND MONETARY POLICY

C. SOLIDARITY AND SUSTAINABLE DEVELOPMENT

- Economic, social and territorial cohesion policy
- Trans-European networks
- Environment
- Consumer protection and public health
- Regional State aids and special tax arrangements
- Development cooperation
- Contribution of decentralised cooperation towards the external cooperation policies of the EU and Member States
- International commitments (Energy, Transport, Environment)

D. COMPETITIVENESS

- Competition rules
- Employment
- Social policy
- Technological research and development
- Education, professional training, youth
- Industry

- Agriculture
- Maritime policy (fisheries, shipping industry, legislation,...)
- Culture

E. EXTERNAL ACTION

- Commercial policy
- Common foreign and security policy
- The conclusion of international agreements (Other than section C8)

F. DEFENCE

Chapters C and D are justified on the following grounds:

- The notions of solidarity and sustainable development are an integral part of one and the same project, whether it be dedicated to the ensuring the internal cohesion of the Union or strengthening the promotion of the European model outside the Union's borders.
- The notion of competitiveness needs to be included in both the objectives of the future cohesion policy – based on partnership between the States and the regional and local authorities – or as a strategic line of action in a certain number of sectoral and cross-sectoral policies in which the Union and/or the States play an exclusive or driving role.
- Special attention should be given to the situation of territories suffering from severe permanent geographical and demographic constraints (insularity, remoteness due to relief in mountain areas, sparsely populated areas), especially in Article 158, and also in the provisions on competition rules.

1. CONCLUSION

This is something we need to bear in mind when drafting amendments to the articles of the Treaty, if we really wish to build a Union of States and peoples.
