

CONV 321/02

CONTRIB 109

NOTE DE TRANSMISSION

du: Secrétariat

à la: Convention

Objet: "Le rôle des régions ayant des pouvoirs législatifs dans l'UE"

Le Secrétaire général de la Convention a reçu de M. Kimmo Kiljunen, représentant du Parlement finlandais, la contribution figurant en annexe qui est cosignée par quatorze autres membres, membres suppléants ou observateurs de la Convention.

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CONTRIBUTION FOR THE EUROPEAN CONVENTION

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The role of the Regions with legislative power in the EU

In the European Union more than every second citizen, namely 56,3 per cent of the population live in a region with legislative power. There are altogether about 75 regions with legislative power within the EU. Many of these regions and their special status are recognised in the Treaty provisions and in the protocols annexed to the Treaties. The derogations and other special arrangements foreseen in the Treaties will need to be addressed in the Convention's proposals.

However, the EU should also recognise the significance of regionally based legislative and administrative authorities and their contribution in the service of democracy and not least in terms of the principle of subsidiarity in the EU and its Member States. This recognition should also have a real impact on the functioning of the EU.

National Parliaments alone do not fully represent these regions in every Member State, especially if the national parliamentary system does not include a second chamber clearly representing regions with legislative authority (like the German Bundesrat in respect of the Länder) This is due to the fact that in some Member States the legislative competence is in some areas divided between the

national parliament and the regional parliament. For example, this is the case of Åland, the only region with own legislative powers in Finland. The autonomous position of Åland is based on international law, and the division of power between Finland and Åland is constitutionally based.

The principle of subsidiarity

In future treaties the principle of subsidiarity should be understood in a wide sense, covering also the level of regions and taking into account their legislative powers.

The Community legislators, and especially the European Commission should take this into account when proposing new legislation and assessing its impact.

Participation in the Council of Ministers and other parts of the decision-making process

The regions having proper legislative power in their field of competence should be able to participate in the decision making process of the EU. This could be guaranteed in several ways: According to national legislation, they should have representation in the national delegations and permanent representations in the Council of Ministers as well as in other parts of the decision-making process when proposed European legislation would affect their legislative powers. The legislative regions should also be given an opportunity and a real possibility to participate in the Commission's drafting work through consultation and by other means. The Member States should be obliged to indicate the legislative regions and their competences to the Commission so that the latter could consult these regions systematically.

Regional parliaments in regions with legislative authority

The role of regional parliaments should be clarified. Their possibilities to scrutinise draft EU legislation in the fields of their legislative powers should be duly taken into account.

Modalities should be set up in order to facilitate the participation of the parliaments of legislative regions in the parliamentary co-operation in the European Union.

Interventions in the Court of Justice of the EC

The Convention should look into possibilities how the regions with legislative authority could intervene in the Court of Justice, should a particular case concern also their field of competence.

The Committee of the Regions

As a consequence of the recognition of the legislative and administrative authority of regions within the EU, the mandate and remit of the Committee of Regions should be developed and stated in the Treaties. The Committee should specifically deal with issues relating to local and regional self-government and seek to promote the interests of regions in the EU.

The working group on subsidiarity proposed that the Committee of Regions be given a right to appeal to the Court of Justice of the EC in cases of possible breach of the principle of subsidiarity.

Regional dimension in the Convention

We would like to propose that the Convention examine the question of the role of regional legislative authorities and other questions relating to the regional dimension by appropriate modalities, for instance by establishing a working group.

In addition to that, the working group could examine wider questions relating to local and regional government. Principles, which the Member States have already accepted in the framework of Council of Europe, could serve as basis and inspiration for this work.
