

European and External Affairs Committee

Date: 11 November 2004
Time: 9.00 to 12.10
Venue: National Assembly for Wales
Title: Conference (of Presidents) of European Legislative Regions - Report

Purpose

1. To report to the Committee on the Deputy Presiding Officer's attendance at the 9th CALRE Conference.

Background

2. The Deputy Presiding Officer attended the 9th Annual CALRE Conference hosted by the Lombardy Regional Council in Milan from 24-26 October 2004. The conference brought together some 50 presiding officers, presidents and chairs of regional parliaments and legislative assemblies from 8 EU member states. This is the third CALRE conference at which the Assembly has been represented.
3. The conference focussed on the relationship between legislative assemblies, member state parliaments and European political institutions. The conference programme included debates and interventions on the application of the principle of subsidiarity, relations between regional and national parliaments, prospects for the inclusion of regional representation within national COSSAC delegations, CALRE's relations with the Committee of the Regions, REG LEG and the Parliamentary Assembly of the Council of Europe. The Deputy Presiding Officer addressed the Conference on developing inter-parliamentary relationships between regional and national tiers within the UK. A copy of the conference programme is included at Appendix 1.
4. As is traditional with the CALRE conference the final session was given over to agreeing a declaration. A copy of the Milan Declaration and its associated annexes are included at Appendix 2.
5. The President of the Catalan Parliament will take over the CALRE Presidency from November 2004 – end October 2005. The themes outlined by President Benuach Pascal for the Catalan Presidency are developing relations between the European Parliament and regional parliaments, continuing the debate on subsidiarity and developing regional parliaments' relations with the public.

Issues

6. The Committee is invited to note the Deputy Presiding Officer's abstention on the approval of the main text of the declaration.

7. The Presiding Officer has confirmed his intention that Wales assume the Presidency in 2005/6 after Catalonia.

CALRE - Plenary Session Programme

Milan

**Lombardy Regional Assembly
4, Via Restelli**

**25th and 26th October
2004**

Sunday, 24 October 2004

Participants arrival and reception

1800 Meeting of the Standing Committee
2030 Dinner

Monday, 25 October 2004

0900 Registration of participants

Inauguration and opening session

0930 Presidency Attilio Fontana, President of Regional Assembly of Lombardy

Welcoming of participants

Roberto Formigoni, President of Lombardy Region
Alberto Mattioli, Vice-president of the Province of Milan

Peter Straub, President of Committee of the Regions
Yavuz Mildon, President of the Chamber of Regions of the Congress of Local and Regional Authorities of the Council of Europe

1000 Opening session

Report on CALRE activities

Riccardo Nencini, President of Regional Assembly of Tuscany, President of CALRE

First session

1045 Towards the new Europe: regional democracy, Charta of Regions

Jan Kamminga, President of the Assembly of Gelderland (video)
Concepcion Dancausa Previño, President of the Assembly of Madrid

1115 Reports and speeches by the Presidents of the Regional European Parliaments

Gabriel Mato Adrover, President of the Assembly of Canary Islands, *Dialogue with new neighbours*

Salvo Fleres, Regional Assembly of Sicily, *Legislative Assemblies in the Mediterranean area*

Julio de Espana, President of Cortes Valencianas

1215 Debate

1245 – 1400 Lunch

Second session

1430 Presidency Riccardo Nencini, President of Regional Assembly of Tuscany, President of CALRE

E-democracy

Juan Atutxa Mendiola, President of Basque Parliament, *Presentation of the research on e-democracy network of regional European Assemblies*

Debate

Perspectives for regional Assemblies in the new Europe

Mr. Stephen G. Lakis, President State Legislative Leaders Foundation
Building a new transatlantic bridge in challenging times

Speeches and talks by the presidents of the regional European parliaments

Alessandro Tesini, President of the Assembly of Friuli Venezia Giulia, *Special Autonomies and interparliamentary dialogue in Europe*

Viveka Eriksson, President of Aaland Parliament, Veronika Stirner Brantsch, President of the Parliament of Bozen Province, *The recognition of the territorial diversity : islands and mountains*

Contribution

Alfons Schoeps, Regional German Parliaments Association, *The future role of the German state parliaments in a united Europe*

Debate

1700 End of session

2030 Official dinner

Tuesday, 26 october 2004

Third session

0930 Presidency Attilio Fontana, President of Regional Assembly of Lombardy

Giacomo Stucchi, President of Commission for European Affairs of the Chamber of Deputies at the Italian Parliament (guest)

Gerardo Galeote Quecedo, President of Commission for regional policies at the European Parliament (guest)

Lluís Maria de Puig I Olivé, Parliamentary Assembly of the Council of Europe (guest)

Luc Van den Brande, Member of the Committee of the Regions, Senator

1030 Coffee Break

Reports and speeches by the Presidents of the regional European parliaments

Dr John Marek, Deputy Presiding Officer of the National Assembly for Wales, *Changing Constitutions and relations between national and regional parliaments*

Ernest Benach i Pascual, President of Parliament of Catalunya, *Dialogue with the European Parliament*

Jörg Freunschlag, President of Parliament of Carinthia, *New competences for Regional Assemblies in Austria*

Eric Tomas, President of Parliament of Bruxelles Capital

Contribution

José Maria Muñoa Ganuza, Representative of REGLEG, Delegate for Foreign Affairs of the President of the Basque Country, *European Regions with Legislative powers: next challenges*

Debate

1245 –1430 Lunch

Fourth session

1430 Presidency Riccardo Nencini, President of Regional Assembly of Tuscany, President of CALRE

Milan Declaration

Part one

CALRE's activities

Part two

Milan Declaration

Discussion et approval of declaration and annexes

Part three

New Presidency

Election of the new President of CALRE and decision about the date and place of 2005 Plenary Meeting

1730 End of meeting

2030 Dinner

Conference of the Presidents of the European Regional Legislative Assemblies

Declaration of Milan

approved 26 October 2004

The Presidents of the regional legislative Assemblies, at this meeting in Milan, October 25 and 26 2004, approved the Declaration which follows:

1. CONSTITUTIONAL TREATY.

The Conference of Presidents expresses its appreciation at the approval by the Heads of State and Government of the Constitutional Treaty - to which it gives its support - that will signify a new turning point in European construction highlighting the need to increase recognition of the Regions with legislative competencies in the organisation and institutional development of the European Union. Whilst this new charter constitutes progress in European integration, it requires a great effort from the Institutions and the citizens to build a sense of being part of Europe so as to promote stability and development. By virtue of their proximity with their citizens, the regional Assemblies intend to contribute to the diffusion of the European idea, giving support to the national processes of ratification also. The initiatives for construction of the Union should above all be the competence of its citizens and the representative regional and local institutions, who should be able to express themselves and participate fully in the major decisions on the future of Europe.

The Conference of the Presidents retains that the regional legislative Assemblies should participate in an active way in the development of the Constitutional Treaty. In any case, the regional legislative Assemblies take note of the recognition of their role in the Community legislative procedures as established in the Protocol on the Principle of Subsidiarity. They regard it as necessary to carry out as soon as possible an adaptation of national and regional legislations, so that reporting of the violation of the subsidiarity principle at the regional level of legislation should always take place by a vote of the regional Assembly.

As the Committee of the Regions can appeal to the European Court of Justice for violation of the principle of subsidiarity at the European level, it is important to establish on the basis of an, *ad hoc* agreement, an information network between the regional legislative Assemblies and the Committee of the Regions. Such an agreement could take place in collaboration with the Governments of Regions with Legislative Competencies.

The regional legislative Assemblies consider that the *ad hoc* agreement between the aforementioned and the Committee of the Regions, referred to in the previous paragraph, should make allowance for:

- a) the possibility for the regional legislative Assemblies themselves to propose to the Committee of the Regions that an appeal be presented to the European Court of Justice when they consider that said Principle of Subsidiarity has been violated in relation to questions that affect the Region itself;
- b) the possibility for the Committee of the Regions to request a report from the regional legislative Assembly in question, before presenting the appeal to the Court of Justice for violation of said Principle of Subsidiarity.

The Assemblies stress that the principle of respecting the national constitutions which is written in the new constitutional treaty will require of Community institutions a proper understanding of the distribution of national and regional competencies, as well as respect for regional and linguistic diversities. In addition, the reciprocity of the principle of honest collaboration will comprise a regular flow of information on new legislation on behalf of the regional Assemblies and the community institutions.

The Conference of the Presidents expresses the desire to continue working until the official languages of European Union regions are the object of special attention during the process of developing the Constitutional Treaty.

The institutions of the Union, on their side, are also obliged to protect the other regional languages as a contribution to European culture as a whole, which should be considered with respect and actively protected. The European Union legislation can never be interpreted in such a way as to damage these languages, and the institutions of the Union should take them into account during future meetings and in the offices that will have their seat in areas where historically they are spoken, irrespective of how widespread they are at a social level.

The Conference has adopted a *Declaration on the Constitutional Treaty and the Application of the Principle of Subsidiarity* annexed to the present Declaration.

The Conference retains that more progress should be made to overcome the democratic deficit within the Union, and that further revisions of the Treaties should involve inter-parliamentary co-operation to reinforce the participation of regions with legislative powers in Community life.

2. APPLICATION OF GOVERNANCE AND CO-OPERATION WITH THE EUROPEAN COMMISSION

The Conference expresses its pleasure at the launch of the *Structured Territorial Dialogue* envisaged by the Communication of the European Commission COM 811/2003 within the framework of the initiatives of the White Paper on Governance.

The CALRE regards this dialogue as one of the methods to reinforce coherence between the various legislative and decisional systems, and as an

informal means of assuring the correct distribution of competencies, greater understanding at the time of formulation of new legislative and decisional proposals, and respect for the diversities of Europe. This dialogue constitutes an informal system to strengthen bottom-up participation and to bring European politics closer to its citizens.

3. EUROPEAN INTERPARLIAMENTARY CO-OPERATION AND COSAC

The European regional legislative Assemblies express their pleasure that the great majority of the parliaments of the member states are favourable to their affiliation with European inter-parliamentary co-operation. The CALRE stresses that regional legislative Assemblies have a share of the legislative competencies in certain member states, and that certain significant institutional actors are lacking in the current form of co-operation.

The Conference thanks the Belgian Government, which has presented a specific amendment to the Constitutional Treaty to allow the national parliaments to associate their own regional legislative Assemblies - where national constitutions allow it - with the co-operation indicated in the Protocol on the National Parliaments. The Conference also thanks the President of the European Commission, who has expressed his support for this suggestion. The CALRE stresses that the protocol on co-operation between national parliaments has an incongruity in relation to the principle of respect for the national constitutions, which on the other hand has been correctly provided for in the Protocol on Subsidiarity. The CALRE invites the Member states to fill this gap as soon as possible.

The regional legislative Assemblies strongly affirm that member states having federal or national constitutions should be permitted to affiliate their regional legislative Assemblies with inter-parliamentary co-operation. This would be in the same manner as in the Maastricht Treaty which permitted member states with these characteristics to affiliate regional executives "of ministerial standing" to the work of the Council of Ministers. The CALRE believes the opposition of certain member states to the application of this principle at parliamentary level also constitutes a case of non-observance of national constitutions as well as interference in the interior organisation of other member states.

The CALRE confirms its request to affiliate the regional legislative Assemblies to COSAC according to permitted legal methods. In addition, the CALRE will: continue its dialogue on legislative questions with the European Parliament, already consolidated by the agreement of 2003; and, support progress on inter-parliamentary co-operation within the member states recognising the achievements of the Network of European Committees of the European Regional Parliaments.

4. DIALOGUE ON THE QUESTION OF REPRESENTATION AND REGIONAL DEMOCRACY

The strengthening of European democratic structures can only be achieved through a strong and renewed involvement of its citizens and the representative institutions closest to them.

The CALRE wishes to see a deepening of the co-operation and participation between the public and economic, cultural and civil sectors of society within the dialogue between regional Assemblies in the European Union, the new member states and the "New Neighbours". The work of the Charter of the Regions promoted initially by the CALRE in Florence on 9 September 2003, and afterwards on 9 July 2004 in Arnhem will need to be further developed and continued.

The dialogue on regional democracy will have to be brought to the attention of the European Parliament and the Committee of the Regions, reinforcing collaboration with these institutions. With the Congress of the Authority of Local and Regional of the Council of Europe (CLRAE), CALRE (which is an observer there) intends to extend its activity to the subjects of participation and democracy in Europe. The CALRE wishes to re-launch the proposal for collaboration between members of the regional legislative Assemblies and the Council of Europe parliamentary assembly.

5. FEDERALISM, REGIONALISM AND DECENTRALISATION

The CALRE confirms the availability of regional legislative Assemblies and their role in contributing their experience to the creation of conditions for peace and development facilitated by regional democracy and their proximity to the citizens. The CALRE also confirms its support for the decentralisation and regionalisation on initiatives in course.

The CALRE confirms its support for the initiatives of the regional legislative Assemblies in relation to decentralisation, regionalisation and federalisation, and also for the processes of regionalisation in course: the NORPEC network; co-operation between the Italian and Spanish Assemblies; bilateral and multilateral co-operations also in regard to institutional reforms; dialogue between the elected Assemblies of the Alpine Arc initiated in Varese on 30 April 2004; progress in relation to co-operation with Russia; the first meeting between European and African regional Assemblies in Florence on 17-18 September, activities in Africa and the Middle-East; and, the multilateral dialogue with the Presidents of the Parliaments of the American States.

The experience of the e-democracy project launched during the Italian Presidency and co-ordinated by the Parliament of the Basque Countries is that it will have a positive impact on improving relations with the public. This project could be widened to include other regional experiments, such as those of Enlargement and 'New Neighbours', or to nascent African regionalism, in preparation for the next World Summit of the Regions and Cities that will take place in Bilbao in 2005.

6. REINFORCING CO-OPERATION WITH EUROPEAN NATIONAL INSTITUTIONS

The regional legislative Assemblies play a relative but important part in Community discussions and life. The CALRE wishes to reinforce collaboration with: the Committee of the Regions (on the agreement to expand application to the protocol on subsidiarity); the European Parliament (on the topic of regional democracy, and also of the dialogue on legislative questions and the principle of honest co-operation); the European Commission (on the structured dialogue and governance); the Council of Europe (on regional democracy); and with the national parliaments (on subsidiarity and inter-parliamentary co-operation).

The Conference thanks the Presidents who constituted the technical support for the inter-parliamentary co-operation with the association CALRE.net, in which participated Presidents members of the Standing Committee and candidates for forthcoming presidencies.

The Conference of the regional legislative Assemblies will continue in the manner outlined in the program of work in the annex to this Declaration, giving a mandate to the Presidency and the Standing Committee to implement it, and asking the regional legislative Assemblies for their co-operation in later initiatives in this direction.

Declaration on the New Constitutional Treaty and Application of the Principle of Subsidiarity

Annexed to the Declaration of Milan of the CALRE, October 26, 2004

The European regional legislative Assemblies note recognition of their role in Community legislative procedures, as established in the Protocol on the Principle of Subsidiarity.

a) Adaptation of the national and regional legislations. In particular, the regional legislative Assemblies consider that in each Member State with a regional or federal constitution the legislation should be updated as soon as possible in order to improve participation in the Community decision-making processes at all levels of legislative competence, including those of the regional legislative Assemblies. These national provisions should include mechanisms to allow consultations between the regional legislative Assemblies, collaborations and give them influential power so that Community legislation comes to be efficient, useful and scaled to citizens and their economic, social and political activities.

The Conference, whilst respecting the full autonomy of the legislative solutions to be adopted in the various countries, considers that any report on the violation of the principle of subsidiarity should take place by a vote of the regional legislative Assembly concerned in its capacity as holder of the legislative competencies in question. The Conference considers that communication of the results of this vote should always be formally submitted to the Community institutions also, and in particular to the Committee of the Regions.

b) Participation in the activity of the Committee of the Regions. The regional legislative Assemblies consider that their relationship with the Committee of the Regions with regard to implementing the Protocol on the principle of subsidiarity should be reinforced and institutionalised, in particular with permanent communication in relation to respect of competencies and subsidiarity, as well as upstream and downstream legislation. The regional legislative Assemblies will provide their own offices and involve the qualified parliamentary committees on this topic. The Conference of the regional legislative Assemblies gives a mandate to the Standing Committee and the Presidency to define and reach agreement as soon as possible on the legal and organisational aspects of this collaboration, in accord with the Conference of the Presidents of Regions (REGLEG).

Respect of national constitutions and honest collaboration

a) Respect for organisational, institutional and cultural diversities. Before the Community institutions and Member States, the Conference emphasises the importance and success of certain principles defined in the new Constitutional Treaty as "*respect of National Constitutions*". The CALRE

considers that the introduction of this principle implies, on the part of the Community institutions, a correct knowledge of the mechanisms of the internal workings of each member state, of the internal distribution of competencies including legislative, of respect for the diversities foreseen by the national Constitutions including those relating to diverse linguistic regimes. The legislative Assemblies are ready to collaborate with the Community institutions to ensure the most successful application of this principle.

b) Honest collaboration. The Conference considers that introduction of the reciprocity of the principle of honest collaboration - while respecting national constitutions – should be applied at regional legislative level also. This implies that the Community institutions and the regional legislative Assemblies must take care that their new legislative initiatives relative to their respective areas do not conflict with the current legislation or that already in force at other levels.

Conference of Presidents of European Regional Legislative Assemblies

Annex II to Declaration of Milan

Ratification of Constitutional Treaty and support for European idea

By virtue of their proximity with their citizens, the regional Assemblies intend to contribute to the diffusion of the European idea by supporting the national ratification processes making use of any instruments which they believe to be most appropriate case by case, such as organising study days and discussion forums at the same time in the regional parliaments; producing joint publications, inserting the text of the Constitutional Treaty onto the web pages of each Parliament; Members of the Parliaments explaining this text to citizens generally and students specifically, using for this purpose all the appropriate social platforms and other instruments that become available during the course of the Conference.

Moreover, the assemblies believe that it will be useful to make the effort to involve other institutions in this task, such as the respective regional governments and municipalities and, during the ratification process of the Constitutional Treaty in every State, to set up a monographic plenary session on the previously mentioned constitutional document and on its consequences for EU citizens.

**Conference of Presidents of European Regional Legislative
Assemblies**

Annex III to Declaration of Milan

Euro-Mediterranean Inter-parliamentary Co-operation

THE CALRE

Taken into consideration that:

a) the Euro-Mediterranean Parliament was recently founded, whose regulations foresee the opportunity to invite as permanent observers *«parliamentary and inter-governmental organisations of general character that apply for it»*.

b) a lot of European regions have the necessary competences and are involved in activities of an international nature, within the framework of existing constitutional and legislative provisions that permit and encourage them;

c) the European Union intends to strengthen the role of the Regions in international partnerships, in particular in relation to policies regarding proximity and “New Neighbours”;

d) Regional Parliaments, as organs of regional democratic representation, can assume an important role in international co-operation between neighbours and in particular in the Mediterranean, as a result of existing historical, cultural, economical and geopolitical connections;

based on this premise, the CALRE:

1. intends to act as co-ordinator for community and international institutions active in the Mediterranean area, as well as for Euro-Mediterranean countries – in particular with their Parliaments and any representative bodies existing at local and regional level - within the context of proximity policies and related constitutional and legislative provisions;

2. intends to monitor the international collaboration initiatives in course on behalf of the regional parliaments in the Mediterranean area;

3. requests the President of the CALRE and the Standing Committee to request the Euro-Mediterranean parliamentary assembly to accept observer status for the CALRE

4. intends to back the constitution of a work group of interested regional Parliaments to promote common initiatives and CALRE activities in this context.