

EUROPEAN AND EXTERNAL AFFAIRS COMMITTEE

Date	30 January 2003
Time	14.00
Venue	Committee Rooms 2 and 3
Title:	Brussels Declaration

Purpose

1. The Committee is asked to give its views on the Brussels Declaration from the Conference (of Presidents) of European Regional Legislative Assemblies (CALRE). The full text of the Declaration is attached in the Annex.

Summary / Recommendations

2. The Brussels Declaration was one of the outputs from the sixth CALRE conference held in Brussels on 28-29 October 2002. The Declaration sets out CALRE's position on the role of regions with legislative power within the EU in the context of the Convention on the Future of Europe.

3. The key points underlying the declaration are:

- A reaffirmation of CALRE's Declaration of Madeira of October 30 2001, which sought to strengthen the role of the regions within the EU, including recourse to the European Court of Justice, and to gain recognition of the special status of regions with legislative power.
- An endorsement of the decisions from the Conference of Regions with Legislative Power held in Liège on 15 November 2001, which sought a reinforcement of the role of the Committee of the Regions and better integration of national and regional parliaments in the European policy.
- An undertaking to co-operate with the Committee of the Regions and engage with the debate on the Convention on the Future of Europe.
- A wish to establish a protocol to secure co-operation between the parliaments of regions with legislative powers and the European Parliament.
- The establishment of a CLARE working group to look at a range of issues, including the mechanisms for disseminating information about the European Convention to regional assemblies; developing CALRE's contributions to the debate on the Convention and in the ongoing discussions; and strengthening the role of regional parliaments in the EU.

4. In summary the formal Declaration sets out:

- the need to recognise Regions in the Constitutional Treaty and as a founding principle of the European Union;

- the need for guarantees in the Convention on the preservation of regional autonomy;
- the need for subsidiarity and clearly defined competences, which fix precise limits on EU competence and for this to be guaranteed;
- the need to guarantee the right of regions with legislative power to go to the Court of Justice;
- the importance of the participation of the regional Parliaments in the co-operation between the European Parliament and national parliaments
- the need to review the role of the Committee of the Regions, and the participation of the regional parliaments within it, with a view to strengthening its power and influence;
- to participate and contribute to setting up an open and democratic regional system in the accession Countries

5. The Declaration was approved by those Members of CALRE present on the second day of the conference in Brussels. Neither the National Assembly for Wales, the Scottish Parliament and the Northern Ireland Assembly were present.

6. The Committee is asked to provide its views on the Declaration, which will then be provided to CALRE.

Background

7. CALRE was founded in 1997 in Oviedo, Spain. Subsequent annual conferences have taken place in Salzburg 1998, Florence 1999, Santiago de Compostela 2000 and Madeira 2001.

8. CALRE is the conference of chairmen of the legislative federal state parliaments of Europe. The chairmen who are CALRE members are not at the head of the national parliaments of their respective countries, but head of the parliament of a sector or region. Membership of the CALRE is limited to regions from the European Union.

9. In total regions from 8 countries are represented in CALRE. Together these regions represent more than 200 million inhabitants. It includes:

- the parliaments of the Spanish autonomous communities;
- the Italian regional councils;
- the assemblies of the Belgian regions and communities;
- the parliaments of both the Austrian and the German Länder;
- the autonomous parliament of Åland (Finland);
- the regional assemblies of the Azores and Madeira (Portugal); and
- the Scottish Parliament, National Assembly for Wales and the Northern Ireland Assembly.

Action

10. The Committee is asked for its views on the contents of the Declaration. These views will be fed back to CALRE by the Presiding Officer.

Claire Bennett
COMMITTEE SECRETARIAT

DECLARATION OF BRUSSELS

The sixth CALRE conference from 28th until 29th October, 2002 in Brussels has discussed the factual functioning of the parliaments of regions with legislative power and determined its point of view concerning the activities of the European Convention. In that light CALRE actualised its point of view concerning the future of European institutions and the role of the regions with legislative powers and their parliament.

1. Confirmation of the Declaration of Madeira of October 30, 2001

CALRE confirms the proposals of the Declaration of Madeira, taken unanimously by CALRE on October 30, 2001, namely:

- recognition of regions with legislative powers by means of giving them a special statute in European treaties;
- reinforcement of parliamentarism in Europe and the involvement of regional parliaments in the co-operation between the European Parliament and national parliaments;
- arrangement of a clear division of legislative powers attributed to the European and the national or sub-national level;
- attribution of the right of the regions with legislative powers to call upon the European Court of Justice concerning conflicts of power;
- reinforcement of the Committee of the Regions by giving it the status of an institution, and an organisation that is better adapted to the differences between the various regional institutions and by the attribution to the Committee of the right to appeal at the European Court of Justice;
- integration in European treaties of the Charter of Fundamental Rights of the European Union, proclaimed in Nice on 7 th December, 2000.

2. The decisions of the conference of prime ministers of the constitutional regions with legislative powers.

The CALRE welcomes the decisions of the conference of prime ministers of the regions with legislative powers of November 15, 2001 in Liège, that subscribed the political declaration of 7 constitutional regions on a reinforcement of the role of constitutional regions with legislative powers in the European Union, signed in Brussels on May 28, 2001 :

- a reinforcement of the role of the Committee of the Regions in the policy-making process: the Committee of the Regions has to get the status of a full EU institution with political powers that go further than a purely advisory task and with the right to introduce procedures for the European Court of Justice;
- a better involvement of national and regional parliaments in the European policy process and an improvement of the interaction with the European Parliament ;
- the right of the constitutional regions with legislative powers to directly turn to the European Parliament if there are conflicts of power.

CALRE subscribes the declaration of the European constitutional regions with legislative powers of November 15, 2001 and the impetus to institutional proposals that were done.

In the future and in the framework of a co-ordinated functioning CALRE wishes to follow the conferences and meetings of the prime ministers of the constitutional regions with legislative powers. The Standing Committee of CALRE is the discussion forum between CALRE and the Committee of the Conference of prime ministers of the constitutional regions with legislative powers in matters of their co-operation.

3. CALRE and the Committee of the Regions

CALRE takes note of the fact that:

- on the European Council of Laken the Committee of the Regions was asked to participate as an observer in the activities of the European Convention together with six representatives;
- within the Committee of the Regions, that as an advisory body is the only official representative of the regional level within the European institutions, regions with legislative powers hold important positions and contribute a lot;
- the Committee of the Regions respects the aim of some regions with legislative powers for a better co-operation and harmony of their European policy and that those regions will be invited to structure that co-operation within the structures of the Committee.

CALRE wishes to engage itself in the debate and is favourable to the offer of the Committee of the Regions to actively participate through the Committee of the Regions in the activities of the European Convention and the mental process concerning the white paper on European Governance.

CALRE considers itself as the mouthpiece of the parliaments of the regions with legislative powers and as the democratic legitimation of the informal co-operation that came into being between the European regions with legislative powers. That is why CALRE proposes that this is recognised by founding a structure that guarantees that CALRE will be involved in the functioning of the regions with legislative powers within the Committee of the Regions.

CALRE proposes to structure the co-operation with the Committee of the Regions by means of making an agreement of co-operation with the committee that captures the modalities of the co-operation.

4. The CALRE and the European Parliament

CALRE takes note of the Resolution of the European Parliament on the definition of powers between the European Union and the member states of May 2, 20002 and of the intention, incorporated in point 40 of that resolution, to note the necessary definitions in the Regulations of the European Parliament so that a representation of

regional parliaments with legislative powers for regional affairs can regularly participate in the activities of the commission that is competent for it.

CALRE aims for an anchoring of the co-operation between the parliaments of regions with legislative powers and the European Parliament by entering into a protocol between the European Parliament and CALRE in which the modalities and structure of the co-operation can be found. This protocol is applicable to regional parliaments, members of CALRE, which ratify it.

5. CALRE working group on the future of Europe

With an eye to the support of the functioning of CALRE towards the European Convention and with an eye to a factual contribution in the discussion on the European administrative policy (European governance) and the role and position of regions with legislative powers in future European structures, CALRE founds a working group, supported by the administrations and study services of the parliaments, represented in CALRE. Some of the tasks of the study group are the following:

- the flow-through of information about the European Convention and the preparation of the IGC of 2004 to regional parliaments;
- the preparation of the points of view of the CALRE in the ongoing discussions;
- the sensitisation of regional parliaments concerning the functioning of the European Union and the role of regional parliaments in European decision-making.

6. Declaration on the European Convention

The Presidents of European regional legislative assemblies,

- Taking into account the debate in progress at the European Parliament and at the European Convention on the sharing of competencies and on the role of the Regions and their Parliaments with legislative capacities;
- underlining the contribution that Regional Parliaments can offer to move closer EU institutions and citizens and the importance of the enlargement of the European Union to new countries, which are also engaged in starting their own regional set-up;

DECLARE

- the need to recognize the historical, cultural, territorial, political, institutional identities of Regions and local bodies in the Constitutional Treat, as a foundation principle of the European Union(Art.6)
- that it is necessary to have an instrument of official ratification in the activities of the Convention concerning the guarantees for the preservation and the protection of the special conditions for regional autonomy recognized at this moment by some member states in view of the preservation of the historical ways of autonomy of national minorities and geographical and cultural individualities, that

constitute the basis of the patrimony of liberty and of the tradition of self-rule which is a source of inspiration for the European Union

- the need to vouch for a clear attribution of competences, based on the subsidiarity principle, fixing precisely the limits of the European competences. This clear attribution, which is guarantor to the Regions for freedom to develop their action in autonomy, is an essential premise to improve the sense of belonging to the Union of its citizens
- to consider that an enlarged Union could better act if it remain able to focus on the challenges with a full European dimension
- the importance to guarantee the respect of the subsidiary principle and the share of competences by an “ex ante” political control, which would involve also the regional parliaments
- the necessity to guarantee the right of the Regions with legislative power to go to the Court of Justice
- the importance of the participation of the regional Parliaments in the co-operation between the European Parliament and national parliaments - particularly within the COSAC - in a future Congress of Parliaments and in the direct co-operation between regional Parliaments and European Parliament
- the necessity to revalue the role of the Committee of the Regions, also with a participation of the regional parliaments, considering more autonomous and effective the Committee in the frame of the EU institutions
- to be ready to participate and to contribute in setting up an open and democratic regional system in the new accessing Countries, especially for the legislative follow up for the implementation of the different policies

Unanimously approved in the Flemish Parliament in Brussels on October 29th, 2002.