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## **DECLARATION OF BARCELONA ADOPTED BY THE 8th CONFERENCE OF PRESIDENTS OF REGIONS WITH LEGISLATIVE POWERS**

**15 - 16 NOVEMBER 2007**

At the invitation of the President of the Government of Catalonia (Generalitat de Catalunya), the Presidents and their representatives of [...], regions with legislative powers in the European Union, met in Barcelona on 15<sup>th</sup> and 16<sup>th</sup> November 2007 for their 8<sup>th</sup> Annual Conference.

Seventy-three regions<sup>1</sup> within the European Union (EU) have directly elected parliaments with law-making powers, as well as their own governments. Together, these regions with legislative powers represent roughly half the population of the EU. They share with their Member States the responsibility for transposing and implementing EU legislation and policies and, in some cases, they participate in the work of the Council of Ministers and the European Commission through their Member State delegations. Some legislative regions have to ratify or give their assent to new EU treaties. Some contribute direct financial resources that form part of their Member States' contributions to the EU budget. For these reasons, and due to their proximity to citizens, the regions with legislative powers have special legitimacy and responsibility in respect of EU affairs.

### **The Presidents**

- Although they were warmly in favour of the Treaty establishing a Constitution for Europe, express their satisfaction with the Reform Treaty agreed on 18<sup>th</sup> and 19<sup>th</sup> October 2007 by the Heads of State and Government. They welcome in particular the new Treaty's increased recognition of the role of regions in the EU decision-making process. Nevertheless, they regret that other aspirations of the regions with legislative powers have not been introduced and they will, accordingly, continue to make the case for fuller participation.
- Are determined that the regions with legislative powers should take full advantage of the opportunities the new Treaty offers to enhance their role in European affairs.
- Consequently, they call on the Heads of State and Government to sign the Reform Treaty in Lisbon on 13<sup>th</sup> December, and they urge timely ratification by Member States.
- Consider that REGLEG should lead dialogue with the Commission on issues affecting regions with legislative powers; they further believe that REGLEG should

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<sup>1</sup> The word "regions" is used throughout as a convenient generic term to denote territories, below the level of the Member State, endowed with a democratically elected assembly and a government responsible to it. In the domestic context, these "regions" are defined variously as regions, nations, Länder, communities, autonomous communities, etc.



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support its members' participation in the mechanism for the application and control of the principle of subsidiarity.

- Remind Member States of the need to communicate the European project to their citizens, and commit themselves to this task. It is important to explain the significance and ambitions of European integration and to involve citizens in this common project.

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### ***The Reform Treaty***

The Presidents welcome the Reform Treaty agreed on 18<sup>th</sup>/19<sup>th</sup> October and especially its preservation of the regional substance contained in the Treaty establishing a Constitution for Europe signed in 2004. The new Treaty will allow the Union to move forward, on a renewed common basis, towards a future that will be more efficient, more democratic, closer to its citizens and more visible in the world.

The Presidents welcome the new Treaty's reinforcement of the regional dimension in the EU; the Treaty will allow greater participation by regions in policy formation and decision making. In particular, they welcome the following aspects:

- The respect of the national identity of the Member States, including local and regional autonomy;
- The recognition of cultural and linguistic diversity as one of the objectives of the Union;
- The recognition of the territorial dimension of the cohesion policy and its extended field of application, as outlined in article 158 of the Treaty on the functioning of the European Union, which underlines the special attention devoted to rural areas, areas affected by industrial transition, and regions which suffer from severe and permanent natural or demographic handicaps such as the northernmost regions with very low population density and island, cross-border and mountain regions; as well as the fact that it reasserts the special status for ultra-peripheral regions as stated in the article 299.
- The provisions on participative and representative democracy that may favour an improved dialogue between the institutions of the Union and regional associations;
- The new definition of the principle of subsidiarity which recognizes, for the first time, the regional and local dimension;
- The involvement of regions in the drafting of the legislative proposals as foreseen in the Protocol on the application of the principles of subsidiarity and proportionality;
- The reinforcement of the early warning mechanism which will allow national parliaments and regional parliaments – who should be adequately involved in the



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- mechanism - to have an ex ante political control of the compliance of legislative proposals with the principle of subsidiarity;
- The ability of national Parliaments (through their Member State) and the Committee of the Regions to take legal action in the event of infringement of the principle of subsidiarity;
  - The inclusion of a protocol concerning the services of general interest which recognizes the essential role of the state, regional and local authorities in the management of these services;

Despite this progress in recognition of the institutional role of regional authorities, the Presidents regret that the current process of the revision of the Treaties has not accommodated other long-standing demands of the regions with legislative powers, in particular:

- The right of direct access of the regions with legislative powers to the EU Court of Justice in defence of their rights and prerogatives;
- The establishment of the Committee of the Regions as a fully-fledged institution of the Union;
- A provision for Member States to designate regions as “Partners of the Union”, enjoying specific rights at the European level, because these regions have exclusive competences and shared competences with Member States;
- Guarantees regarding a larger use in the European institutions of languages with co-official status in legislative regions according to their domestic regulations (and with no impact on the EU budget).

Nevertheless, the Presidents believe that the Reform Treaty is a clear step forward. They call on the Heads of State and Government to sign the Treaty in Lisbon on 13<sup>th</sup> December, and they call on the Member States to ratify it in due time so that it can come into force by 1<sup>st</sup> January 2009 at the latest.

### ***The regions with legislative powers and the opportunities of the Reform Treaty***

The Presidents consider that the regions with legislative powers should take full advantage of the opportunities that the new Treaty offers to participate in the decision-making process of the EU. More specifically, the Presidents wish a high level of participation by the regions with legislative powers, and of their parliaments, in the different phases through which the principle of subsidiarity will be applied and monitored.

- Phase of drafting the legislative proposals: The Presidents demand that Article 2 of the Protocol on the Application of the Principles of Subsidiarity and Proportionality is interpreted and implemented in such a way that the regions with legislative powers are consulted directly by the Commission during the process of drafting the legislative initiatives which affect them in order to defend their specific interest. It is essential to proceed to a correct assessment of the respect of the principle of



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subsidiarity in EU legal initiatives, taking into account the local and regional situations.

In the current situation, REGLEG offers its co-operation to the Commission and to the Committee of Regions to enhance the current structured dialogue with the regional associations in order to make it more effective and to ensure the full participation of the regions with legislative powers in the consultation process.

- Phase of the ex ante political control of the principle of subsidiarity: The Presidents welcome the present initiative by the Commission to transmit its legislative proposals to national parliaments to allow them to give their opinion.

The Presidents consider that, on the basis of the new mechanism of ex ante control of the principle of subsidiarity and in accordance with the constitutional order of the respective member state, regional parliaments should be consulted when their legislative powers are affected. The Presidents express their satisfaction that the new Treaty has extended the deadline for national parliaments to send their opinions on subsidiarity from six to eight weeks - this will facilitate more effective participation of regional parliaments in this mechanism. The Presidents encourage the establishment, where necessary, of adequate mechanisms to guarantee this participation. In this sense, they emphasise that in some Member States regional parliaments act as components of national parliaments in respect of European Union competences, and thus act on an equal level. In other Member States regional parliaments have a vital role in transposing EU legislation and, thus, should form part of any consultation appropriate to their powers.

- Phase of the ex post jurisdictional control of the principle of subsidiarity: The Presidents consider that, since regional parliaments should be consulted as foreseen in the Protocol setting out the mechanism of control of the principle of subsidiarity, it is logical that they can also propose the challenging of a legislative act that they consider to breach the principle of subsidiarity. In this sense, the Presidents encourage the establishment, where necessary, of adequate mechanisms to implement this possibility in Member States with regions with legislative powers.

Given that the Committee of the Regions will have direct access to the EU Court of Justice, the Presidents consider that it will be important to develop a closer cooperation with the Committee of the Regions to allow regions with legislative powers, and their parliaments, to propose the introduction of an appeal for the infringement of the subsidiarity principle; and that the Committee of the Regions could consult the regions with legislative powers and its parliaments before introducing such an appeal.

The Presidents note the role of the regions with legislative powers in the creation by the Committee of the Regions of a network on subsidiarity. This network facilitates the exchange of information and experiences among local and regional authorities on legislative proposals that, once adopted, will have an impact at the local and regional

level. The Presidents endeavour to collaborate closely with the Committee of the Regions on this project.

## ANNEX

### ***The future of REGLEG***

After a long period of debate about the reform of the European institutions, on which the work of the REGLEG has focused in recent years, the network is ready to tackle a new agenda.

The Presidents declare their intention to develop REGLEG to make it a network which consolidates existing achievements and takes full advantage of new opportunities for participating in the EU decision making and implementation process, and to better defend their specific interests.

To this end, an ad hoc working group on subsidiarity, for example, could allow members to exchange experiences among themselves on the procedures that will be adopted in each member state to include the regional parliaments in the early warning mechanism, and thus contribute to shape the domestic mechanisms of the control of subsidiarity.

Other working groups, such as on direct access for regions to the EU Court of Justice, may help us make new progress on this long-standing demand of the regions with legislative powers.

Cooperation between REGLEG regions should explore new fields, such as the exchange of information on the way the regions with legislative powers are involved in the formation of the common positions of their Member States in respect of European policies (coordination and cooperation within the State, participation in the Council, participation in the Council's working groups, etc.). Results and findings can be collected and disseminated. Developing and continuing the work already started in the ad hoc working group on regional participation in the Council and Comitology decision-making will help progress this agenda.

In this framework, REGLEG should enhance the evaluation and follow-up of the results of REGLEG working groups.

REGLEG might also serve as a forum to establish common positions in response to open consultations of the Commission on matters of common interest.

As far as relations with other organisations are concerned, the Committee of the Regions (CoR) is the only EU body on which regions with legislative powers are represented as of right. REGLEG will work with the CoR to maximize and defend the regional interest at EU level. REGLEG will contribute to the consultative work of the



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CoR in particular in the field of subsidiarity monitoring; sharing information of mutual interest to both organizations. REGLEG and its partner regions, along with the CoR, can help to communicate Europe and bring it closer to its citizens, a stated priority in the Commission Legislative and Work Programme 2008.

Furthermore, REGLEG, together with the Conference of European Regional Legislative Assemblies (CALRE), cooperates with the Committee of the Regions in all areas of common interest, notably through the Interregional Group “regions with legislative power”.

The Presidents welcome the process of regional and local autonomy in other countries and welcome the initiative by the Congress of Local and Regional Authorities at the Council of Europe to create a reference framework for regional democracy in Europe. They encourage the Council of Ministers of the Council of Europe to adopt principles on regional democracy as soon as possible.

The Presidents reaffirm that REGLEG, as the network representing the interests of the regions with legislative powers, will continue its work to defend a deeper involvement of these regions in the EU decision-making process, taking into account that regional entities are often better placed to deliver proximity and effective communication of European projects to citizens.