

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.