

**11th Plenary Assembly of the Presidents of Regional Assemblies with
Legislative Power of the European Union (CALRE)
22 and 23 October 2007, Berlin**

Declaration of Berlin

The Presidents who participated in the 11th Plenary Assembly of Regional Assemblies with Legislative Power of the European Union on 22 and 23 October 2007 in Berlin -

Parlement de la Région de Bruxelles-Capitale
Parlament der Deutschsprachigen Gemeinschaft Belgiens
Parlement de la Communauté Française de Belgique
Vlaams Parlement
Parlement Wallon
Landtag von Baden-Württemberg
Bayerischer Landtag
Abgeordnetenhaus von Berlin
Landtag Brandenburg
Hamburgische Bürgerschaft
Landtag Mecklenburg-Vorpommern
Landtag Nordrhein-Westfalen
Landtag Rheinland-Pfalz
Sächsischer Landtag
Schleswig-Holsteinischer Landtag
Thüringer Landtag
Parlamento de Andalucia
Cortes de Aragón
Junta General des Principado de Asturias
Parlament de les Illes Balears
Parlamento de Canarias
Parlamento de Cantabria
Cortes de Castilla-La Mancha
Parlament de Catalunya
Eusko Legebiltzarra – Parlamento Vasco
Parlamento de Galicia
Asamblea de Madrid
Asamblea Regional de Murcia
Parlamento de Navarra
Corts Valencianes
Consiglio Regionale della Basilicata
Consiglio della Provincia Autonoma di Bolzano
Consiglio Regionale della Regione Autonoma Friuli Venezia Giulia
Consiglio Regionale della Liguria
Consiglio Regionale della Lombardia
Consiglio della Provincia autonoma di Trento
Consiglio Regionale del Veneto

Burgenländischer Landtag
Kärntner Landtag
Niederösterreichischer Landtag
Oberösterreichischer Landtag
Salzburger Landtag
Steiermärkischer Landtag
Tiroler Landtag
Vorarlberger Landtag
Wiener Landtag
Assembleia Legislativa da Região Autónoma dos Açores
Assembleia Legislativa da Região Autónoma da Madeira -

- unanimously approve the following declaration:

Implanting the Progress Achieved for Regions and Local Authorities in the Constitutional Process in a European Reform Treaty

1. The Presidents welcome that the member states of the European Union have come to an agreement on a reform treaty on 18/19 October 2007 which protects the substance of the European Constitutional Treaty to the largest extent and shall thus provide a renewed common basis for the European Union by the time of elections for the European Parliament in 2009.

2. The presidents regret the loss of some important elements of the Constitutional Treaty – such as the concept of a constitutional treaty, a more comprehensible names for the legal acts of the Union, the increasing number of derogations granted to certain Member States from the implementation of major provision of the Treaties – that could lead to a weakening of the cohesion of the Union.

3. The legal and contractual foundation found originally for six member states will be adjusted by the Reform Treaty to fit the enlarged European Union of 27 member states. This will provide the European Union with greater ability of action, democracy and more efficient processes.

4. The Presidents specifically welcome that the reform treaty contains the major progress achieved by the regions, by the autonomous communities and local authorities, which are the following:

- recognising regional and local autonomy;
- extending the principle of subsidiarity to include local and regional authorities;
- better definition of competences;
- the early-warning system for subsidiarity control;
- recognising regional assemblies with legislative power in the subsidiarity protocol;

- the right of the Committee of the Regions to take legal action in the case of infringements against the principle of subsidiarity.

The Presidents furthermore welcome the strengthening of the role of national parliaments in the early-warning system for subsidiarity control as well as recognition of the competences of regional and local authorities in the organisation of services of general interest as implemented in the reform treaty.

5. The Presidents feel confirmed by the agreement of the European Council and the "Berlin Declaration" of 25 March 2007 that basic goals in the process of European unification can only be achieved in a common effort and that the European Union, the member states and their regions as well as local governments have to share these processes. The preservation of a European diversity of languages, cultures and regions and the achievement of common European goals make this a necessity. Only in this way can every level contribute to a European identity.

6. The EU is becoming even more a multilevel governance system where the actions at regional and local level are indispensable to produce the results that citizens expect. Both regional and local authorities and Committee of the Regions have increasingly found year by year the way to meet the needs of the European initiatives. These contributions are essential to build a stronger – inside and outside – European Union.

7. The Presidents lend their support so that the European reform effort not only enhances the democratic legitimation but also the parliamentary dimension of the European Union at a national as well as regional level. In order to do this and for the best application of the principle of subsidiarity, the Presidents lend their support to implement new ways of collaboration with respective National Parliaments.

8. At a time of an increasing Europeanisation of decisions even at a regional level, more things are at stake than the rights granted the regions with respect to information, control and participation in matters of the European Union. What is at stake and of greatest importance is the democratic participation of citizens in the European process of unification. To gain this participation by way of information and motivation in the move towards Europe remains, also with respect to the reform treaty, a supreme governmental and socio-political task. Regional and local authorities are in position to give tangible answers to the citizens' needs. The challenges they daily face requires a detailed knowledge of the various problems, in the attempt to meet the complex demands and to answer the questions of citizens.

9. The regional assemblies are important guarantors for the success of the European unification process owing to their proximity to the citizens and their mediator functions and for the reduction of the regional parliamentary deficit in the decision making process of the community institutions.

Subsidiarity Control in Practice

10. The Presidents are of the opinion that the active participation of the regional assemblies in a subsidiarity control with appropriate procedures within the European Union constitutes a necessity.

11. The Presidents for this reason welcome the de-facto early-warning system practiced by the European Commission since September 2006 as a first step towards an effective subsidiarity control. The process is insofar unsatisfactory as the Commission – contrary to the reform treaty – is not obligated to revise its proposal upon the request of the assemblies having come to that decision by a simple majority. The goal thus remains to implement the foreseen early-

warning system. The Presidents in this context welcome the introduction of a strengthened subsidiarity system, through both the extension of the deadline from six to eight weeks for handing in subsidiarity complaints about legislative acts by the national parliaments, and a specific procedure in the presence of EU legislators for a further control of the principle of subsidiarity. The extension of the deadline will greatly ease the inclusion of regional legislative assemblies in the control of the principle of subsidiarity.

12. The Reform Treaty strengthens the regional dimension of community policies, which through the subsidiarity protocol has an effect on the application of the principle of subsidiarity.

Consequently, the Presidents consider it urgent to continue advancing in the development of the principle of subsidiarity on behalf of the regions. The Presidents request the Parliament, Council and Commission to adopt an institutional agreement, taking as an antecedent the agreement signed on 25 October 1993 between the Parliament, the Council and the Commission, in order to make operative, as soon as possible, the criteria contemplated in the Protocol annexed to the draft Reform of the Treaties of the EU and the EC on the application of the principles of subsidiarity and proportionality.

13. The previous practice of the de-facto early-warning system does not stipulate a standard to be applied by the European Commission in order to guarantee the adherence to the subsidiarity principle. This is especially applicable with regard to the issue whether the member states are sufficiently capable of solving a problem on their own. The European Commission holds the opinion that a European regulation is basically required in the case that only some of the member states are capable of dealing with a problem sufficiently. If this would apply, the subsidiarity principle would practically become invalid. Since this would mean that if one of the member states (out of 27) is incapable of solving the problem sufficiently, the European Union could assume to undertake the task. In order to prevent an invalidation of the principle of subsidiarity, the European Commission is responsible for producing proof that aside from fulfilling the other criteria a majority of member states is obviously incapable of sufficiently solving the problem on their own.

14. The Presidents welcome the initiative by the Committee of the Regions to establish an interactive subsidiarity network thus making a contribution to the pro-active participation of the regions and local governments to subsidiarity control. CALRE in this respect puts great emphasis on subsidiarity control in the pre-legislative phase.

15. In addition to the de-facto early-warning system, the network provides the regional assemblies due to the experience gathered by the participating parliaments in test runs with the opportunity to feed subsidiarity reprimands directly into the European decision-making process. Furthermore, the test runs reveal that the subsidiarity network of the Committee of the Regions can contribute to improve the Europe compatibility of the regional parliaments, thus bringing them closer to the decisions made on European level.

16. The implementation and control of the principles of subsidiarity and of proportionality require an increased parliamentary engagement. In this context, an intensive exchange of opinions and experience of the regional parliaments at European and national level is recommended, specifically on the procedural treatment of projects of regional relevance in the European Union.

17. The Presidents finally encourage the regional parliaments to cooperate in the subsidiarity network of the Committee of the Regions.

Transparency

18. The Presidents declare their willingness, in view to the ratification of the reform treaty, to contribute to a better information of citizens on the treaty.

19. The Presidents reaffirm the importance of a more democratic and transparent Europe, with an increased role of the Parliaments –at European, National and Regional level – and ask for a greater transparency of the work done by the Council. The Presidents also welcome that the reform treaty provides for a Citizens' Initiative that will create a possibility for a million citizens from different Member States to trigger an invitation to the Commission to bring forward a new proposal.

Charter on Regional Democracy

20. The Presidents welcome and support 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 with the charter on regional democracy. They emphasise that regional democracy without directly elected parliamentary assemblies remains incomplete. They encourage the Council of Ministers of the Council of Europe to adopt the charter as soon as possible.

European Regional Policies against the Background of Reviewing the EU Financial Framework in the Year 2008

21. The Presidents welcome the decision by the European Council of December 2006 to request the European Commission to review all aspects of EU spending and to report on the results in 2008/2009. The financial framework of the EU needs to be adapted to face the new challenges just like the institutional structures of the EU in order to secure the future viability of the Union.

22. Social, economic and territorial cohesion is an important goal of the European Union in accordance with article 2 of the EU treaty and a visible symbol of European solidarity for the citizens, that enables reducing disparities between the levels of development of the various regions and the backwardness of the least favoured regions, and paying particular attention 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.

23. Regional assemblies may be immediately affected by the prioritisation in the EU budget in their function as regional budget legislators and specifically due to the co-financing of the regional policies by the regions. Therefore, the regional parliaments desire to be given an adequate voice in the consultations and reviews of the EU budget together with their respective regional governments.

24. With regard to the future viability of the EU budget on the one hand and the need for restricted spending of the national budgets on the other hand, the Presidents consider it

appropriate that the future financial structure is focused on such areas that yield a "European added value". This includes specifically policies which render society, economy and the citizens capable of acting as free partners in a globalised world and of benefiting from its advantages.

25. The Presidents are of the opinion that a reform of the EU budget cannot be separated from the issues of enlargement policy. In this context they indicate that according to the resolution of the European Parliament of 24 April 2007 "Effects of future enlargement on the efficiency of the cohesion policy" in the case of the accession of the current two candidates alone from the present perspective, additional payments amounting to approx. 105 billion € will become necessary for structural subsidies over a period 2007-2013. The Presidents are of the opinion that consequently in the case of decisions on future accessions, an assessment of the consequences need to be included also in view of the financial performance of the European Union.

Cooperation with the European Institutions

26. The Presidents express their willingness to cooperate with the European institutions and organisations, first and foremost the European Parliament, the Commission, the Committee of the Regions, COSAC as well as the Council of Europe in order to strengthen democracy in Europe. In view of the elections to the European Parliament in 2009, the Presidents commit themselves to activating their parliaments to organise joint events and campaigns with European Members of Parliament in order to emphasise the importance of this election to the citizens.

27. The Presidents request the President of CALRE to forward this declaration to the Institutions and Bodies of the European Union, Council of Europe and other European Associations.

Final Dispositions

28. The Presidents invite the IGC to conclude its work, so as to enable the new Treaty to be ratified before the 2009 European elections.

Note: Abstentions came from Northern Ireland and Wales