

Declaration of Catalonia

Strong Regions for a Strong Europe

(Project for the Plenary Session, 24th and 25th October 2005)

The presidents of the regional legislative assemblies of the European Union, present in Barcelona, meeting on the 24th and 25th of October, on the basis of a consensus, have approved the following declaration:

After decades of rewarding integration characterized by peace, economic, social and sustainable development and cooperation, the achievement of the Economic and Monetary Union and the enlargement of the Community to 25 member states have enabled the European Union to enter a new stage in its history.

The construction of this new Europe has initially received the benefit of the support and work of the governments of the member states and of all the Community institutions. European integration has gradually been made more accessible to citizens and other institutions, particularly due to elections by direct universal suffrage for the European Parliament since 1979 and also thanks to the birth of a regional policy that led to the creation of a Committee of the Regions. This democratisation process has continued to advance with a gradual extension of the European Parliament's powers, a reinforcement of the Committee of the Regions and the slow but steady involvement of national parliaments.

Notwithstanding this, in this period of the single currency and enlargement to 450 million inhabitants these efforts are not enough. The Constitutional Treaty defines the Union as that of its States and citizens and grants a relevant role to the control of subsidiarity in which regional parliaments can take part. However, the European Union can no longer be simply a Union of states. The structure of the Community must open the door to citizens, the real backbone of the process of European integration.

Although laudable, the efforts made to reduce this democratic deficit to strengthen the Union initiated by means of several reforms from Maastricht to the European

Convention and the constitutional Treaty, need to be consolidated and increased. We must respond to the demand for greater involvement, a result of the economic, social and political consequences of the new Europe we are constructing. Today we must involve regional and local institutions fully in the European decision-making process, providing a better guarantee of citizen involvement in this process.

Everyone must take part in the European Union: local entities, regions and their representative institutions, social, political, cultural and territorial organisations and citizens, who must be able to act freely, directly and without obstacles or reticence in the political arena, with open and shared European institutions.

Specifically, the presidents believe that European institutions must resume their mission with a new spirit, as the driving force behind integration and with an open frame of mind and a willingness to listen, constructing a new system that is open and participatory.

In this respect, the presidents of the regional legislative assemblies demand recognition of the regions with legislative powers and their assemblies at a community level: institutionally, legally, politically and with involvement in drawing up community legislation, as well as applying and monitoring it.

The presidents insist on the fundamental role of the principle of subsidiarity - clearly contained in the treaties currently in force - in the process of democratisation and involvement in community life and confirm their commitment to applying this principle. The European Union must reflect on its true tasks. It should limit itself to applying the principle of subsidiarity and regulate that which cannot be sufficiently carried out at a national, regional or local level, avoiding the interpretation of the community competences in such a way that they erode the competences of the Member States and of their regions. Consequently applying the principle of subsidiarity, it is therefore necessary to reorganise the distribution of tasks between the European Union and the Member States.

In the current situation, regions and their parliaments play a special role: given their closeness to citizens and problems, it is precisely the regional parliaments who are ideal for and capable of making citizens see and understand the many good reasons

there are for Europe. They can also promote the European spirit and further the process of unification through closer inter-regional collaboration.

Whatever the fate of the Treaty to establish a European Constitution be, CALRE is convinced that we must not go back over what advances have already been made towards a multi-level, institutional architecture to convert the European Union into a genuine space of political integration in which the regions with legislative competences are the active subjects, and in which their peculiarities are acknowledged.

In this respect, the Presidents ask the European Commission and the rest of the institutions to adopt the measures needed to bring into operation procedures that enable the participation of the parliaments of the regions with legislative competences in the control of the principle of subsidiarity in terms similar to those provided for in the protocol of the application of the principles of subsidiarity and proportionality established by the constitution Treaty.

To this end, they undertake to collaborate not only reciprocally but also with other countries in the European Union, particularly with those that have recently joined and which have to undertake the path towards subsidiarity within different institutional contexts.

Finally, the presidents believe that the reinforcement of the regionalisation and decentralisation process has become even more necessary in a time of globalisation and the new Europe. With this aim in mind, they are committed to providing their support and facilitating the awareness of different regional experiences, in particular promoting the mutual understanding of the respective legal systems, as well as making their experience available in order to facilitate the undertaking of cooperative actions.

The presidents of the legislative assemblies declare that they are ready to make a joint effort, together with European institutions and bodies and particularly with the European Parliament, the Commission, the Committee of the Regions and COSAC, with the member state parliaments and governments, with the rest of the regions of Europe, with the local entities, with the cultural, economic and social organisations and with citizens, in order to consolidate and democratise the European Union.

Proposals for the involvement of regional parliaments in the control system of the principles of subsidiarity and proportionality

Reinforce subsidiarity, develop regional democracy

1. The European Union has gradually been assuming competences internally reserved for state and regional legislators. However, although governments have a decisive influence in decisions on a European level, up to now state and regional parliaments have had no effective power of control over the European legislation affecting them. This alteration of constitutional balances has led to a lack of transparency and distancing people from the decisions, favouring the existence of what is known as the European Union's democratic deficit.
2. The principle of subsidiarity has been involved in the process of joining Europe right from the Foundational Treaties of the Communities, with the aim of guaranteeing that the decision-making process is implemented as closely and as effectively as possible to the people. Furthermore, the widespread dissatisfaction about the effectiveness of the subsidiarity principle's application has made this question one of the focuses of debate in the process of reforming the Union.

Since the Maastricht Treaty, the subsidiarity principle has been taking an increasingly important position in the debate on institutional reform of the European Union, to the extent of finally being reflected in the 2004 Constitutional Treaty, which for the first time gave access to state and regional parliaments in the initial phase of the European legislative process.

3. The Convention proposed a mechanism of prior political control (early warning system) of the Union's legislative proposals for which the parliaments of the member states would be responsible, with jurisdictional control after the approval of legislative acts. Furthermore, the application of the subsidiarity principle implies taking into account the regional level and is the grounds for an

obligation of the Commission, contained in the current treaty and subsequent rules, to make widespread consultations about any proposals that it wishes to undertake, which also have to include the regions with legislative powers when these are affected.

4. The suppositions, the procedure and the effects of this early warning consulting must be subject to the internal procedures of each State, depending on its constitutional norms¹. There are furthermore general criteria to guide decisions in this sphere which can be summed up as follows:
 - a) The procedure and conciliation method have to be agreed by the state parliament and the regional parliaments.
 - b) The conciliation procedure must be performed with the state parliaments whenever a proposed legislative act refers to regional competences or places some burden on the regions.
 - c) The consulting process has to allow the regional parliaments to adopt a stance and express this to their state parliament.
 - d) The position of regional parliaments has to be taken into account by the State Parliament when reaching its decision, and will be a deciding factor in the event of the internal competence on the legislative proposal pertaining solely to the regions.
5. To ensure an effective participation of the regional parliaments in the European decision-making processes, two basic conditions should be met:
 - a) The information should be properly conveyed, preferably directly through the European authorities, and as quickly as possible, in order to allow them to intervene.

¹ In Belgium the state and regional parliaments have the same rights with respect to the subsidiarity principle. Consequently, the procedure proposed in this declaration is a minimum for the Belgian regional parliaments.

- b) Regional parliaments should be properly internally structured and in particular be endowed with appropriate mechanisms for relations with their respective regional governments.

The effective application of the subsidiarity principle helps to reinforce the democratic legitimacy of the European Union, insofar as this involves the participation of the regional parliaments, as authorities closer to the people, in European legislative power.