

Declaration of Edinburgh Adopted by the 5th Conference of Presidents of Regions with Legislative Powers, 29-30 November 2004

At the invitation of the First Minister of Scotland, the Presidents and their representatives of Åland, Abruzzo, Açores, Andalucia, Aragón, Asturias¹, Baden-Württemberg, Bayern, Bruxelles-Capitale, Burgenland, Calabria, Catalunya, Deutschsprachige Gemeinschaft, Emilia-Romagna, Euskadi, Extremadura, Galicia, Kärnten, Lombardia, Madeira, Niederösterreich, Niedersachsen, Nordrhein-Westfalen, Piemonte, Puglia, Sachsen, Salzburg, Scotland, Sicilia, Thüringen, Tirol, Toscana, Trentino-Süd Tirol, Umbria, Valle D'Aosta, Vlaanderen, Wales, Wallonie and Wien, all Regions with Legislative Powers of the European Union, met in Edinburgh on 29-30 November 2004 for their Fifth Conference.

Seventy-three regions within the European Union have governments and directly elected parliaments with law-making powers. Together, these regions with legislative powers cover around half of the total population of the EU. They are responsible for transposing and implementing EU legislation and policies, and in many cases constitute the only such level of government in a Member State. Some take part in the work of the Council of Ministers through membership of their national delegations. Some bear a part of the financial contributions to the EU due by their Member States. At the same time, the regions with legislative powers have much greater proximity to their citizens than do governments at the Member State level. They can therefore play a key role in bringing the EU closer to citizens while contributing to the quality of European decision-making.

The Presidents:-

- welcome the signature by Heads of State and Government on 29 October 2004 of the Treaty establishing a Constitution for Europe as a further step towards full involvement of the regions with legislative powers in European decision-making;
- welcome the establishment of a Convention which worked in public to draw up a draft of the Constitutional Treaty, which has enhanced the legitimacy of the EU and improved the regional dimension of its work;
- commit themselves to inform their citizens about the content of the Constitutional Treaty, especially the provisions affecting regions with legislative powers, noting that the benefits set out below can only flow from ratification of the Treaty according to Member States' own arrangements;

¹ Asturias did not adopt the Edinburgh Declaration.

- welcome the recognition that the Treaty gives to the role of the regions; the improved clarification of the competences of the European Union; the provisions that it contains to ensure that the principle of subsidiarity is respected; and the enhanced role that it gives to the Committee of the Regions;
- welcome the improved provision for pre-legislative consultation made by the Treaty, and further call on the Commission to consult the regions with legislative powers directly as a matter of course;
- call for the regions with legislative powers to be fully involved in preparation for the implementation of the Constitutional Treaty, especially the criteria for assessing compliance with the subsidiarity principle and the subsidiarity early warning mechanism, and offer their expertise to assist with the development of the new arrangements;
- welcome the Commission's ongoing Governance Initiative and the Four Presidencies Initiative on Better Regulation launched by the Irish, Dutch, Luxemburg and United Kingdom Governments; and offer their expertise to support the Initiative, and in particular the development of proposals for impact assessments and framework legislation;
- call upon Member States to involve regions in shaping Member States' European policies and to include representatives of regions with legislative powers in national delegations in those meetings dealing with matters affecting their responsibilities and competences, especially at Council meetings, as some Member States already do very successfully;
- commit themselves to working in co-operation with other associations and organisations representing the interests of the regions with legislative powers, such as the Conference of Presidents of Regional Legislative Assemblies (CALRE);
- welcome the introduction of a systematic dialogue with local and regional authorities and call on the Commission to develop this dialogue substantially to guarantee the full involvement and participation of all regions with legislative powers.

The Treaty establishing a Constitution for Europe

The Presidents believe that the Treaty establishing a Constitution for Europe signed on 29 October 2004 has the potential to bring about significant improvements both in the efficiency and effectiveness with which the European Union operates and in its engagement with its citizens. The Presidents consider that the regions with legislative powers can make a real contribution to ensuring that the Union fulfils this potential through their role in transposing and implementing EU legislation and their proximity to citizens. The Presidents welcome especially the following provisions in the Constitutional Treaty:

- recognition of linguistic and cultural diversity among the objectives of the European Union (Article I-3 para 3);
- respect for the national identities of the Member States, inclusive of regional and local self-government (Article I-5 para 1);
- clarification that the competences are conferred by the Member States and that all competences not conferred upon the EU remain with the Member States or with the regions according to the respective internal division of competences (Article I-11 para 2);
- clarification that the objectives of the EU do not extend the competences of the Union as laid down in Part III of the Constitutional Treaty (Article I-12, para 6);

- recognition in the definition of the principle of subsidiarity of the role of regional and local government (Article I-11 para 3);
- a strengthened Protocol on the application of the principles of subsidiarity and proportionality which provides that the regional and local dimensions of proposed action must be taken into account (Protocol on Subsidiarity);
- an early warning mechanism for ensuring respect for the subsidiarity principle and the role of national and regional parliaments in this scrutiny (Protocol on Subsidiarity Article 5 and Protocol on National Parliaments);
- the power for either Chamber of a national parliament (through its Member State) or the Committee of the Regions to bring an action to the European Court of Justice on grounds of infringement of the principle of subsidiarity by a legislative act (Protocol on Subsidiarity Article 7);
- confirmation that a regional Minister may represent his/her Member State in the Council (Article I-23);
- obligation on the Commission to consult widely, taking into account the regional and local dimension, before proposing a legislative act (Protocol on Subsidiarity Article 2);
- obligation on the Commission to produce an assessment of the financial impact of its proposals and, in the case of a framework law, its implications for the legislation to be put in place by Member States and regional legislatures (Protocol on Subsidiarity Article 4);
- obligation on the Commission to present an annual report on the implementation of the subsidiarity principle and to forward this report to the Committee of the Regions (Protocol on Subsidiarity Article 9);
- recognition of the role of the regions in the provision of services of general economic interest (Article III-122)
- recognition of the need for cohesion as expressed in Article III-220.

Further steps towards full involvement of the regions with legislative powers

The Presidents view the new provisions in the Treaty establishing a Constitution for Europe as positive steps towards a constitutional structure for the EU that facilitates the full and proper involvement of the regions with legislative powers, but note that additional steps are needed. They will continue to work for further developments, including:

- provision for Member States to designate certain of their 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;
- the right of regions with legislative powers to appeal directly to the European Court of Justice to protect their prerogatives or where other European bodies exceed their competences;
- the establishment of the Committee of the Regions as a fully-fledged institution;
- provision of a legal basis for cross-border and interregional co-operation;
- the stable protection of languages that are official in some regions of the EU.

Enforcing respect for the subsidiarity principle

The Presidents believe that the principle of subsidiarity – promoted consistently by the regions with legislative powers and first recognised in the conclusions to the Birmingham and Edinburgh European Councils in 1992 – is a vital element of good government. Laws and policies should be formulated and implemented at the regional or Member State level wherever possible, so that they are more responsive to local circumstances and the decision-makers are accessible to those affected by the policies and can easily be held to account. Even where legislation needs to be defined at the European level by virtue of the particular objective to be met, the principle of subsidiarity must be respected. Only when citizens can see that all levels of government have been involved in the decision to allow the EU to act do its actions have maximum legitimacy.

It is essential, therefore, that the regions with legislative powers are fully involved in establishing the arrangements for the subsidiarity early-warning mechanism in their own Member States and at the European level, and in operating the mechanism once established, in order adequately to complement the ex-ante control undertaken by national parliaments. REGLEG already serves as an efficient network for the rapid exchange of information among its members, and it has the potential to play a key role in the operation of the mechanism.

The Presidents believe that the Committee of the Regions (CoR) also has an important role to play in assessing the conformity of legislative proposals with the principle of subsidiarity. They call on the CoR to establish internal arrangements which will allow it to respond effectively to Commission proposals within the 6 week timetable. They offer the expertise of their administrations to the CoR and look forward to playing an active part in the CoR. To that end, the Presidents hereby task the Co-ordination Committee with drawing up proposals for joint working with the Committee of the Regions, especially for the purposes of impact assessments and subsidiarity monitoring. These proposals will be subject to political endorsement by member regions.

To allow national and regional parliaments to scrutinise proposals most effectively within the 6 week period, the Presidents call on the Commission to transmit proposals on pre-determined and regular dates.

More legitimacy for the European Union

The Presidents welcome the democratic legitimacy brought to the Treaty establishing a Constitution for Europe by the establishment of a Convention charged with drawing up a draft Treaty. For the first time, the Treaty has benefited from the contributions of representatives of a wide range of institutions, including national parliaments and the Committee of the Regions. REGLEG members played an important role in the Convention: one was a full member and a further five participated as observers. REGLEG members also participated in the subsequent Intergovernmental Conference through their respective national delegations. This representation has ensured that the voice of REGLEG and its members has been heard.

REGLEG representatives should therefore be involved in future revisions of the Constitutional Treaty through their national delegations and through the Committee of the Regions.

Better Regulation

The Presidents believe that if legislation is to have the support of citizens, it must be responsive to regional and local circumstances. They recognise that much action to improve the quality and responsiveness of European decision-making can be undertaken in advance of the coming into force of the Constitution.

They consider the steps already taken by the European Commission through its Governance Initiative to be positive. In particular, they welcome the introduction of improved minimum standards for consultation. They congratulate those Directorates General within the Commission which have already taken positive steps to consult the regions with legislative powers directly at the pre-legislative stage; direct consultation with the legislative regions must now be undertaken as a matter of course.

The Presidents welcome the introduction of a systematic dialogue with local and regional authorities. They call on the Commission to establish the dialogue on a permanent and regular basis; to develop it as a meaningful two-way process; and to involve all regions with legislative powers.

The Presidents applaud the Four Presidencies Initiative on Better Regulation launched by the Irish, Dutch, Luxemburg and United Kingdom Governments with the aim of reducing the regulatory burden and ensuring effective regulation to boost economic performance across Europe and therefore increase the ability of government at all levels to generate employment and increase living standards.

In particular, the Presidents support the identification of priority areas for simplification of legislation and the production of impact assessments, including competitiveness assessments, for all new legislative proposals as a first step towards a complete review of existing EU legislation with the aim of reducing the costs of excessive bureaucracy faced by both businesses and public administrations. The regions with legislative powers – through their role in transposing and implementing EU legislation, as well as through the exercise of their domestic powers of government – have considerable expertise in the development of legislation and the assessment of its impact. They stand ready to play a full part in the development of impact assessments at EU level.

Where European legislation is necessary, the Presidents consider that the maximum flexibility should be left to the implementing authorities to transpose the legislation in a manner that reflects regional and local circumstances. The Commission should therefore make as much use as possible of framework legislation, leaving to national, regional and local authorities the choice of form and methods in achieving the desired results.

Conclusion

The Presidents of Regions with Legislative Powers welcome the progress that has been made towards full involvement of the regions with legislative powers in European decision-making through the signature of the Treaty establishing a Constitution for Europe and through the Governance and Better Regulation Initiatives. They commit themselves to playing a full role in ensuring that the benefits of better government and the closer involvement of citizens that these initiatives can bring are fully realised.

Adopted at Edinburgh, 30 November 2004