

CONTRIBUTION FROM REGIONS WITH LEGISLATIVE POWERS TO THE TASK FORCE SUBSIDIARITY AND PROPORTIONALITY, DOING LESS MORE EFFICIENTLY.

Introduction

Acknowledging that seventy-three regions spread across eight Member States of the European Union have governments and directly elected parliaments with law-making powers enshrined in their constitutional order (regions hereafter mentioned as RLEG). Furthermore, some RLEG represent national realities in their institutional order. Almost 45% of the EU population rely on these regional governments to develop and deliver environmental, economic and social benefits provided by the EU.

RLEG hold legitimate competencies that are the result of the political and constitutional structures of the Member States which they are part of. To ensure that these regions can comply with the obligations that come from their constitutional rules, they need to be directly involved in the legislative process and their participation needs to be improved.

Added value of regions with legislative powers: legitimacy, effectiveness proximity and expertise.

According to article 4.2 of the Treaty of the European Union, the European Union must recognise and respect regional self-government:

“The Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government (...).”

They have exclusive powers and competences, and, in some cases, constitute the only level of government in a Member State which has such powers.

RLEG believe that a multi-level governance involving European institutions, Member States and regional and local authorities contribute to build a more effective and more transparent European Union, closer to European citizens and more comprehensible to them.

RLEG are the level of government with law-making powers closest to citizens and whose active role increases transparency, allows for better governance and offers opportunities for democratic involvement in public policy-making. The Governments of these regions hold both political and technical expertise and need to be stronger involved in the entire EU policy cycle. Moreover, better regional data to elaborate and implement EU policies and more regional specific recommendations should be incorporated in the European political process. In this sense, RLEG pro-actively accept their responsibilities and are prepared to work together with Member States and EU institutions to shape and implement, where appropriate, effective policies in the interests of the citizens.

Recommendations to the Task Force for Subsidiarity and Proportionality

The governments of Basque Country, Brussels-Capital, Flanders, Navarre, Piemonte, Salzburg and Wales welcome the decision of the European Commission to install a the Task Force for Subsidiarity and Proportionality and encourage the EU institutions to systematically

engage in a structured dialogue with RLEG. This dialogue must be inspired by pragmatism and vision, bearing in mind their empowerment to deliberate, make decisions and commit as agents of political transformation, in order to reinforce the European integration process. As a devolved government with legislative powers, the Welsh Government supports the principles of multi-level governance which underpin the Recommendations made by the signatory regions from the EU 27 and their call to strengthen the role of regions with legislative powers in EU decision-making.

The mentioned governments call for effective multi-level governance, with RLEG assuming co-responsibility in the integration process that also guarantee precise application of the decentralised dimensions of the principles of subsidiarity and proportionality.

In essence, the following recommendations hereafter are to be considered by the Task Force:

- The organisation of a high-level debate that could lead to a Convention of RLEG and EU institutions on effective multilevel governance that takes up the work done by this Task Force, particularly the work carried out by the European Parliament included recommendations in the Lamassoure Report on the Associated/Partner Region.
- The constitution of a working group devoted to analyse the institutional framework of a reinforced and structural cooperation where RLEG would have their capacities recognised by a status of Associated/Partner Region. Moreover, the impact of EU policy and regulations on RLEG, including budgetary and administrative impact, among others, should be analysed.
- A more balanced and evidence-based subsidiarity check by the European Commission is needed and the criteria to be assessed should favour a more decentralised approach.
- To open a debate to define the conditions under which the regions can have direct access to the European Court of Justice for RLEG, without being required to demonstrate direct and individual concern.
- A debate on the institutional role of the European Committee of the Regions, with improved consultation capacity and increased consideration of its opinions, especially concerning the European cohesion policy.
- An adequate address of the heterogeneous nature of the composition of the European Committee of the regions should also be analysed.
- RLEG acknowledges the importance of the current presence in the Council of some RLEG on behalf of or as part of the delegation of their Member States, and calls on those Member States, whose constitutions devolve exclusive or shared legislative competences to their regions, to ensure the direct participation of those RLEG to Council meetings dealing with these competences.
- When one third of the Member State and Regional Parliaments demand it, the European Commission should be obliged to examine a proposal for EU action in any given policy area, and, when deemed relevant and appropriate, submit a legislative proposal. Should the Commission decline to do so, it must justify the absence of action.

• RLEG asks the EU institutions to promote and guarantee an active citizenship and a more democratic Union where the EU institutions should demonstrate a wider respect for cultural diversity and the use of languages with co-official status existing in the EU.

