

# Congress of Local and Regional Authorities



## Chamber of Regions

14th PLENARY SESSION  
CPR/GT/LEG(13) PV 2 prov.  
28 May 2007

**SUMMARY OF PROCEEDINGS - CPR/GT/LEG(13) PV 2 prov.** (last update: 28/05/07)

### **Ad hoc working group “Regions with legislative powers”**

Meeting held in Paris on 9 March 2007 (9.30am - 1pm)  
Office of the Council of Europe, 55 avenue Kléber, 75016 Paris

## MEMBERS OF THE CONGRESS

Jean-Claude VAN CAUWENBERGHE, Chair of the working group (Belgium, SOC)  
 Yavuz MILDON, President of the Chamber of Regions (Turkey, EPP/DC)  
 Karsten BEHR, (Germany, EPP/DC)  
 Michael NEUREITER, (Austria, EPP/DC)  
 Hans Ulrich STÖECKLING, (Switzerland, ILDG)  
 Keith WHITMORE, Chair of the Institutional Committee (United Kingdom, ILDG)

## EXPERTS

Bernd SEMMELROGGEN, Expert (Germany)

## OBSERVERS

### Parliamentary Assembly

Lluís Maria de PUIG, Council of Europe Parliamentary Assembly, Committee on the Environment, Agriculture and Local and Regional Affairs, Rapporteur  
 Alfred SIXTO, Council of Europe Parliamentary Assembly, Head of the Secretariat of the Committee on the Environment, Agriculture and Local and Regional Affairs

### REGLEG

Mireia SOLE I LIORT, Secretary General of REGLEG, (Bureau of Catalonia in Brussels)  
 Desmond CLIFFORD, Wales, Secretary General of REGLEG 2006

### Assembly of the Regions of Europe (ARE)

Klaus KLIPP, Secretary General of the Assembly of the Regions of Europe (ARE)  
 Charles RICQ, Expert (representative of the Assembly of the Regions of Europe)

### Conference of European Regional Legislative Assemblies (CALRE)

Reinhard HOENLE, Secretary General of CALRE

### Committee of the Regions

Andreas KIEFER, Assistant to the Chair of the Intergroup "Regions with legislative powers" of the European Union Committee of the Regions

### Representation of Quebec in Brussels

Chantal HOUDET, Director of European Affairs, Quebec General Delegation in Brussels  
 Charles BOISVERT, European Affairs Attaché (Quebec)

## OTHER PARTICIPANTS

Rodrigo OLIVEIRA, Regional Director of European Affairs and External Co-operation, Azores, (Portugal)  
 Isabelle DIRKX, Permanent Representation of Belgium to the European Union  
 Predag NOVIKOV, Director of the Bureau of European Affairs, Vojvodina (Serbia)  
 Marie-José TULARD, Director of the Department of Territorial Authorities, French Senate (Paris)  
 Doede SIJTSMA, Deputy Secretary of the Netherlands Delegation, European Affairs Co-ordinator, Province of Gelderland (Netherlands)

## CONGRESS SECRETARIAT

Ulrich BOHNER, Secretary General of the Congress  
 Jean-Paul CHAUVET, Executive Secretary of the Chamber of Regions  
 Almut SCHRÖDER, Co-Secretary of the Institutional Committee

The ad hoc working group, chaired by **Jean-Claude Van Cauwenberghe** (Belgium, R, Soc):

1. adopted the draft agenda (CPR/GT/LEG (13) OJ 2 prov) and the draft decisions of the last meeting (Cardiff, 17 November 2006) (CPR/GT/LEG (13) Dec 3 prov);

2. took note of the draft terms of reference (adopted by the Bureau of the Congress) and the composition of the ad hoc working group (CPR/GT/LEG (13) 2 rev);

3. noted with satisfaction, following the 7th Conference of REGLEG Presidents (Cardiff, 16-17 November 2006), the declaration by Mireia Sole i Liort, the new REGLEG Secretary General, who stressed that REGLEG would take the regional agenda more fully into account in the preparation of the forthcoming conference scheduled to take place in Barcelona (week of 12 to 16 November 2007). The Chair expressed the wish that the Congress be invited to the forthcoming meetings of REGLEG if possible;

4. carried out an assessment of the Conference on regionalisation and federalism: contribution of research institutes (Strasbourg, 11 December 2006). **Bernd Semmelroggen** said he had been disappointed by that conference as it had not made a significant contribution to the preparation of a new charter of regional democracy but nevertheless proposed maintaining the contacts with the experts without institutionalising them. **Andreas Kiefer** suggested that the group should take better account of the work of the CDLR and its groups of experts. **Charles Ricq** stressed that participants in the conference had been unaware of all the Council of Europe's work but thought that the experiment should be continued, for example by setting up a network of experts on regional studies. **Ulrich Bohner** believed the aim of the conference should have been made clearer in order to enable the academics to assess the Congress's work and projects, in respect of which they were not well-informed. **Klaus Klipp** emphasised the gap between university research and political work on the regions, such as that done by the Congress on the draft Charter. He believed it was necessary to improve communications with academics and civil society in general in order, hopefully, to obtain better contributions.

**The Chair** thought the first step was to provide the experts with better information in advance on the scope of our projects in order to obtain their contributions. In his opinion, the Congress should at any rate maintain its contacts with researchers but without institutionalising such meetings, for which the draft Charter currently provided sufficient material for debate.

5. took note of the information presented by **the Chair** on the work of the Reflection Group on a new draft European Charter of Regional Democracy (CPR/INST (13) 8 rev). He pointed out that, after finalising the new draft, the Congress should begin taking the political steps that would lead to the discussion with the Ministers responsible for Local and Regional Government in Valencia in October 2007. He stressed the importance of having powerful contacts to complete the draft and mentioned in that connection the role played by the Parliamentary Assembly as well as ARE and REGLEG. **Bernd Semmelroggen** described the stages leading to the new draft Charter and mentioned the various sections. Keith Whitmore emphasised how useful the meeting had been between the Bureaux of the Congress and the CDLR (16 February 2007) in connection with the preparation of the Valencia conference. He thought that the Congress's new draft was more targeted and that co-operation with the CDLR should be continued. **Karsten Behr** pointed out that the Institutional Committee (Chamber of Regions) would be examining the draft Charter on 12 April with a view to adopting a draft resolution during the plenary session (end of May 2007). The new draft attempted to take account of the very different situations of the regions in Europe. He hoped that the national delegations to the Congress would help to make their authorities aware of this draft before the Valencia conference. **Hans-Ulrich Stöckling** said he was disappointed by the discussion with the CDLR since some members of that steering committee had not wanted the Congress to continue its work of the draft Charter. In his opinion, the Congress should launch the political discussion on a new basis. **Doede Van Sijtsma** thought that the Congress should adopt a new strategy in view of the negative remarks on the draft Charter at the meeting of the Bureaux of the Congress and the CDLR (16 February 2007). He believed that proper discussions on the draft should take place in each country and involve the regions more in order to obtain their support.

**Ulrich Bohner** said the innovative aspects of the new draft text should be emphasised in order to avoid the problems encountered after 1997. In reply to **Doede Van Sijtsma**, he stressed that, for institutional reasons, the Congress could not disregard the Conference of Ministers and the CDLR. On the contrary, it was the Committee of Ministers that ultimately had to be convinced. The new draft Charter could only be discussed at the Valencia conference with the ministers and with the participation of the Congress delegation and the Parliamentary Assembly, which would be adopting Lluís Maria de Puig's report before Valencia. **Charles Ricq** thought that the Congress should adopt a strong position in favour of a charter and be satisfied with a recommendation or a declaration. He added that, given the constraints in the Council of Europe's decision-making system, any draft necessarily had to be examined by the CDLR, which was a committee of experts of the Committee of Ministers. **Reinhard Hönle** said that the President of CALRE, **Peter Straub**, supported the

principle of the Congress's draft Charter. That point would be examined at the CALRE General Assembly in Berlin on 22-23 October 2007 (after the Valencia conference).

**Lluís Maria de Puig** said he supported the draft Charter but stressed that strong pressure needed to be exerted on governments in order for it to be adopted. He believed the draft should refer to the future of Europe, the emergence of new states, such as Montenegro, and the issue of Kosovo. He pointed out that his report to the Assembly would remind states of the importance of regionalisation in resolving certain crises, especially in the Balkans. It was necessary to avoid missing the historical opportunities that presented themselves and indicated his enthusiasm for regionalism. He would accordingly be supporting the Congress's draft Charter. He would do his best in his discussions with the Spanish authorities to ensure that that issue could be examined at the Valencia conference.

In conclusion, **the Chair** stressed that the new draft was the result of a compromise and that the Congress would have to aim for unanimity on the text. States should be reassured and a legal instrument acceptable to the majority of countries should be drawn up. It was also necessary to overcome the conservatism of the CDLR. The Valencia conference ought to enable a political appeal to be launched. In his opinion, debates should be set in motion in every country by engaging the regions, and he hoped the Congress would secure the support of the Parliamentary Assembly and the Committee of the Regions (where he would be presenting a report on that subject). Finally, he urged that steps be taken to avoid the draft Charter being submerged under the other issues to be dealt with in Valencia.

6. took note of the information provided by **Ulrich Bohner** on the various possible options for organising the Conference on the 2nd Chamber. The latest proposal, after the failed contacts in Vienna and Rome, came from Alain Delcamp, the current Secretary General of the Senate in Paris. **The Chair** welcomed Marie-José Tulard (Director of the Department of Territorial Authorities of the French Senate) and thanked Alain Delcamp for his invitation to organise the conference in Paris at the seat of the Senate. **Marie-José Tulard** stressed the Senate's interest in organising a conference on the subject, which was very much consistent with the discussions under way in that institution. In view of the elections in 2007, she thought the most suitable date would be January-February 2008, since the municipal elections were scheduled for March or April 2008.

**The Chair** thanked the French Senate for its invitation and asked the Secretariat to propose precise dates. He reminded the meeting that the Venice Commission was a partner of the Congress in the project and noted the Parliamentary Assembly's wish to be invited to the conference.

7. took note of the information on recent developments on federalism and regionalisation in Austria, Germany, Serbia, the Azores, Wales and Spain.

7.1 Austria: **Andreas Kiefer** described the reform of federalism currently under way (cf non-paper in German and English). New proposals would be presented in June 2007 on a new distribution of responsibilities between the Federation and the *Länder*. **Michael Neureiter** drew attention to the lively debates on the future of the upper house (Bundesrat).

7.2.1 Germany: **Karsten Behr** described the latest developments in the 2nd phase of the federal reforms, in particular the financial aspects (bound up with public sector debt), including the planned modification of the financial equalisation arrangements between the *Länder*. After contributions from **Bernd Semmelroggen**, **Klaus Klipp** and **Michael Neureiter**, **Karsten Behr** said that plans to merge certain *Länder* had not come to fruition.

7.3 Azores (Portugal): **Rodrigo Oliveira** said that after the new law on the finances of the regions the political status of the two island regions should be clarified at the end of the first quarter.

7.4 Vojvodina: **Predag Novikov** stressed the desire of Vojvodina, which had no genuine legislative powers, to develop contacts with other European regions and benefit from other countries' experience.

7.5 Wales: **Desmond Clifford** said that the Government of Wales Act 2006 would enter into force in 2007 and bring about a fairly complicated transfer of powers from the United Kingdom to Wales. **The Chair** thanked Mr Clifford and asked him to let the Secretariat have a brief summary of the reform.

7.6 Spain: **Lluís Maria de Puig** presented a brief analysis of the reform of the Statute of Catalonia, which had led to very lively political debates in Spain. Reforms also affected the Balearics, the Region of Valencia and Andalusia. That was a complex process on which the Spanish Constitutional Court was due to give a ruling. The work on the statutes of the autonomous communities was being discussed in the Cortes and should be completed in about a year. The Basque Country had the highest degree of autonomy and possessed tax-raising powers. He stressed that, in spite of the differences and distinctive characteristics that

existed, there is a consistency between the statutes of the autonomous communities, especially with regard to the language question.

7.7 In conclusion, **the Chair** thanked the speakers and stressed the usefulness of such an exchange of information. He proposed that at its next meeting the working group could continue its examination of the situation in Spain and be informed of developments in Italy.

8. was informed by **the Chair** of the next meeting of the of the Intergroup "Regions with legislative powers" of the European Union Committee of the Regions (Münster, Germany, 2-3 May 2007).

9. indicated its support for updating the analytical survey carried out for the working group in 2001 on the "structures and responsibilities of European regions with legislative power" (CPR/GT/LEG (7) 1 rev 2).

9.1. decided to hold its next meeting:

- either in the first week of September 2007 in the Crimea,
- or at the close of the 7th Conference of Presidents of Regions with Legislative Powers (Barcelona, week of 12-16 November 2007). On this point, **Klaus Klipp** pointed out that the AER Bureau would be meeting in Istanbul on 6-7 September 2007.