

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

---

## **Recommendation 278 (2009)<sup>1</sup> Regions with legislative powers: towards multilevel governance**

1. The Council of Europe lays great store by the strengthening of local and regional democracy, in particular as it is at local and regional levels, in application of the principles of subsidiarity and proximity, where democracy is closest to citizens. Regional democracy is a strong influencing factor in the constitutional balance of power, especially in federated states, and a guarantee for democratic and effective multilevel governance. Citizens identify most strongly with their region through cultural and linguistic ties but also for historical, geographical and social reasons.

2. The Congress of Local and Regional Authorities of the Council of Europe believes that good regional governance brings an added value which can be seen in the fact that regionalisation has spread across many of the member states over recent years. New regional institutions have been introduced or existing ones endowed with additional responsibilities. This has led to a rich diversity of regions based on the coexistence of a number of different models.

3. Following the Congress' adoption of its Recommendation 240 (2008) on a draft European charter of regional democracy and in view of the Committee of Ministers' reluctance to pursue work on a binding instrument on regional democracy, the Congress, still convinced of the merits of good regional governance, is co-operating with the European Committee on Local and Regional Democracy (CDLR) on the drafting of a reference framework on regional democracy. This framework will guide member states' regional reforms and will embody the main principles of regional democracy the Congress feels must be respected. These principles are: democratic functioning and composition based on citizen participation; respect for regions' autonomy in the law/constitution; the principle of subsidiarity; the responsibilities of regions with regard to the integrity and sovereignty of states; and the principle of loyalty and mutual respect between the different levels of governance (national, regional and local).

4. Multilevel governance must be guided by mutual co-operation and interaction between European, national, regional and local authorities with due regard to the respective roles, functions, competences and activities of each level. Former schemes are about to be abandoned in favour of a co-operative approach based on solutions. A clear delineation of responsibility as regards subordination issues is a prerequisite for sound and successful multilevel governance. In this light, the Congress welcomes the

European Union Committee of the Regions' White Paper on multilevel governance adopted on 17 June 2009 (Document CdR 89/2009 fin).

5. Regionalisation is a means of giving regions with legislative powers ownership of, and other regions a say in, policy shaping and political decision making. However, in an increasingly interdependent world and in a system of multilevel governance, the domestic responsibilities of regions must be reflected better at international level. After all, they must organise the implementation of the Council of Europe's binding agreements and main policy objectives as well as European Union legislation through their policies and actions. Domestic consultation and co-ordination schemes can guarantee the involvement of the regions as part of member states' coherent action. It goes without saying, therefore, that regions must also be able to participate in the work in Council of Europe and European Union committees, working groups and other bodies to frame and prepare these objectives, agreements and legislation in order that specific regional needs may be expressed. An exchange of experiences between the Congress and the CDLR could identify good practices and potentialities in this field and define the procedures for this co-operation and consultation.

6. Regions with legislative powers are obliged to conduct a very wide-ranging policy, including legal and technical matters, management of legislative and political consultation and co-ordination procedures. The necessary human and financial resources, as well as administrative structures, must therefore be ensured, for example through the application of the principles of fiscal federalism in the sharing of revenue between the federal state and regional levels.

7. In the light of this, the Congress calls on the Council of Europe Committee of Ministers to:

*a.* recommend that the ministers responsible for local and regional government, meeting in Utrecht (Netherlands) on 16 and 17 November 2009, confirm the important role of regions and, in particular, regions with legislative powers; adopt as a political reference the reference framework on regional democracy, drafted by the CDLR in co-operation with the Congress; and assist the continuation of the regionalisation process in Europe;

*b.* invite the CDLR to exchange experience on the participation of regions with legislative powers in shaping member states' positions in the Council of Europe and other international fora, for example by including regional representatives, and thus their expertise, in member states' delegations to Council of Europe committees, working groups and other bodies similar to practices in the European Union "comitology" system; this exchange of experience could be via ad hoc workshops on the basis of voluntary participation;

*c.* invite the CDLR to examine how the participation of regions with legislative powers in member states' delegations to the Council of Europe could be increased.

8. The Congress calls on governments of member states to:

*a.* continue strengthening the regional level of governance where this already exists and, where there is no intermediate level between local and national authorities, reflect on the usefulness of establishing such a level with a view to improving democratic governance, social cohesion and economic development;

*b.* encourage member states, in those countries where this is appropriate, to define relations between the central state and regional authorities so as to include regional representatives in their delegations to Council of Europe committees and working groups;

*c.* apply, in countries with federal systems, the principles of fiscal federalism in the sharing of revenue between the federal state and regional levels.

9. The Congress welcomes the Council of Europe Parliamentary Assembly's continued support for regional legislative assemblies, which has been given tangible form thanks to the signature of an agreement with the Conference of European Regional Legislative Assemblies (CALRE).

---

1. Debated and approved by the Chamber of Regions on 14 October 2009 and adopted by the Congress on 15 October 2009, 3rd Sitting (see Document CPR(17)2, explanatory memorandum presented by B. Petrisch, Austria (R, EPP/CD), rapporteur).