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**DECLARATION OF THE ASSEMBLY OF EUROPEAN REGIONS**

**ON REGIONALISM IN EUROPE**

Preamble

The Assembly of European Regions (AER) meeting in Basel on 4th December 1996:

1.              Considering that the AER represents almost 300 European regions of varying sizes and different administrative and political structures with a total population of nearly 400 million;

2.               Considering that the Regions have different statuses, which vary according to their history, their culture and their constitutional principles and characterize the territorial organisation of each State.  Whilst respecting this diversity, this common declaration expresses the Regions' aspirations to further regionalism within the institutional framework of their own country, which have a federal, decentralised or autonomous structure.  This text cannot be interpreted as binding the regions to any of these structures.

3.              Considering that the regions are an essential and irreplaceable element of European development and integration;

4              Conscious that the regions have different origins and functions, with some historically based on distinct communities, ethnic groups or even nations, and others created as administrative districts, exercising powers delegated to them by the State;

5.              Considering the importance in Europe of the process of integration and regionalisation;

6.                            Noting that people through historical, linguistic, cultural, social, economic and geographical ties, increasingly identify themselves with their region, the variety of which, constitutes an inexhaustible richness;

7.              Considering that States with strong regional political structures, ie. with legislative powers and their own finances can optimallyresolve theireconomic and social problems;

8.              Considering also that the regional reality justifies the participation of the regions in State bodies and actions at an international level;

9.              Being aware that the regions, within the national legal order, are an indispensable element of democracy, decentralisation and self-determination, by allowing people to identify with their community and by increasing the opportunities for their participation in public life;

10.              Conscious that the regions and their peoples have endless possibilities to carry out and further develop mutually advantageous political, economic and cultural cooperation between themselves;

11.              Noting the vast potential for political, social, economic and cultural cooperation between European regions and the significance of such cooperation at national, transfrontier and international level for the development of a united and cohesive Europe and for improved knowledge and understanding of its actions among the general public;

12.              Considering that regional participation in the decision-making process of the European institutions, in accordance with the principle of subsidiarity, contributes to improving transparency of European Union actions for citizens;

13.              Considering the relevance of the Council of Europe's draft European Charter of Regional Self-government (1996) and the European Parliament's "Community Charter for Regionalisation" (1988);

14.              Convinced of the significance of this declaration, which reflects a political will and aspirations that the regions wish to promote in Europe, while respecting the diversity of their situations which call for a variety of solutions;

have adopted the following Declaration:

ARTICLE 1.  THE REGION: DEFINITION AND CONCEPT

1.              The region is the territorial body of public law established at the level immediately below that of the State and endowed with  political self-government.

2.              The region shall be recognised in the national constitution or in legislation which guarantees its autonomy, identity, powers and organisational structures.

3.              The region shall have its own constitution, statute of autonomy or other law which shall form part of the legal order of the State at the highest level establishing at least its organisation and powers.  The status of a region can be altered only in cooperation with the region concerned.  Regions within the same State may have a different status, in keeping with their historical, political, social or cultural characteristics.

4.              The region is the expression of a distinct political identity, which may take very different political forms, reflecting the democratic will of each region to adopt the form of political organisation it deems preferable.  The region shall resource and staff its own administration and adopt insignia for its representation.

ARTICLE 2.  INSTITUTIONAL ORGANISATION

1.              The region shall have full legal status.

2.              The region's basic structure shall comprise a representative assembly and an executive body. Its organisation shall be a matter for the region alone.

3.               The members of the representative assembly shall be directly elected by free and secret ballot on the basis of equal and universal suffrage.  The assembly may be granted legislative powers, subject to the limits laid down in the domestic legal order.

4.              The executive body shall be politically answerable to the representative assembly, subject to the conditions and procedures prescribed in domestic legislation.

5.              Members of both the representative assembly and the executive body shall not be subjected to supervision by the central authority which would prejudice the free exercise of their functions.

ARTICLE 3.  POWERS

1.              The apportionment of powers between the State and the regions shall be determined in the national constitution or in legislation in accordance with the principles of political decentralisation and subsidiarity.  Under these principles, functions should be exercised at the level as close to the citizen as possible.

2.              The implementation of national law, either directly or by delegation, should, as a general rule, be the responsibility of the region.

3.              The region should have responsibility for all functions with a predominantly regional dimension.

4.              Where the State has decentralised administration at regional level, it shall transfer the corresponding staff and financial resources to the regional bodies in order to avoid duplication.

5.              The regions shall exercise the powers assigned to them on an individual basis.  The regions within a single State shall agree to harmonise, where appropriate, the action taken within their specific spheres of competence. To that end, they shall decide on the required procedures.

6.              State decisions and measures which affect regional powers or interests - in particular measures which have implications for their financial situation or that of the local authorities, and decisions which affect the scope of any legislative powers the regions may have - may not be adopted without the prior assent of the regions involved.

ARTICLE 4.  FINANCING

1.              The region shall enjoy financial autonomy and have sufficient own resources to develop its powers fully.  It shall be governed in particular by the principles of economy, efficiency, effective use of resources, service to the citizen, and transparency in its budgetary decisions.

2.              The fundamental principles governing the public finances and apportionment of revenue as well as State guidelines for regional budget  management shall be laid down in the national constitution or in legislation.  The regions shall also play a decisive role in the shaping of financial legislation at national level.

ARTICLE 5.  FINANCIAL RESOURCES OF THE REGION

1.              The financial resources of the region shall consist basically of taxes partly or wholly transferred by the State, and of its own taxes.

2.              The region shall receive the income necessary for the performance of its functions.  It shall be entitled to an appropriate share of national tax revenue for this purpose. Its income shall be sufficient and concentrated uniformly on a small number of major sources of tax revenue in order to ensure stable regional budget management and allow the implementation of an economic policy directed towards sustainable development.

3.              Under national legislation, the region shall be entitled to levy its own taxes and determine sources of tax revenue.  For this purpose, it shall set the criteria for determining its taxes, duties and dues. Where the law permits, it may decide to charge supplements on State taxes.

4.              Where a number of authorities share a source of tax revenue, the scale and procedure for the distribution of such revenue shall be prescribed by legislation.  State financial allocations of a general nature shall take precedence over special allocations, which shall be governed only by statutorily prescribed criteria.

5.              Where the region is not empowered to collect taxes, it shall be involved in determining the organisation of the relevant bodies and tax procedures.  It shall likewise be involved in determining the composition and procedure of the competent courts.

6.              Within the limits prescribed by law, the region may seek credits to finance investments.  Credit limits and arrangements for monitoring their legality shall be laid down by law.

ARTICLE 6.  INTER-REGIONAL FINANCIAL EQUALISATION

1.              The principle of solidarity entails the existence of national systems of financial equalisation. The aims and procedure of financial equalisation shall be prescribed in the national constitution or legislation.  Account shall be               taken of the uneven distribution of the financial burdens borne by the regions, on the basis of objective criteria. However, financial equalisation shall not dissuade those regions required to make equalisation payments from making appropriate use of the sources of tax revenue available to them.  The needs of municipal authorities shall also be taken into account in the calculation of equalisation payments.  Equalisation shall take the form of transfers from the State to the regions, and between regions.

2.              The principle of solidarity shall also be expressed in the EU for reducing the interregional inequalities in order to achieve the aim of social and economic cohesion in Europe.  The Structural Funds of the European Union shall be one instrument for the achievement of this aim.

ARTICLE 7.              INVOLVEMENT AT THE CENTRAL LEVEL OF THE STATE

1.              The regions shall play an appropriate part in the legislative bodies of the State.

2.              The State, within the scope of its own powers, shall make arrangements to coordinate the participation of the regional institutions in the State's decision-making processes, where such decisions affect the region's powers.

3.              The regions shall be involved in appointing the judicial bodies responsible for the settlement of disputes over the division of powers between the State and the regions. Disputes between the regions and the State shall be settled by court proceedings or arbitration.

ARTICLE 8.  THE STATE AND THE REGIONS

1.              Relations between the State and its regions and among the regions themselves shall comply with the principles of mutual respect, cooperation and solidarity.  The regions and the State shall promote mutual cooperation and refrain from adopting measures which could prejudice or  limit the exercise of powers at other levels.

2.              Where it exists, State control over the regions shall be regulated by the national constitution, or failing that, by appropriate legislation.

3.              Regions should be permitted to sign treaties or agreements with other regions within the same State.

4.              As a general principle, administrative powers should be exercised by the regions and only in exceptional circumstances by the State.

ARTICLE  9.  THE REGIONS AND LOCAL AUTHORITIES

1.              In exercising the powers assigned to them, regions and local authorities shall cooperate in a spirit of mutual trust and in accordance with the principle of subsidiarity.  Regions and local authorities shall take all necessary measures to promote mutual cooperation, bearing in mind the control which regions may exercise over local authorities.

2.              Local authorities shall be consulted on all regional measures which affect their sphere of competenceor individual interests.  In practice,these measures shall include any which have a bearing on the financial powers of the local authorities.

ARTICLE 10.  THE REGIONS AND INTERNATIONAL RELATIONS

1.              Regions shall have the capability to act at an international level. They may conclude treaties, agreements or protocols which are international in scope, subject to approval by the central Government where this is required by national legislation.

2.              The regions shall promote bilateral and multilateral domestic and transfrontier cooperation among themselves for the purpose of carrying out joint projects.

3.              Regions shall have the right to set up their own representations, either individually or in conjunction with other regions, in other States and in appropriate international organisations.

4.              Subject to the provisions of paragraph 1 of this Article, the regions shall participate in the international activities of their State,in accordance with the relevant domestic legislation, whenever their own powers or essential interests are concerned.

5.              Prior to the conclusion of an international treaty which affects their essential interests, the regions shall be consulted by the State.  Should the State intend to sign an international treaty which affects the powers of the regions, the regions shall participate in the drafting and conclusion of the treaty.  The exact manner of their participation shall be governed by the domestic procedures in force between the State and its regions.  Treaties shall be executed in accordance with the apportionment of powers between the State and its regions.

ARTICLE 11.  THE REGIONS AND TRANSFRONTIER COOPERATION

1.              Regions with common frontiers shall, in compliance with relevant domestic legislation and international law, promote transfrontier cooperation.

2.              Regions, taking due account of domestic legislation and international agreements between States, shall be entitled to conclude transfrontier agreements in order to develop their cooperation within the limits of their powers.

3.              Regions shall have the right, within the legal framework of each State concerned, to establish joint  deliberative or executive bodies.

4.               The actions of these bodies shall be subject to the procedures of the competent courts in the same manner as actions of regional bodies.

ARTICLE 12.  THE REGIONS AND EUROPEAN UNION

1.              The European Union shall recognise the regions of its Member States and associations of a regional nature as active participants in its policies.  It shall have a body of regional composition which shall participate in decision-making on issues having a regional dimension.  Its members shall be proposed by the regions.

2.              The regions may make representations to the institutions of the European Union.  Such representations may be established jointly by several regions.  The  European Union and the Member States where they are located shall recognise their proper status.

3.              The regions, within the scope of their powers, or where their interests may be affected, should participate in the determination of the positions taken by their States in the Community institutions.

4.              Where an issue is the exclusive responsibility of the region or has a particular bearing on its interests, the State shall not be able to deviate from the position adopted by the region, save where domestic legislation requires this in the interests of unity.  The State shall be required to justify any deviation from the region's position.  On such issues, the region shall also be entitled to take part in the decision-making process of European institutions and shall in particular have the right to have its representation within the national delegation.

5.              The regions shall implement Community legislation within their sphere of competence.

6.              The regions shall manage assistance from the Community Funds for matters within their powers. For this purpose, the regions shall liaise with the European Union without the intermediation of the State.

7.              The regions may enter into agreements designed to improve the implementation of Community policies.  The courts shall supervise the implementation of Community legislation by the regions.  The State and the regions shall keep one another informed of the measures they adopt in the implementation of Community legislation and programmes.

8.              The regions shall have the right to bring proceedings before the European Court of Justice where measures taken by the Community institutions affect their powers or interests.

9.              The legislation on elections to the European Parliament shall refer to regional constituencies in States which have decentralised political or administrative structures.

10.              Arrangements must be made for contact between the European Parliament and regional parliaments in their  capacity as institutions which directly represent the will of the citizen.

ARTICLE 13. FINAL CONSIDERATIONS

1.              The Assembly of European Regions (AER), in adopting the present Declaration, which is inherently political in character, aims to promote and strengthen regionalism in Europe. In view of the wide variety of regional situations and aspirations, this document, which is not legally binding, is intended to serve for some regions as a guide containing basic standards or goals for regionalisation.

2.              The AER and its members shall make such approaches to national governments, European Union institutions and other European bodies as are necessary to achieve the objectives of this document.

3.                The Declaration also illustrates the fact that the region is the best form of organisation for resolving regional problems in an appropriate and independent manner. The States of Europe shall undertake to pursue as far as possible the devolution of powers to the regions and to transfer the financial resources necessary for their exercise, amending international legislation as necessary.

4.                AER and its members shall also promote European interregional cooperation at all levels and shall offer assistance in their regionalisation where necessary by proposing amendments to the constitution or constitutional law to allow for the creation of the most  appropriate forms of regional structure.

5.              Transfrontier cooperation strengthens and consolidates regionalism. The development of a regional identity based on transfrontier cooperation promotes political and social stability.

6.              The establishment of the Committee of the Regions within the European Union and the Congress of Local and Regional Authorities of Europe within the Council of Europe is a great step forward for regionalism in Europe. A longer-term goal shall be to establish a Europe of the regions as a third level of government; this would entail the Committee of the Regions attaining the status of a genuine regional chamber.

7.              The AER and its members shall lend support to associations of local authorities.  Its central aim, however, shall remain the development of a genuine regional identity.

8.              The AER shall monitor the progress made in the individual European States towards achieving the goals set forth in this Declaration.

              APPENDIX TO ARTICLE 3, PARAGRAPH 1

              Examples of the existing regions' powers:

-              regional economic policy,

-              regional planning, building and housing policy,

-              telecommunications and transport infrastructures,

-              energy and environment,

-              agriculture and fischeries,

-              education at all levels, universities and research,

-              culture and media,

-              public health,

-              tourism, leisure and sport,

-              police and public order.