



COUNCIL OF EUROPEAN MUNICIPALITIES AND REGIONS

EUROPEAN SECTION OF UNITED CITIES AND LOCAL GOVERNMENTS

CEMR POSITION PAPER ON THE TREATY ESTABLISHING A CONSTITUTION FOR EUROPE

ADOPTED BY THE CEMR POLICY COMMITTEE IN MAASTRICHT ON DECEMBER 13, 2004

1. The Council of European Municipalities and Regions welcomed the decision taken by the Heads of States and Governments to establish a Convention on the Future of Europe, thus going beyond the classical intergovernmental approach. Chaired by President Giscard d'Estaing, the Convention paid particular attention to involving all democratic actors in the European Construction process, including local and regional authorities. It fulfilled its task by handing over a draft Treaty establishing a Constitution for Europe which, after amendments, was approved by the heads of States and Governments and signed in Rome on October 29th 2004.
2. The Policy Committee of the Council of European Municipalities and Regions welcomes this vital new stage of the construction of European Union which is more democratic, more efficient and closer to its citizens.

The Policy Committee moreover recalls that from the moment that the Convention was established, CEMR drafted proposals aimed at improving European governance and involving local and regional authorities in the Union's decision making mechanisms.

CEMR has ensured the promotion of these ideas with the members of the Platform of European Associations of local and regional government, and in close cooperation with the Committee of the Regions. CEMR notes with satisfaction that the Treaty establishing a Constitution for Europe meets the majority of our requests.

3. In a position paper adopted in June 2002, we called for a European Union based on a constitutional framework which is comprehensible to citizens, close to them and able to take their interests into account

We sought the creation of a single Union, with one Constitutional Treaty. We considered that the Union's goals needed to be clarified in an understandable and precise manner. We called for a clear definition of competences and we called on the Union to have comprehensible decision making mechanisms. Lastly, we emphasised the need to take into consideration the principles of governance including participation, subsidiarity, proportionality, consultation, and partnership. We believe that our opinions have been heard on the majority of these issues.

4. The Treaty establishing a Constitution for Europe represents major advances for local and regional authorities, for which we have long waited, in particular :
 - The explicit recognition of local and regional self government in the Constitution's first articles;
 - Taking into consideration, for the first time, local and regional authorities in the definition of the implementation of subsidiarity and emphasizing the importance of the principle of proportionality;
 - The inclusion of territorial cohesion among the goals of the Union;
 - The principle of consultation of local and regional authorities and their representative Organisations;
 - The power given to the Committee of the Regions to go before the EU Court of Justice if it considers that the principle of subsidiarity is being breached.
5. This consideration of the local and regional dimension in the Treaty establishing a Constitution for Europe is not a symbolic reference, but has real meaning and legal consequences, including on issues regarding the role and management of our public services.
6. Even prior to the formal ratification of the Treaty, we call for the implementation of the provisions of the Constitution (including the protocol on subsidiarity) relating to good governance which concern local and regional authorities, and in particular those linked to consultation and dialogue, which should be very quickly implemented within the existing legal framework.
7. Given the major progress that the Treaty represents for governance in Europe and local and regional authorities, the Council of European Municipalities and Regions expresses its support for the Treaty establishing a Constitution for Europe, signed on October 29th 2004 in Rome by the Heads of States and Governments.

The CEMR invites its member national associations to take initiatives, in accordance with their chosen methods, to fully explain to their citizens the different aspects linked to the ratification of the Treaty.