



AER Bureau and Standing Committee Institutional Affairs à Hamar, 8th May 2007

**AER Position on the Council of Europe's
Draft European Charter on Regional Democracy**

I. Background

The Draft European Charter on Regional Democracy (formerly known as the European Charter on Regional Self-Government) was initiated by the Council of Europe's Congress of Local and Regional Authorities in Europe (CLRAE) in 1997. The original idea behind the Charter was to set out the key principles that should underlie effective regional democracy in Europe, covering areas such as financial autonomy and legislative powers. However, the Charter failed to attract the support of a sufficient majority of Member States at the Ministerial Conferences in Helsinki in 2002 and Budapest in 2005, with disagreements emerging over whether the instrument should be legally binding.

In order to restart the debate on the Charter, the Congress has developed a new text, which responds to objections raised by some Member States and also takes into account developments in the field of regional democracy over the past ten years. The key principles set out in the revised Charter include:

- A recognition of the different degrees of regionalisation in European states
- The territorial integrity of nation states
- A clear division of competences between levels of governments and appropriate fiscal policies
- Regional responsibilities vis-à-vis other levels of government, including the European level

The Congress has drawn up a new structure for the document; the Charter now consists of a Preamble and four parts, including both binding articles and optional measures, as set out below:

	Preamble	Not Binding
I.	The Common Core - principles of governance, subsidiarity, territorial integrity, cohesion; elected bodies, resources, co-operation, right to consultation and protection of self-government	Binding upon all Member States
II.	Different forms of organisation of regional authorities - guarantee of existence, functions, resources, principal bodies, supervision, cooperation with public authorities; offers 3 alternative options for each subject dealt with, making it accessible to countries with different degrees of regionalisation	Optional: Member States choose which articles to adopt
III.	Forms of Regional Governance (responsibilities) - specifies arrangements for implementing regionalisation on the basis of a more flexible method, allowing a large number of reservations	Member States choose 27 out of 41 to adopt
IV.	Transitional and final rules for a Council of Europe Convention	

The draft Charter should be adopted at the plenary session of the Congress on 30 May – 1 June. It will then be discussed at the 15th Session of the Conference of European Ministers responsible for Local and Regional Government, which will be held in Valencia on 15-16 October 2007.

II. AER Position on the New Charter

The AER has consistently supported the adoption of a legislative instrument on Regional Self-Government by the Council of Europe, and has promoted the AER Declaration on Regionalism (Basel, 1996) as the basis for such an instrument. The AER adopted positions in favour of the legal instrument in Poznan in November 2003 and in Zürich in April 2004. In its Regionalism Report finalised in 2006, the AER sets out similar principles to those outlined in the current draft Charter. The AER reiterates its support for the work of the Congress in developing the European Charter on Regional Democracy, and in particular would like to draw attention to the following points:

The AER:

1. Highlights the **increasing importance of the regional level** across Europe, both in terms of the growing trend of transferring competences from the national to the regional level, and in terms of the increasing role of the regions in European politics;
2. Is committed to the **adoption of a legal instrument** on regional democracy, in the spirit of the *AER Declaration on Regionalism* and firmly supports the development of a legally-binding instrument on regional democracy by the Council of Europe;
3. Welcomes the fact that in drafting the Charter, the Congress has included the following points:
 - a **precise definition of the term “region”**, in keeping with article Article 1.1 of the AER Declaration on Regionalism, namely: *“The region is the territorial body of public law established immediately below the state and endowed with political self-government”*;
 - the principle that members of a representative assembly of a region should be **directly elected by free and secret ballot** on the basis of equal and universal suffrage;
 - that regional authorities should have adequate **financial resources and** that when the State transfers tasks to the regions, it must also transfer the **corresponding resources and staff**, in order that the regions can carry out these tasks effectively;
4. Considers the adoption of the Charter as an act of **solidarity towards states in Central, Southeast and Eastern Europe**, supporting them in stabilising their democracies and encourages all Member States to adopt it in this spirit.

In a show of support for the Charter, the AER Secretariat will organise a lobbying initiative with its member regions. AER members undertake to:

- actively promote the Charter to their national governments
- lobby their national governments to send a high ranking delegation to the Committee of Ministers meeting in Valencia
- provide advice and support to the Congress in the development and approval of the European Charter on Regional Democracy, as and when requested.