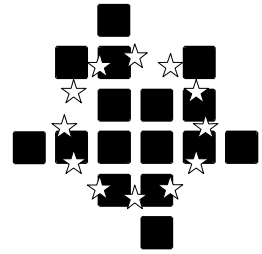


Council of European Municipalities and Regions  
Conseil des Communes et Régions d'Europe  
Συμβούλιο των Ευρωπαϊκών Δήμων και Περιφερειών  
Consejo de municipios y regiones de europa  
Consiglio dei comuni e delle regioni d'Europa  
Raad der Europese gemeenten en regio's  
Conselho dos municípios e regiões da Europa



RGRE Postfach 51 06 20 50942 Köln

Rat der Gemeinden und Regionen Europas Deutsche Sektion

Rastatt, October 9, 2003

# **DECLARATION of RASTATT**

## **concerning**

### **the Future of the European Union**

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**The local politicians from the member municipalities of the German Section of the CEMR, having come together on the occasion of the Assembly of Delegates celebrated this 9 and 10 October 2003,**

**T H A N K** the members of the European Convention for their work;

**C O N G R A T U L A T E** especially the President of the European CEMR, Valéry Giscard d'Estaing, for his prudent moderation of the Convention and its successful conclusion;

**R E G A R D** the method of the Convention, given its successful implementation (transparency/communication), as a promising, innovative approach to future reform steps of the European Union;

**E X P E C T**, however, that the municipalities and their elected representatives from more than 100,000 local and regional authorities, represented by CEMR, will in the future not merely observe but participate with equal rights in all fundamental reform steps concerning the role and function of the municipalities in the EU as members (e.g. of the Convention) and that they do not play the role merely of an observer;

**W E L C O M E** the draft of the Treaty establishing a Constitution for Europe presented by the European Convention;

**C O N C L U D E** with satisfaction that the European Union retains a regional and local dimension as set out in the draft of the Constitution, which is expressed especially by the following elements:

- Explicit mention of the regional and local self-government as a part of the member state's identity to be respected by the Union (Art. 5);

- Explicit inclusion of the regional and local level in the principle of subsidiarity to be respected by the Union (Art. 9 para.3);
- Definition and thereby strengthening of the principles of subsidiarity and proportionality by the inclusion of a protocol of subsidiarity as an integral part of the Treaty establishing a Constitution, forming an integral part of it;
- Commitment of the institutions of the Union to maintaining an "open, transparent and regular dialogue with representative associations..." (Art.46 para.2), especially on the part of the European associations of municipalities and regions;
- Strengthening of the Committee of the Regions as the institutional representation of the European municipalities and regions in the EU, especially by the right to sue before the European Court of Justice in the case of infraction of the principle of subsidiarity;

**REQUEST** the Intergovernmental Conference to regard these important parts of the constitution as a foundation for the European integration and therefore confirm them without modifications to the draft of the Treaty establishing a Constitution for Europe presented to them;

**EXPECT** from the Intergovernmental Conference to work as transparently as the Convention and request it to publish the proposals for modification whenever an essential modification of the draft of the Constitution is planned so that the citizens be informed and enabled to respond;

**CONCLUDE** with great concern that a competence regulating the principles and conditions of services of general economic interest has been introduced at the last minute into the draft of the Constitution in article III-6 without any deliberation, in a diametric opposition to the spirit of the draft of the Constitution and especially to the principle of subsidiarity, and point out that this clause does not form part of the deliberation results of the Convention;

**EXPECT** therefore from the governments and especially from the Federal German Government the removal of this newly included Art. III-6 phrase 2 in the Intergovernmental Conference (possibly on the basis of the proposals of the Minister for Foreign Affairs Fischer and Prime Minister Teufel) with the aim of adopting the former Art. 16 EEC Treaty without an extension of competences;

**STATE** that the German Parliament (Bundestag and Bundesrat) are becoming an important instrument to control the subsidiarity of European projects by means of the so-called early-warning mechanism in the "Protocol on the role of the national parliaments in the European Union", which must also be used to protect and maintain the interests of the municipal autonomy and

**EXPECT** in view of this that the self-obligation of the Federal Republic and the federal states acquires a substantial importance resulting from § 10 of the "Act on Cooperation between the Federation and Länder in European Union Matters " of 1993, according to which "in projects of the EU, the right of municipalities and local associations to regulate matters concerning the local community as well as their needs must be protected", and

**REQUEST** therefore especially the German Bundestag and Bundesrat as well as the Federal German Government to integrate the municipalities and their associations into the national verification of compliance with the principle of subsidiarity in the realization and application of the "early-warning mechanism" in Germany and therefore to design reliable structures for the absolutely necessary participation of the local associations on federal level.