The participation of the Regional Council of Lombardy in the European Union policy process
The Regional Council follows closely the developments of the regulatory and legislative framework of the European Union and is actively committed to exercise the role that the Lisbon Treaty attributes to both the national and regional legislative Assemblies.

The Council participates in the European policy process, both in the policy-making (ascending phase) and in the implementation (descending phase) of the European policies. This participation is conducted in accordance with the Italian Constitution, the new Statute of Autonomy of Lombardy and the Regional Law 21 November 2011, n. 17: "Participation of the Lombardy Region in the formation and implementation of the European Union law", which implements the Law of 24 December 2012, n. 234 laying “General rules on Italy's participation in the formation and implementation of the European Union legislation and policies”.

Regione Lombardia
IL CONSIGLIO
The institutional process which allowed the regions of the EU to actively participate in the European framework passed through several key moments of the European history. The **TREATY OF ROME** (1957), which established the European Economic Community, initially didn’t foresee a role for the regions. Indeed, the treaty contained some references to them, but only in a geographic and economic sense and not in a political or institutional one. The reason behind this lack of regional recognition of may be explained by the institutional framework of the founding members which, with the exception of Italy and West Germany, had a centralized structure.

As the years went by, the ECC started developing a major awareness of the regions and their potential key role in the implementation of the European policies. In 1975, the ECC created the **European Regional Development Fund** with the aim of flattening the economic inequalities among the regions and promote local development.

The **MAASTRICHT TREATY** (1992) finally recognized the importance of the Regions in the EU regulatory framework by establishing the Committee of the Regions (Art. 263), the EU advisory body composed of European locally and regionally elected representatives. In addition to that, the treaty introduced the **principle of subsidiarity** – fundamental to European decision-making – which “determines when the EU is competent to legislate” and “contributes to decisions being taken as closely as possible to the citizen”. Alongside the principles of conferral and proportionality, the principle of subsidiarity is a key element in the functioning of the European Union.
The **Treaty of Lisbon** (2009), with its annexed Protocols on the role of national Parliaments in the European Union (Protocol n. 1) and on the application of the principles of subsidiarity and proportionality (Protocol n. 2), introduces a number of new provisions for a more democratic and transparent Union, in particular through the enhancement of the European Parliament and the national Parliaments.

From the point of view of the Regional Parliaments, the Treaty of Lisbon has allowed the opening of more spaces for **active participation** by local and regional Authorities in the European policies development and implementation, by enhancing territorial sub-state levels and recognizing "the importance of regional interests within the European subsidiarity action adoption procedure”, through an improved implementation of the principle of subsidiarity and a more incisive definition of the coherent role of the Committee of the Regions.

Indeed, Protocol n.2 of the Treaty of Lisbon allows the Regions to have a say in the legislative process of the EU, by utilizing the so-called “Early Warning System”. This mechanism grants the Regional Parliaments the power to monitor the EU legislative drafts, sending to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion on whether a draft legislative act complies with the principle of subsidiarity.
The Regions and the Autonomous Provinces of Trento and Bolzano, in regards to the matters of their competence, engage in the formation of the EU laws and the activities of the European Council and the European Commission through the national delegations at the EU, in accordance with the dispositions laid out in the State/Regions Conference.

The 2001 Reform of Title V of the Italian Constitution granted more legislative powers to the Regions. According to Art. 117, fifth subsection, the Regions now have concurrent competences with the State in regards to the relations with other countries and the European Union. The Regions thus have legislative power over these matters, but its laws must comply with the fundamental principles laid out by the State. The regional participation is then pursued both directly and indirectly. The active participation is regulated by the Law of 5 June 2003, n. 131 (known as “La Loggia Law”) which states that (art. 5):

“The Regions and the Autonomous Provinces of Trento and Bolzano, in regards to the matters of their competence, engage in the formation of the EU laws and the activities of the European Council and the European Commission through the national delegations at the EU, in accordance with the dispositions laid out in the State/Regions Conference”.

The regulatory compliance to the Treaty of Lisbon at national level is then ensured by the Law of 24 December 2012, n. 234 laying “General rules on Italy's participation in the formation and implementation of the European Union legislation and policies”, which also lays out the indirect ways of regional participation and:
“For the purpose of verifying the compliance with the principle of subsidiarity, referred to in Article 8, the Assemblies and Regional Councils and the Autonomous Provinces of Trento and Bolzano may submit to the Chambers their observations in time for parliamentary scrutiny and give notification to the Conference of Presidents of the Legislative Assemblies of the Regions and Autonomous Provinces.”

Indeed, as stated by Art. 25, the Regions can send, within 30 days following the receipt of the EU drafts, observations concerning said drafts to the central government, the Parliament and the State/Regions conference.

Moreover, the same article establishes, with reference to the “Participation of the Assemblies, the Regional Councils and the Autonomous Provinces of Trento and Bolzano in the subsidiarity principle compliance check” that:

“regulates the Italian participation in the decision-making process and in the arrangement of European Union acts, and guarantees the fulfillment of obligations and the exercise of the powers deriving from Italy’s European Union membership, in accordance with articles 11 and 117 of the Constitution, on the basis of the principles of conferral, subsidiarity, proportionality, sincere cooperation, efficiency, transparency and democratic participation”.
With reference to the ascending phase, related to the formation of the European policies, the participation of the Italian Regions in the European decision-making process can, as stated earlier, be **DIRECT** (involvement of the Regions at European level, **in matters within their legislative competence**) or **INDIRECT** (the Regions are involved in the definition of a **national position** to be expressed in front of the European institutions through joint (State/Regions) **cooperation and advisory bodies**, for instance the Inter-ministerial Committee on European Affairs (CIAE), the European Union acts Technical Evaluation Committee, the State-Regions Conference in the Community Session).
DESCENDING PHASE

As for the descending phase (i.e. implementation of the European policies), the Regions and the Autonomous Provinces must implement, in the matters within their competence, the regulatory obligations deriving from European Union membership.

With the Law no. 234, December 2012, the European delegation Bill and the European Bill have replaced the existing annual Community Bill as a tool by which it ensures the compliance of the Italian regulatory framework to EU directives and framework decisions.
The relations between the Lombardy Region and the European Union are defined by the new Statute of Autonomy of the Lombardy Region and by a special regional law n. 17 of 21 November 2011.

The **Statute of Autonomy of the Lombardy Region** (Art. 6, second subsection) with reference to the “International and European relations” states that:

> “the region contributes to the process of European integration and, in collaboration with other European regions, is committed to encouraging the full realization of the principles of autonomy, self-government and regional identities even within the European Union.”

The Statute also establishes (art. 39) the Regional Community Bill as a **tool for the compliance of the regional regulatory framework with the Community acquis**.

The same article also clears that the Regional Council must participate in defining the Regional position over the EU projects and laws and in their implementation.

Finally, articles 103 and 104 of the General Rules of the Regional Council of Lombardy state that a specific Committee (Commissione speciale Rapporti tra Lombardia, Istituzioni Europee, Confederazione Svizzera e Province autonome) must deal with all the matters concerning EU law projects and drafts, while also receiving the other Committees’ observations towards the EU projects that may affect their matters of competence.

The **Law 17 of November 21, 2011 “Participation of the Lombardy Region in the formation and implementation of the European Union law”** regulates the
“participation of the Region in the formation and implementation of the European Union law” and establishes that the Regional Council shall sit in a **Community Session** for “the examination of the annual legislative program of the European Commission and the report on the compliance status of the regional regulatory framework with the Community acquis”.
The Lombardy Region has therefore divided the participation in the European policy process into two phases: in the first one, the Regional Council and the Regional government must conceive, in an annual Community Session that must be held no later than March 31st, its evaluation on the legislative Program of the European Commission and deliver their address on each policy in accordance with art. 103 of the General Rules of the Regional Council of Lombardy and in accordance with the regional law 21 November 2011, n. 17. The Community Session includes indeed the acknowledgment of the report on the compliance of the regional regulatory framework with the Community acquis, the examination of the Regional Community Bill and the analysis of the legislative Program of the European Commission.

The next step takes place throughout the year: in compliance with the Lisbon Treaty provisions, implemented by the provisions of Law 24 December 2012, n. 234, the competent Council Committee and the other Committees involved in the matter, assess the European acts and measures of greater regional impact, on which, if necessary, they express observations by passing a special resolution within the timeframe provided by law.

The involvement of the Regional Legislative Assemblies in the formation and implementation of the European policies allows Regions to influence EU legislative developments in matters within their legislative competence, thereby contributing to an European Union closer to the territories and citizens.
THE CONFERENCE OF THE EUROPEAN REGIONAL LEGISLATIVE ASSEMBLIES (CALRE)

CALRE was founded in 1997 in Oviedo (Spain) with the aim to create a tool for real and effective involvement and participation of the European Regional Legislative Assemblies in the European Union regulatory developments. CALRE offers Regional Parliaments an European profile and gives greater voice to territories and Regions in the assertion of their priorities and interests of greater regional impact. CALRE Regulation states indeed that:

“Since the founding Declaration of Oviedo in 1997, CALRE’s mission is to go in depth in the democratic and participative principles within the framework of the EU, to defend the values and principles of regional democracy and to reinforce links among Regional Legislative Assemblies. [...] CALRE will commit itself in having the principle of subsidiarity respected and consolidated in the European Union [...] and works to strengthen relations with other European organizations, in particular the Committee of the Regions [...].”

The Conference of the European Regional Legislative Assemblies (CALRE) unites 74 European Regional Legislative Assemblies, representing eight European countries: the parliaments of the Spanish communities, Italian regional councils and the autonomous Provinces of Trento and Bolzano, the federated states of Germany and Austria, the Portuguese regions of Açores and Madeira, Wales, Scotland and Northern Ireland in the United Kingdom, Åland Islands in Finland and Belgium community and regional chambers.

The Conference was chaired, for the first time for two consecutive years (2015-2016), by the Presidency of the Regional Council of Lombardy.
The Committee of the Regions (CoR) is an European Union advisory body, established by the Maastricht Treaty in 1992. It is the assembly of regional and local representatives.

The CoR gives regions and cities a formal say in EU law-making, thus acting as a connection between Brussels and local authorities and citizens, in the belief that cooperation among European, national, regional and local levels is essential to build a Union characterized by solidarity and a Europe united in its diversity, while respecting the subsidiarity and proportionality principles.

The assembly is composed of 350 members from the 28 EU countries; their mandate lasts five years. The CoR appoints a President among them to direct the work of the CoR for a two and a half year term of office.

The European Commission, the Council of the EU and the European Parliament must consult the CoR when drawing up legislation on matters concerning local and regional government.

The Committee of the Regions must be compulsorily consulted by the Council or the Commission in the cases provided for in the Treaty, in particular with regard to education, culture, public health, trans-European networks, transport infrastructures, telecommunications and energy, economic and social cohesion, employment policy, social legislation, and the CoR has the power to appeal to the European Court of Justice in case of possible violations of the subsidiarity principle (art. 8, protocol n. 2 of the Lisbon Treaty).

The participation of the Regional Councils in the decision-making related to the formation of the EU legislation is governed by Art. 27 of Law 234/2012 on the procedure for appointing the Italian members at the Committee of Regions.