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# **DRAFT REPORT**

on the role of cities in the institutional framework of the Union  
(2017/2037(INI))

Committee on Constitutional Affairs

Rapporteur: Kazimierz Michał Ujazdowski

Rapporteur for the opinion (\*):

(\*) Associated committee – Rule 54 of the Rules of Procedure

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## MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

### on the role of cities in the institutional framework of the Union (2017/2037(INI))

*The European Parliament,*

- having regard to the Treaty on European Union (TEU), and in particular Article 5(3) thereof, and the Treaty on the Functioning of the European Union (TFEU),
  - having regard to its resolution of 7 May 2009 on the impact of the Treaty of Lisbon on the development of the institutional balance of the European Union<sup>1</sup>,
  - having regard to the Pact of Amsterdam establishing the Urban Agenda for the EU, agreed by the EU Ministers Responsible for Urban Matters on 30 May 2016,
  - having regard to its resolution of 9 September 2015 on the urban dimension of EU policies<sup>2</sup>,
  - having regard to the Commission communication of 18 July 2014 entitled ‘The urban dimension of EU policies – key features of an EU urban agenda’ (COM(2014)0490),
  - having regard to its resolution of 16 February 2017 on improving the functioning of the European Union building on the potential of the Lisbon Treaty<sup>3</sup>,
  - having regard to its resolution of 16 February 2017 on possible evolutions of and adjustments to the current institutional set-up of the European Union<sup>4</sup>,
  - having regard to the Council conclusions of 24 June 2016 on an Urban Agenda for the EU,
  - having regard to the Leipzig Charter on Sustainable European Cities, agreed at the Informal Ministerial Meeting on Urban Development and Territorial Cohesion in Leipzig on 24 and 25 May 2007,
  - having regard to the Commission’s State of European Cities Report 2016,
  - having regard to Rule 52 of its Rules of Procedure,
  - having regard to the report of the Committee on Constitutional Affairs and the opinion of the Committee on Regional Development (A8-0000/2018),
- A. whereas the Maastricht Treaty instituted the European Committee of the Regions, thus giving cities a consultative role in the EU decision-making process;

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<sup>1</sup> OJ C 212 E, 5.8.2010, p. 82.

<sup>2</sup> OJ C 316, 22.9.2017, p. 124.

<sup>3</sup> Texts adopted, P8\_TA(2017)0049.

<sup>4</sup> Texts adopted, P8\_TA(2017)0048.

- B. whereas Protocol No 2 of the Treaty on the Functioning of the European Union (TFEU) on the application of the principles of subsidiarity and proportionality gives the European Committee of the Regions the power to bring action, via the Court of Justice of the European Union, against legislative acts if the principle of subsidiarity or proportionality is not respected in the case of acts for the adoption of which the treaty provides that the Committee be consulted;
- C. whereas the majority of the EU population (more than 70 %) live in urban areas;
- D. whereas most EU policies and legislation are implemented at local and regional level, including at the level of cities;
- E. whereas the institutional architecture of the EU is based on the principle of multi-level governance and subsidiarity;
- F. whereas the Leipzig Charter on Sustainable European Cities employs the term ‘European cities’;
- G. whereas according to the Leipzig Charter, cities are considered ‘valuable and irreplaceable economic, social and cultural assets’, while one of the core conclusions of the Commission’s 2016 Cities Report is that cities are central to reaching key EU economic, social and environmental goals;
- H. whereas the Leipzig Charter acknowledges the obligation of the Member States’ responsible ministers to promote balanced territorial organisation based on a European polycentric urban structure and states that cities should be the main centres for the development of urban regions and assume responsibility for territorial cohesion;
- I. whereas the Urban Agenda for the EU (“Pact of Amsterdam”), while affirming its full adherence to the principle of subsidiarity and competences under the EU Treaties, creates a platform of cooperation between Member States, regions, cities, the Commission, Parliament, the Union’s advisory bodies, and other stakeholders in the context of partnerships, with a view to making an informal contribution to the design and revision of both future and existing EU legislation;
- J. whereas the scope of the Urban Agenda includes in particular a pillar on Better Regulation, aimed at focusing on a more effective and coherent implementation of EU policies, legislation and legal instruments, while not aiming at initiating new legislation;
- K. whereas in its conclusions of 24 June 2016, the Council welcomed the Pact of Amsterdam and invited the Commission, Member States, local and regional authorities, the European Parliament, among others, to take further action in this context, inviting the Parliament to consider the results and recommendations of the partnerships after guidance by the Directors General responsible for Urban Matters, in the context of the agendas of the relevant Committees when discussing relevant new and existing EU legislation;
- L. whereas the same Urban Agenda tasks the Commission, among others, with considering the results and recommendations of the partnerships when drafting or reviewing relevant EU legislation, instruments and initiatives, and with working with urban

authorities and their representative organisations through the various existing opportunities for consultation and feedback offered in the development of new policy and legislative initiatives and the evaluation of existing EU strategies, policies and legislation;

- M. whereas new challenges posed by security and immigration, and challenges relating to the quality of public services, access to clean and affordable energy, natural disasters and environmental protection demand a stronger commitment from cities when designing and implementing EU policies;
  - N. whereas the value of European cities also derives from the fact that they are home to a substantial part of Europe's common cultural heritage;
  - O. whereas cities hold great potential as places for citizens to engage in constructive discussions, for which the experiences of the Committee of the Regions in organising the Citizens Dialogues, in conjunction with local and regional partners, provide optimistic prospects;
  - P. whereas an increased cities' participation in the EU policies will contribute to stronger, more capable public institutions, to the improvement in the quality of public services at the scale of the whole EU and thus the development of the citizens' right to live in the city, as a significant part of the right to have a good public administration;
  - Q. whereas the current forms of the cities' participation remain however unsatisfactory from the perspective of the desired impact on the design and implementation of EU policies and legislation;
1. Notes that there is no legal basis in the Treaties allowing cities to be formally involved in decision-making at EU level; believes, however, that the current institutional set-up allows for encouraging platforms of cooperation between cities, and between cities and the decision-making bodies at both national and EU level;
  2. Recalls that at the level of secondary law, cities do have a certain role in the implementation of certain policies and instruments, such as in the area of the European structural and investment funds;
  3. Deems it necessary to build upon the current institutional set-up of the EU and to gauge recent developments, in order to reinforce cities' involvement in the current EU decision-making and institutional architecture, in the light of the principle of subsidiarity, and to strengthen democratic legitimacy and accountability within the spirit of the Treaties, while also safeguarding transparency in policy and decision-making;
  4. Recommends a stronger representation of cities in the current structures, including a stronger cities' role within the Committee of the Regions;
  5. Advocates the consolidation of the involvement of associations representing local authorities and urban interests in policy design, such as the Eurocities network and the Council of European Municipalities and Regions (CEMR), and considers that such associations should become permanent consultants of EU policies;

6. Encourages the Council to consider launching meetings of the Council especially dedicated to urban matters; calls for cities and regions to have access to the Council working groups so that they can follow and more accurately provide input into the work of the Council in areas that impact them and their competences;
7. Considers that cities should be regarded more broadly than mere structures of public management under democratic control, and that urban centres should be seen as potential fora for public debate, the transfer of knowledge and for shaping political space in the EU;
8. Defends that cities should be recognised as centres with a positive role in the development of European Union strategies, contributing to reinforce the multi-level governance system of the Union and that this perspective has a practical consequence regarding the institutional framework of the bottom-up or top-down decision-making process of the EU;
9. Believes that cities' representation should not be limited to their official representatives participating in the management and consulting structures, and that cities – and not only capitals of the countries and regions – should become centres of debate on the future of the Union and its policies;
10. Recommends harnessing the potential of EU cities for the purposes of designing and implementing EU policies by means of debates and consultations in areas extending beyond urban policy *sensu stricto*;
11. Insists that such an objective will only be feasible if the debates are held in urban areas other than national or regional capitals, which may constitute an easily accessible forum for citizens living nearby;
12. Considers that Parliament, together with the Committee of the Regions, are the natural promoters of such a process, as bodies with the ability to frame the questions that constitute the point of departure for discussions and consultations and to draw conclusions based on the voices, opinions and projects collected;
13. Proposes that this process should be arranged by Parliament and the Committee of the Regions, in cooperation with those European city councils recognised as fora for European debate, and that such fora should, in close cooperation with the Member States, be established in cities whose range of impact affects at least one million residents, so as to ensure the broadest possible participation;
14. Suggests, furthermore, that the councils of the cities recognized as the European debate forum should be responsible for providing local universities, the media, social organisations and citizens with extensive professional and public experience free and open access as well as the possibility to participate in debates and consultations; believes that the councils should also be responsible for inviting the representatives of all levels of urban governance including smaller units or partner councils from the wider urban area, and that it would also be sensible to specify the territorial scope of such an obligation in the agreement concluded between the EU-level or relevant bodies and the council of the European forum city;

15. Suggests the establishment of a pilot programme of 54 European debate fora – two for each Member State – to be held in non-capital cities;
16. Believes that the consolidation of the cities' position in shaping the EU policies does not undermine the trust in the Member States, as it reinforces multi-level governance and subsidiarity based on the bilateral trust between the EU, Member States and regional and local structures;
17. Instructs its President to forward this resolution to the Council, the Commission, the Committee of the Regions, the European Economic and Social Committee, and the governments and parliaments of the Member States.