

Oggetto n. 4630/1 – Risoluzione proposta dalla I Commissione nella seduta del 23/6/2009 “Indirizzi relativi alla partecipazione della Regione Emilia – Romagna alla fase ascendente e discendente del diritto comunitario” (Sessione comunitaria 2009)”.

---

*(Translation)*

Resolution of the Legislative Assembly of the Emilia – Romagna Region on the participation of the Region in the European Union decision –making process and its implementation (Session devoted to the European Community issues for 2009 – “Community Session 2009”). (proposed by the 1<sup>st</sup> Committee of the regional Legislative Assembly on 23<sup>rd</sup> June 2009).

## RESOLUTION

### The Legislative Assembly of the Emilia – Romagna Region

**Having regard** to the article 38.2, of the internal rules of the regional Legislative Assembly and article 5 of the regional law n° 16/2008;

**Having regard** to the report adopted by the 1<sup>st</sup> Committee of the regional Assembly on the basis of article 38.2 of the internal rules, and the annexed opinions adopted by the other Committees on the basis of article 38.1, about the subject matters they are concerned;

**Having regard** to the Legislative and Work programme of the European Commission for 2009 – COM (2008) 712 fin., of 5<sup>th</sup> November 2008;

**Having regard** to the Report of the regional government on the compliance of the regional activities and acts with the constraints deriving from European Union legislation;

**Having regard** to the Report of the regional government for the “Community Session 2009” of the regional legislative Assembly, annexed and integral part of its Decision n. 613 of 2009;

**Whereas**, the regional law 16/2008 provides for a yearly “Community Session” of the legislative Assembly which should be the occasion to regularly evaluate the participation of the Emilia-Romagna Region in the European Union decision- making process, both for the adoption and implementation of EU acts dealing with the subject matters that fall under the regional competences, according to the Italian Constitution;

**Whereas** the Emilia – Romagna Region found that some of the acts that the European Commission have announced in its Work programme for 2009, as pointed out in the opinions of the Committees of the regional Assembly stemming out from the scrutiny of the Work Programme, are of regional interest;

**Whereas** the *Proposal for a Directive of the European Parliament and of the Council on the application of patient's rights in cross-border healthcare* – COM (2008) 414 fin. - has been scrutinized by the 1<sup>st</sup> Committee of the regional Assembly finally adopting a Resolution on 16<sup>th</sup> October 2008, in compliance with article 38.4 of the internal rules;

**Taking into account** the regional activity carried out in the field of Better Regulation and the importance of combining efforts and political support at all level – European, national and regional – in order to reach the overall objectives, taking into account that the quality of legislation is crucial in addressing the current economic and financial situation, as the European Commission has recently pointed out in its “Third Strategic Review of Better Regulation in the European Union” – COM (2009) 15 fin. of 28<sup>th</sup> January 2009, as part of the “Better Regulation Package”;

**Whereas** the adoption of the regional “Community law” for 2009 would be appropriate as it results after the scrutiny of the regional executive Report on the compliance of regional laws and acts with the European Union obligations, carried out by each Committee as far as the respective subject matters were concerned;

**Having regard to** the regional interest to start a deepening on the regional transposition of the Directive of the European Parliament and of the Council on the application of patient's rights in cross-border healthcare, once the proposal will be finally adopted and in case regional competences would arise as a result of the deepening;

**Whereas** the implementation of the regional law n° 16 of 2008 has to be carried out, particularly its article 4 (Relationship between the regional executive and the legislative Assembly), in addition to the implementation of its article 15 (Relationship between the legislative Assembly and the regional executive) and 19.2, referred to the international activities of the Region (Chapter III of the same regional law);

**Whereas** good results have been obtained in starting a dialogue with the National Parliament on the occasion of the scrutiny of the *Proposal for a Directive of the European Parliament and of the Council on the application of patient's rights in cross-border healthcare*;

**Whereas** it would be appropriate to go forward and develop the activity of the regional legislative Assembly on the European issues, with the perspective of co-operating with the National Parliament also taking into account the entry into force of the Treaty of Lisbon and its Protocol on the application of the principles of subsidiarity and proportionality;

**Taking into account** that the elections of the European Parliament have recently taken place and that it would now be appropriate to start and implement a constant relationship between the regional legislative Assembly, its Committees and the new members of the European Parliament elected in Emilia – Romagna;

- a) **Invites** the regional government to take into account the opportunity to represent the Emilia – Romagna Region views and position and, if appropriate, to forward its comments to the Government on the following initiatives that the European Commission has announced in its 2009 Work Programme: *Communication on the future of transport; Proposal of a legal instrument to underpin development of*

*the Shared Environmental Information System; Proposal for a Commission initiative on Alzheimer; Action against cancer: European platform; Council Recommendation on cross-border aspects of childhood immunisation; Communication on combating HIV/AIDS in the EU and the neighbourhood – Strategy and second action plan (2010-2014); Implementing Measures for the Rapid Alert System for Food and Feed; Solidarity in health: reducing health inequalities in the EU; Green Paper on promoting cross-border mobility of young people; Lisbon Strategy for Growth and Jobs.* In addition, the Region is also interested in the following already adopted initiatives: *Communication on University – Business Dialogue; Better Regulation Package.*

- b) **will forward**, if appropriate, its comments to the national Government, as far as the regional competences are concerned, particularly regarding the *Communication Solidarity in health: reducing health inequalities in the EU*; **will take part**, if appropriate, in the consultation that will be opened with the *Green Paper on promoting cross-border mobility of young people*, in cooperation with the regional government, as the opportunity would be confirmed taking into account the contents and time at disposal;
- c) **wishes to** go forward with its contribution to the decision-making process related to the *Proposal for a Directive of the European Parliament and of the Council on the application of patient's rights in cross-border healthcare*, COM (2008) 414 fin., if appropriate, also forwarding its comments to the national Government, in case of amendments of the proposal; **recalls** that the regional government has to report to the committees of the regional legislative Assembly about the decisions adopted on this subject by the *Italian Conference for the relation between State, Regions and Autonomous provinces*, pursuant to the article 46.4 of the regional Statute, as the Resolution of 16<sup>th</sup> October 2008, adopted by the 1<sup>st</sup> Committee of the Assembly, provides for;
- d) **wishes to** go forward, both the regional government and legislative Assembly, with the efforts in the field of better regulation, in order to contribute to the objectives established at European level, taking into account the recommendations addressed to the member States with the recently adopted "Better Regulation Package"; taking into account the criteria for quality of legislation established by the regional law n° 16/2008, article 2, as far as the participation of the Emilia – Romagna Region in the European decision-making process is concerned; going forward with the subsidiarity monitoring of the EC proposals, as a contribution to the objectives of quality of the legislation, also taking part in the inter-institutional cooperation activities, like the Subsidiarity Monitoring Network of the Committee of the Regions; going forward with the reduction of the administrative burdens, as started at the level of Emilia - Romagna Region;
- e) **invites** the regional government to draft the regional "Community law" for 2009, which will be adopted by the legislative Assembly pursuant to the articles 8 and 9 of the regional law n° 16/2008 in order to: provide for the regional implementation of the Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market; review the regional law n° 42/1993 on "ski instructors", in order to provide for its compliance with the European Community obligations as the related infringement

proceeding has pointed out; support the participation of the Emilia – Romagna Region in the “european networks” with european regional or local institutions; **identifies** the term for the adoption of the 2009 regional “Community law” with the deadline established by the Directive 2006/123/EC for the adoption of the national implementing measures;

- f) **invites** the regional government to start up the deepening on the implementation of the Directive of the European Parliament and of the Council on the application of patient’s rights in cross-border healthcare, by means of the regional community law, once the proposal will be finally adopted and in case regional competences will arise; **stresses** the importance that the deepening would be started up as soon while the proposal is still under discussion, so that the regional implementation will be correct and before the deadline;
- g) **commits** itself and the regional government, both for the respective tasks, to adopt within 2009 the implementing measures of the regional law n° 16/2008, in particular its article 4 (Relationship between the regional government and the legislative Assembly), article 15 (Relationship between the legislative Assembly and the regional executive) and 19.2, referred to the international activities of the Region (Chapter III of the same regional law);
- h) **commits** itself to forward the resolutions adopted pursuant to the regional law n° 16/2008, as a result of the activities of european scrutiny, to the relevant Committees of the National Parliament, also assuring its own disposal to give a contribution to the general discussion on the possible ways to implement the cooperation with the National Parliament, in the light of the new provisions set up by the Treaty of Lisbon; the cooperation that has recently taken place on the occasion of the scrutiny of the *Proposal for a Directive of the European Parliament and of the Council on the application of patient’s rights in cross-border healthcare*, could be offered as a possible model;
- i) **commits** itself to start and implement a constant relationship between the regional legislative Assembly, its Committees and the new members of the European Parliament elected in Emilia – Romagna, in order to start up the exchange of information, link the respective activities, inform about the regional procedure that rules the participation of the regional legislative Assembly of Emilia – Romagna to take part in the European decision-making process from its very beginning;
- j) **commits** itself to forward this resolution to the Chamber of Deputies, the Senate and the European Parliament.

---

The Resolution has been unanimously adopted on 21<sup>st</sup> July 2009.