



Committee of the Regions

Brussels, 24 April 2015

Subsidiarity Monitoring Network 2015 Work Programme¹

1. Introduction

The European Commission made subsidiarity and proportionality its priority and gave the responsibility to ensure the respect of these principles to its First Vice-President. Therefore, the European Commission's 2015 Work Programme², with 23 new initiatives, has a specific focus on subsidiarity and proportionality. Moreover, the work programme applies the principles of political discontinuity and better regulation to reduce "EU interference on the issues where Member States are better equipped to give the right response at national and regional level"³. Furthermore, the Commission prepared its Work Programme in dialogue with the European Parliament and "for the first time after also discussing with the Council"⁴.

In accordance with the Subsidiarity Monitoring Strategy⁵, the CoR has drawn-up a Subsidiarity Work Programme for 2015. The Subsidiarity Work Programme was first presented and discussed in the CIVEX commission on 24 February. It was adopted by written procedure by the Subsidiarity Steering Group (SSG) on 16 March 2015.

The Subsidiarity Work Programme is based on a priority list, i.e., an initial pre-selection of legislative initiatives included in the 2015 Commission Work Programme and subsidiarity-relevant initiatives outside the latter⁶. This pre-selection was done by the Subsidiarity Expert Group (SEG), in terms of subsidiarity relevance and on the basis of information and roadmaps available⁷ at that stage.

1 Approved by the Bureau on 15 April 2015.

2 COM(2014) 910 final.

3 *Idem*, p. 2.

4 Fact Sheet, 16.12.2014 http://europa.eu/rapid/press-release_MEMO-14-2704_en.htm.

5 R/CdR 606/2012 item 7a).

6 Of those initiatives which will be published until a certain date.

7 Roadmaps available at: http://ec.europa.eu/smart-regulation/impact/planned_ia/planned_ia_en.htm.

For the first time, representatives of national parliaments have been engaged in an exchange of views on the priority-setting for the Subsidiarity Work Programme in a session alongside the SEG. The CoR consultative commissions secretariats are associated with the pre-selection process, and the CoR commissions work programmes are taken into account.

As a result, **five priority initiatives** as well as **two additional relevant initiatives** were retained and are now submitted as part of the 2015 Subsidiarity Work Programme **to be monitored** from a subsidiarity point of view (**point 3**). As EU initiatives outside the Commission Work Programme 2015 are not known at the time of choosing priority initiatives, the final list of EU initiatives to be monitored by the CoR on subsidiarity compliance may change, in agreement with the Subsidiarity Steering Group (SSG).

The 2015 Subsidiarity Work Programme also includes the organisation of events, such as the biennial Subsidiarity Conference, this time its 7th edition (**point 4**), and some pilot subsidiarity awareness-raising initiatives (**point 5**), an initiative derived from conclusions of the 2013 Subsidiarity Conference and other events organised in 2014.

The 2015 Subsidiarity work programme will be implemented in close liaison with the CIVEX commission. SSG and/or SEG members can participate in hearings of thematic commissions. The Subsidiarity political coordinator will report back on a regular basis to the CIVEX commission on the implementation of the work programme.

2. Objectives of subsidiarity monitoring in 2015

- monitoring the compliance of selected EU initiatives with the subsidiarity and proportionality principles;
- providing input to CoR consultative works in terms of subsidiarity and proportionality;
- implementing pilot awareness raising and training initiatives and organising a successful subsidiarity conference within an inter-institutional framework;
- monitoring developments with regard to the Commission's agenda on better law-making.

3. Subsidiarity monitoring

The Subsidiarity Team will continue to monitor EU initiatives that have been selected by the SSG, with the available tools (see appendix).

The Subsidiarity Steering Group (SSG) applied the following cumulative criteria⁸ when selecting initiatives from the priority list established by the Subsidiarity Expert Group (SEG):

⁸ Criteria established by the SEG at its first meeting 25 October 2012.

- initiatives should present a clear political interest for local and regional authorities;
- initiatives should touch on competences of local and regional authorities;
- initiatives should bear a potential subsidiarity dimension;
- preference should be given to legislative proposals. Moreover, this selection takes account of CoR priorities and initiatives included in the work programmes of the thematic commissions.

As a result, the following **five priority initiatives** were identified, along with two **additional relevant dossiers**. These additional and relevant dossiers could replace one or several of the priority initiatives if individual priority initiatives do not materialise, do not progress sufficiently in 2015 or are not considered relevant enough upon a more detailed analysis.

Moreover, the proposal for an inter-institutional agreement on better law-making was identified as an initiative worth following from an institutional point of view.

The priority list could also be subject to changes following the institutional and political agenda, once the content of the European Commission initiatives are known and if the Commission submits other initiatives outside its Work Programme which could be relevant in terms of subsidiarity. Furthermore, the CoR should take account of subsidiarity-monitoring activities by regional and national parliaments. The SEG and regular exchanges with national parliaments will help the CoR to follow the subsidiarity scrutiny in regional and national parliaments. Any change of priority files or addition of relevant dossiers would be done in agreement with the SSG, taking account of the work programme of the relevant CoR commission as well as the final list of priority files for reinforced cooperation between the CoR thematic commissions and committees of the European Parliament.

3.1 Priority initiatives

3.1.1 Strategic Framework for the Energy Union⁹

The Strategic Framework will focus on: energy supply security; integration of national energy markets; reduction in European energy demand; decarbonising the energy mix and promoting research and innovation in the energy field. It will include revision of the EU Emissions Trading System as part of the legislative framework post-2020.

3.1.2 Labour Mobility Package

The package aims to support labour mobility and tackle abuse by means of better coordination of social security systems, targeted review of the Posting of Workers Directive and an enhanced EURES.

⁹

Descriptions of initiatives are taken from the Commission Work Programme 2015, COM (2014) 910.

3.1.3 European Agenda on Migration

The objective is to develop a new approach on legal migration to make the EU an attractive destination for people with talents and skills, as well as to improve the management of migration by intensifying cooperation with third countries, fostering sharing of burdens and solidarity and fighting against irregular migration and smuggling. The agenda includes review of the Blue Card Directive, the EU-wide work permit for highly skilled workers.

3.1.4 Review of the decision-making process on genetically modified organisms (GMO)

The review will look at how the rules could be changed to better ensure that the majority view of Member States is taken into account.

3.1.5 Waste Package

The European Commission intends to withdraw its proposal on the review of EU waste targets from 2014¹⁰ and to replace it with a new, more ambitious proposal by the end of 2015 to promote the circular economy. As some subsidiarity and proportionality-related concerns were raised regarding the current proposal in the framework of an SMN/SEG consultation and by some national parliaments in 2014, the new initiative will be followed closely.

3.2 Additional relevant initiatives

3.2.1 Promoting integration and employability in the labour market

A package of measures to support Member States in getting people, especially the long-term unemployed and young people, into work and developing a skilled workforce. This will include measures to follow up on the implementation of the Youth Employment Initiative, a proposal for a Council recommendation on integration of the long-term unemployed, as well as measures to promote development of skills.

3.2.2 Digital Single Market Package

The aim is to ensure that consumers enjoy cross-border access to digital services, create a level playing field for companies and create the conditions for a vibrant digital economy and society. The package will include, among other legislative proposals, the modernisation of copyrights.

¹⁰ Proposal for a directive of the European Parliament and of the Council amending Directives 2008/98/EC on waste, 94/62/EC on packaging and packaging waste, 1999/31/EC on the landfill of waste, 2000/53/EC on end-of-life vehicles, 2006/66/EC on batteries and accumulators and waste batteries and accumulators, and 2012/19/EU on waste electrical and electronic equipment 28/10/2014, COM (2014) 397.

3.3 Initiatives to be followed with special focus

The "Proposal for an inter-institutional agreement on better law-making" will not be scrutinised from the perspective of subsidiarity, but special focus will be put on it during 2015, as this agreement will update and strengthen the common understanding with the European Parliament and the Council in relation to better regulation.

4. Seventh Subsidiarity Conference

The 7th Subsidiarity Conference is to be held in autumn 2015 (date and venue to be confirmed). It is an inter-institutional event organised by the Subsidiarity Team in close coordination with the CIVEX secretariat, which will gather EU institutions involved in subsidiarity monitoring, as well as national parliaments, the Conference of Parliamentary Committees for Union Affairs of the European Union (COSAC), regional parliaments and governments and other partners of the Subsidiarity Monitoring Network. The conference will discuss ways of enhancing awareness of subsidiarity and creating a culture of subsidiarity monitoring, and promote genuine inter-institutional cooperation on the matter and contribute to the inter-institutional discussion on better law-making.

5. Awareness raising initiatives

In the margins of the 6th Subsidiarity Conference in December 2013 in Berlin at the German Bundesrat, participants from regional parliaments raised concerns that the latter's representatives (from the administrative as well as the political level) are not always sufficiently aware of the importance of subsidiarity monitoring and the role regional parliaments can play in the framework of the Early Warning System. Therefore, the CoR will explore the possibility of responding to these concerns by suggesting activities (information and training sessions open to regional parliaments and governments, politicians and administrative staff) in order to explain the principle of subsidiarity, the (political) importance of subsidiarity monitoring and the role of the CoR in this framework. The Subsidiarity Team will work in cooperation with the CIVEX secretariat.

6. Cooperation with other institutions, organisations, bodies and associations

Based on the protocol on the cooperation between the CoR and the European Commission¹¹, the CoR will build on its privileged relationship with the Commission concerning subsidiarity monitoring.

Moreover, in accordance with the cooperation agreement, close relations and cooperation between the CoR and the European Parliament should be ensured during the legislative phase. This involves in particular closer relations with the JURI Committee, which is responsible for the respect of the subsidiarity principle.

¹¹ Point 23 of the Protocol on the cooperation between the European Commission and the Committee of the Regions signed on 16 February 2012, R/CdR 39/2012, pt. 7.

The cooperation with the COSAC will continue (e.g. participation of Subsidiarity Team members in "Monday Morning Meetings") and be developed further.

Furthermore, the CoR will pursue close cooperation with the Conference of European Regional Legislative Assemblies (CALRE) in terms of subsidiarity monitoring.

7. Appendix: Tools and procedures for monitoring subsidiarity priorities

The following table shows the different tools available for subsidiarity monitoring:

Tool	Description	Timing in decision-making process	Stakeholders involved	Decision to use specific tool	Outcome
Targeted consultation	Online consultation of SMN partners and the SEG on subsidiarity, proportionality and possibly better law making in order to provide input to a CoR draft opinion	Legislative process during the preparation of a CoR draft opinion for the meeting of the thematic commission	SMN partners, possibly other stakeholders (like EU 2020 partners)	Subsidiarity Steering Group/ rapporteur ¹²	Report summarising the main findings of the consultation, to be sent to the rapporteur and the European Commission
Open consultation	Online spontaneous contributions of SMN partners on subsidiarity, proportionality and better law making	Any time	SMN partners	SMN partners	Contributions to be sent to rapporteur (if applicable and translated if needed)
EWS file on REGPEX ¹³	Subsidiarity-related information concerning a specific file published on REGPEX; SMN partners' contributions translated into English and published on REGPEX	First eight weeks of legislative process	Governments and parliaments of regions with legislative powers (other SMN partners may also participate) via REGPEX	Subsidiarity Steering Group	Report summarising the main findings of the REGPEX contributions, to be sent to the rapporteur and the European Commission
Subsidiarity Expert Group consultation	Online consultation of experts on subsidiarity aspects of specific initiatives	Any time	Members of the Subsidiarity Expert Group	Subsidiarity Steering Group/ rapporteur ¹⁴ / administration ¹⁵	Report summarising the main findings of the consultation, to be sent to the rapporteur and possibly the European Commission

These tools can be activated depending on the nature of the proposals and the timing and calendar of CoR opinions. The Subsidiarity Steering Group will keep the Bureau informed of the implementation of the Subsidiarity Work Programme.

¹² The Subsidiarity Steering Group should be informed.

¹³ Priority initiatives to be monitored through EWS files published on REGPEX are to be defined by the Subsidiarity Steering Group at a later stage, as the content of actual legislative proposals to be published becomes clearer. This may be used as a separate tool or it may feed into the targeted consultation.

¹⁴ The Subsidiarity Steering Group should be informed.

¹⁵ The Subsidiarity Steering Group should be informed.