



EUROPEAN UNION



**Committee of the Regions**

## **A NEW SUBSIDIARITY STRATEGY FOR THE COMMITTEE OF THE REGIONS**

On 2 May 2012, the Committee of the Regions' (CoR) Bureau adopted a new strategy on monitoring the principle of subsidiarity<sup>1 2</sup>. This new approach is aimed at:

- 1) reinforcing the governance structure of the CoR's subsidiarity monitoring;
- 2) establishing a comprehensive approach for monitoring subsidiarity during the whole EU decision-making process;
- 3) involving relevant EU and national institutions in these activities; and
- 4) consolidating the CoR's readiness regarding any potential action before the Court of Justice.

### ***A Subsidiarity Steering Group to ensure political governance of the CoR's subsidiarity monitoring***

The Subsidiarity Steering Group includes one member per political group and is chaired by the coordinator of the Subsidiarity Monitoring Network<sup>3</sup>. The Group ensures the proper coordination and political follow-up of subsidiarity monitoring activities throughout the year. In particular, it is responsible for highlighting annual subsidiarity priorities and making proposals on the use of the most appropriate tools and procedures of the Subsidiarity Monitoring Network<sup>4</sup> in order to support the work of CoR rapporteurs in the legislative process.

The Subsidiarity Steering Group is the competent body for making proposals and presenting texts to be adopted by the CoR Bureau regarding subsidiarity. It monitors the implementation of the CoR's

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<sup>1</sup> Executive Summary of Bureau document R/CdR 606/2012 item 7a) rev. 1 EN/o

<sup>2</sup> Art. 5 (3) Treaty on European Union (TEU): *Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level.*

<sup>3</sup> A network of about 150 partners representing local and regional authorities with and without legislative powers and their associations, [www.cor.europa.eu/subsidiarity](http://www.cor.europa.eu/subsidiarity).

<sup>4</sup> Impact assessment consultations, targeted and open consultations, use of the Action plan and use of REGPEX.

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Subsidiarity Annual Work Programme<sup>5</sup>, as well as the overall political role of the CoR in applying the subsidiarity principle in the EU decision-making process. Having an overview role, it also endorses the Subsidiarity Annual Report and presents it to the CoR Bureau<sup>6</sup>.

Finally, the Subsidiarity Steering Group should be kept informed about the position of CoR opinions regarding compliance of EU proposals with the subsidiarity and proportionality principles, the main findings of consultations of the Subsidiarity Monitoring Network together with reasoned opinions/subsidiarity analyses issued by national/regional Parliaments in the framework of the Subsidiarity Early Warning System.

***A group of experts to provide quality input from the local and regional level***

A group of local and regional subsidiarity experts supports the activities of the Subsidiarity Steering Group and the CoR's consultative activities in general. The Expert Group provides input for the Subsidiarity Annual Work Programme and is at the disposal of CoR rapporteurs if needed.

The input the experts can give to the CoR consultative activities could provide a link to the subsidiarity debate in the Member States, strengthen the mutual comprehension and thus bring the CoR closer to its local and regional partners.

Members of the Expert Group are selected from the Subsidiarity Monitoring Network, according to their expertise in terms of subsidiarity as well as a strong background in EU law. The final composition of the Group is endorsed by the Subsidiarity Steering Group.

***A comprehensive subsidiarity monitoring system to follow the whole EU decision-making process***

CoR subsidiarity monitoring activities commence in the pre-legislative phase. Based on an in-depth analysis of the work programme of the European Commission and its Roadmaps for the legislative process, the Subsidiarity Expert Group selects a number of EU initiatives of potential interest from a subsidiarity viewpoint. These dossiers will be reflected in the CoR's Subsidiarity Work Programme that is endorsed by the Subsidiarity Steering Group and submitted to the CoR Bureau.

On the basis of this Work Programme, the CoR administration sets up an internal early flagging system to ensure the proper monitoring of EU legislative proposals that might have subsidiarity issues that would require action by the CoR. As soon as such cases are identified, a process is launched in the CoR, involving all the relevant political and administrative stakeholders and leading to the identification and planning of the subsidiarity monitoring activities to be carried out throughout the year, both before and after the European Commission adopts its proposals.

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<sup>5</sup> Drafted on the basis of the European Commission's work programme, the CoR's Subsidiarity Work Programme includes all those dossiers which may be relevant from a subsidiarity viewpoint and which the CoR plans to monitor.

<sup>6</sup> Since 2010, the Subsidiarity Annual Report has presented all the activities carried out by the CoR in the field of Subsidiarity Monitoring over one year. <http://extranet.cor.europa.eu/subsidiarity/Publications/Pages/Publicationsandstudies-.aspx>.

### ***An active Subsidiarity Monitoring Network***

The main objective of all CoR subsidiarity monitoring activities is to provide CoR rapporteurs and members with quality input from a subsidiarity viewpoint, so that proper subsidiarity assessments can be included in CoR opinions.

The activities are the following:

**Impact assessment consultations** are carried out during the pre-legislative phase in cooperation with the European Commission and their aim is to assess the territorial impact of certain Commission proposals. These exercises also allow potential subsidiarity issues to be identified at a very early stage of the EU decision-making process.

Discussions are also under way with the European Parliament for cooperation on impact assessments at a later stage in the legislative process.

**Targeted consultations:** Targeted consultations can be launched through the Network in the legislative phase, and in the context of the preparation of a draft opinion by a CoR rapporteur. These consultations are focused on subsidiarity and proportionality issues and provide valuable input from the partners.

Partners of the Subsidiarity Monitoring Network are also invited to send in their **open contributions** to any EU initiative for which a subsidiarity analysis is appropriate. These spontaneous contributions are published on the Network's website and forwarded to rapporteurs whenever they relate to an initiative on which the CoR is preparing an opinion.

Furthermore, the CoR's activities also cover the **Subsidiarity Early Warning System** put in place by the Lisbon Treaty. In particular, through a recently-developed subsection of the SMN website, **REGPEX**<sup>7</sup>, regional parliaments may exchange their subsidiarity positions on EU legislative proposals. Moreover, they have access to customised files containing information related to a number of issues identified as being especially relevant with regard to the Early Warning System. CoR rapporteurs and members can also make use of this information when assessing compliance with the subsidiarity principle at a later stage of the EU legislative process.

Finally, the Subsidiarity Monitoring Network's **Action Plan** allows for implementing the priorities laid down in the CoR's Subsidiarity Work Programme. It is also a tool for qualitative thematic consultations on subsidiarity/multilevel governance issues, involving the monitoring of dossiers from the pre-legislative to the legislative phase through the creation of specialised working groups, also open to CoR members.

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<http://extranet.cor.europa.eu/subsidiarity/regpex/Pages/default.aspx>