



BACKGROUND MEMO

FIFTH CONFERENCE ON SUBSIDIARITY

21 March 2011

**Bilbao, Basque Country
Spain**

**"Subsidiarity monitoring one year after Lisbon:
approaches at local and regional level"**

One year after the entry into force of the Lisbon Treaty, the Committee of the Regions (CoR) is opening the door to discussion regarding the area in which it has been given important new responsibilities: subsidiarity monitoring. The CoR believes that subsidiarity monitoring should be carried out during the whole policy-making cycle, thus covering the pre-legislative and legislative phases as well as the implementation of EU legislation, since all these phases influence each other. Therefore, this year's Subsidiarity Conference will focus on subsidiarity monitoring during these phases: the Impact Assessments carried out by the European Commission during the pre-legislative phase and the involvement of the local and regional levels, subsidiarity monitoring during the legislative phase in general and as regards the Early Warning System in particular, and finally the implementation of EU law and the role of local and regional authorities in applying the principle of subsidiarity on the ground.

One effective tool for monitoring subsidiarity throughout this process is the CoR's Subsidiarity Monitoring Network (SMN) which has proved to be a useful platform in this regard since 2007.

This year's Subsidiarity Conference will be hosted by the Basque Country, an active partner of the SMN since it was established, represented in the Network by both its Regional Government and its Parliament. The Basque Regional Government participates in the SMN Action Plan, leading the Social Innovation working group, and is also a member of the working group on fighting climate change. Moreover, it has shown great interest in and contributed to the Impact Assessment consultations conducted by the SMN. The Basque Regional Parliament has responded to all exercises carried out so far by the Spanish National Parliament in the framework of the Early Warning System.

Outline of the event

Opening

The Conference will be opened by the CoR President, Mercedes Bresso, the Head of the Basque Regional Government (Lehendakari), Patxi Lopez, and the President of the Basque Regional Parliament, Arantza Quiroga.

Subsidiarity monitoring one year after Lisbon: case studies

The floor will then be given to the representatives of the European Commission, the European Parliament, the Council of the EU and the CoR. They are asked to describe the major changes resulting from the entry into force of the Lisbon Treaty with regard to subsidiarity. The development and functioning of the SMN will also be highlighted. Afterwards, a debate will be opened by CoR members.

First Session (morning)

Subsidiarity implementation by local and regional authorities

This first session will focus on the implementation of EU legislation and bring together the leading partners of the five working groups of the SMN's first Action Plan. The Action Plan aims to exploit all of the Network's potential as a laboratory of ideas and an ideal platform for the exchange of best practices in the implementation of EU law. Leading partners are asked to express their views on the implementation of EU legislation and on the way the subsidiarity principle is applied at the local and regional levels, with special reference to the results of the Action Plan.

The working groups focused on the links between the different spheres of governance involved in the policy-making process - local/regional and national and European. Through this process, the idea was to show that the principle of subsidiarity is not only a "defence" mechanism aimed at safeguarding the prerogatives of the levels of governance closer to the citizens, it is a positive concept guiding the efficient exercise of shared competences by the European and national/regional/local levels and thus focusing on constructive synergies and solutions.

Second Session (afternoon)
The regional Parliaments and the Early Warning System

National parliaments have the right to monitor subsidiarity at an early stage of the EU legislative process through the so-called Early Warning System established by the Lisbon Treaty. This mechanism also provides for the involvement of regional parliaments with legislative powers.

The CoR launched a study on the role of regional parliaments under the Early Warning System in June 2010. The results of this study will be presented and discussed during this session and will feed into a round table where representatives of both regional and national parliaments will discuss the best ways to implement competences derived from the Lisbon Treaty. In particular, special attention will be given to the question of how to build up the institutional capacity of regional parliaments to perform subsidiarity evaluations in the framework of the Early Warning System.

Moreover, the CoR is conscious of the importance of associating all stakeholders in the early stages of the policy development phase, and therefore would like to launch a debate with regional parliaments represented by CALRE on subsidiarity monitoring and the best ways to cooperate in the future. Regional governments, and especially governments representing regions with legislative powers, are asked to become special partners of the CoR in its future subsidiarity monitoring activities, especially by participating in the the SMN. Finally, representatives of the leading partners of the second edition of the SMN action plan will present their statements.