

UNJONI EWROPEA



Kumitat tar-Regjuni

IR-RAPPORT ANNWALI DWAR IS-SUSSIDJARJETÀ 2012

Ir-Rapport Annwali dwar is-Sussidjarjetà 2012

1. Introduzzjoni

Bhala risposta għall-kriżi ekonomika u finanzjarja ttiehdu passi importanti sabiex tissahhaħ il-governanza ekonomika u finanzjarja fil-livell tal-UE u fl-istess ħin qed issir pressjoni kbira biex l-Istati Membri jikkoordinaw aħjar il-politiki fiskali, ekonomiċi u anke soċjali tagħhom. Filwaqt li din il-koordinazzjoni aktar mill-qrib tinhtiegħ hafna, huwa essenzjali wkoll li jkun hemm stampa ċara tad-diviżjoni tal-kompetenzi f'sistema ta' governanza f'diversi livelli billi d-deċiżjonijiet jittiehdu fl-aktar livell adegwat u kemm jista' jkun viċin taċ-ċittadini. Fi kliem iehor, ir-rispett tas-sussidjarjetà huwa aktar u aktar importanti sabiex l-Ewropa f'diversi livelli tkun tista' topera f'sitwazzjoni ta' kriżi.

Fl-2012, il-Kumitat tar-Regjuni (KtR) għalhekk saħhaħ il-pożizzjoni tiegħu bhala punt ta' referenza għas-sussidjarjetà fl-Unjoni Ewropea. F'din it-tielet sena tal-implimentazzjoni tat-Trattat ta' Lisbona u d-dispożizzjonijiet l-godda tiegħu rigward il-prinċipju tas-sussidjarjetà, il-KtR żviluppa u rfina l-istrategija tiegħu u zied l-ghodod ta' monitoraġġ tiegħu. Dan it-tielet Rapport Annwali dwar is-Sussidjarjetà tal-KtR jenfasizza u jiġbor fil-qosor dawn l-iżviluppi l-godda.

Id-dritt li jitressaq rikors quddiem il-Qorti tal-Ġustizzja tal-Unjoni Ewropea (QtĠ) kontra att leġislattiv tal-UE abbażi ta' ksur tas-sussidjarjetà huwa l-aktar titjib impressjonanti għar-rwol istituzzjonali tal-KtR fir-rigward tas-sussidjarjetà¹. Madankollu, għadd ta' dispożizzjonijiet adottati f'Lisbona saħhew ukoll ir-responsabbiltà tal-KtR. L-artikolu tat-Trattat dwar il-prinċipju tas-sussidjarjetà jirreferi b'mod esplicitu għad-dimensjoni lokali u reġjonali² u b'hekk jenfasizza l-htieġa li jiġu rispettati l-kompetenzi tal-awtoritajiet lokali u reġjonali fl-UE. Rigward il-possibbiltà li l-parlamenti nazzjonali jikkonsultaw lill-parlamenti reġjonali fil-proċedura ta' twissija bikrija tas-sussidjarjetà³, għalkemm il-KtR formalment mhux parti minn dan, il-pożizzjoni istituzzjonali tiegħu tirrikjedi li hu jappoġġja lill-parlamenti reġjonali. Hija parti mir-rwol naturali tal-assemblea li tirrappreżenta lill-awtoritajiet lokali u reġjonali fl-istruttura istituzzjonali tal-UE li tiżgura li d-deċiżjonijiet jittiehdu fil-livell adegwat (Ewropew, ċentrali, reġjonali jew lokali) u kemm jista' jkun viċin taċ-ċittadini.

Għaldaqstant, il-KtR adotta approċċ li jkopri kemm l-istharrig ġudizzjarju kif ukoll il-fażi leġislattiva. Kull rikors potenzjali quddiem il-Qorti tal-Ġustizzja għandu jinfehem bhala l-aħħar miżura u l-istadju

¹ Ara l-Artikolu 8 tal-Protokoll Nru 2 dwar l-applikazzjoni tal-prinċipji ta' sussidjarjetà u proporzjonalità – minn issa 'l quddiem imsejjaħ il-Protokoll Nru 2.

² Ara l-Artikolu 5(3) tat-Trattat dwar l-Unjoni Ewropea (TUE): “Skont il-prinċipju tas-sussidjarjetà, fl-oqsma li ma jaqgħux fil-kompetenza esklussiva tagħha, l-Unjoni għandha taġixxi biss jekk u sa fejn, l-oġġetti tal-azzjoni prevista ma jkunux jistgħu jinkisbu biżżejjed mill-Istati Membri, la fil-livell ċentrali u lanqas fil-livell reġjonali u lokali, iżda jkunu jistgħu, minhabba l-iskala jew l-effetti tal-azzjoni prevista, jinkisbu aħjar fil-livell tal-Unjoni.”

³ Ara l-Artikolu 6, Protokoll Nru 2.

finali ta' proċess li jinkludi l-proċess kollu tat-teħid ta' deċiżjonijiet. Jekk jintlaħaq dan l-istadju ġudizzjarju, ikun ifisser li l-proċess tat-tfassil tal-politiki falla. Il-KtR, minflok, jipprova jsaħħah il-kooperazzjoni mal-istituzzjonijiet l-oħra tal-UE bil-għan li tinkiseb l-aħjar legiżlazzjoni possibbli. Iqis li r-responsabbiltajiet tiegħu jinkludu l-monitoraġġ tas-sussidjarjetà kmieni kemm jista' jkun, mhux biss permezz ta' attivitajiet konsultattivi regolari iżda wkoll matul iċ-ċiklu kollu tal-politika, jiġifieri fil-fażi tad-disinn meta l-politiki u l-legiżlazzjoni jkunu qed jiġu mfassla, kif ukoll fil-fażijiet tal-implimentazzjoni u tal-evalwazzjoni wara li l-miżuri jidhlu fis-seħħ.

Dan it-tielet Rapport Annwali dwar is-Sussidjarjetà tal-KtR jirrifletti dan l-approċċ komprensiv u kooperattiv. Fih insibu l-attivitajiet tal-KtR għall-monitoraġġ tas-sussidjarjetà mill-1 ta' Jannar sal-31 ta' Diċembru 2012. L-ewwel jiġu pprezentati l-karatteristiċi ewlenin tal-istrategija riveduta (it-tieni parti) u mbagħad l-passi tal-implimentazzjoni fl-2012 (it-tielet parti). Wara jiġi assessjat l-impatt billi jiġi eżaminat il-kontenut tal-opinjonijiet tal-KtR fir-rigward tas-sussidjarjetà (ir-raba' parti), minkejja li hu diffiċli li jinsiltu konkluzjonijiet adatti minn sena ta' tranżizzjoni peress li l-istrategija u l-ghodod il-godda ġew implimentati biss fit-tieni parti tal-2012.

2. L-adozzjoni ta' strategija riveduta għall-monitoraġġ tas-sussidjarjetà

F'Mejju 2012, il-Bureau tal-KtR adotta strategija ġdida⁴ dwar il-monitoraġġ tal-prinċipju tas-sussidjarjetà. L-għan globali ta' din l-istrategija hu li l-KtR isir punt ta' referenza fir-rigward tas-sussidjarjetà fi hdan l-UE u jkun kapaċi jipprovdi analiżi ta' kwalità dwar is-sussidjarjetà prinċipalment fl-opinjonijiet tiegħu, u b'hekk jipprovdi l-kontribut tiegħu fid-dibattitu dwar is-sussidjarjetà.

B'mod partikolari, l-għan tal-approċċ il-ġdid hu li:

- isaħħah l-istruttura governattiva tal-monitoraġġ tas-sussidjarjetà tal-KtR;
- iwaqqaf approċċ komprensiv għall-monitoraġġ tas-sussidjarjetà waqt il-proċess kollu tat-teħid tad-deċiżjonijiet tal-UE;
- jinvolvi lill-istituzzjonijiet nazzjonali u tal-UE rilevanti f'dawn l-attivitajiet; u
- jikkonsolida r-rieda tal-KtR fir-rigward ta' rikors potenzjali quddiem il-QtĠ.

2.1 Governanza politika: il-Grupp ta' Tmexxija dwar is-Sussidjarjetà

Il-Grupp ta' Tmexxija dwar is-Sussidjarjetà, l-ewwel pilastru tal-istrategija l-ġdida, hu responsabbli għall-governanza politika tal-attivitajiet tal-KtR għall-monitoraġġ tas-sussidjarjetà. Il-Grupp ta' Tmexxija jiżgura li jkun hemm segwitu politiku u koordinazzjoni tajba tal-attivitajiet ta' monitoraġġ tas-sussidjarjetà matul is-sena kollha. B'mod partikolari, hu jrid jidentifika l-prijoritajiet annwali tas-

⁴ Monitoraġġ tas-sussidjarjetà: strategija riveduta għall-Kumitat tar-Reġjuni, R/CdR 606/2012.

sussidjarjetà u jressaq proposti dwar l-użu tal-aktar għodod u proċeduri adegwati tan-Netzwerk għall-Monitoraġġ tas-Sussidjarjetà⁵ bhala appoġġ għall-hidma tar-relaturi tal-KtR fil-proċess legiſlattiv.

2.2 **Approċċ: sistema komprensiva għall-monitoraġġ tas-sussidjarjetà waqt il-proċess kollu tat-tehid ta' deċiżjonijiet tal-UE**

L-istrateġija riveduta tagħmilha ċara li l-attivitajiet tal-KtR għall-monitoraġġ tas-sussidjarjetà jibdedw fil-fażi prelegiſlattiva. Fuq il-bażi ta' analiżi fil-fond tal-Programm ta' Hidma tal-Kummissjoni Ewropea u l-pjani direzzjonali tagħha għall-proċess legiſlattiv, il-Grupp ta' Esperti dwar is-Sussidjarjetà (uffiċjali magħzula min-Netzwerk għall-Monitoraġġ tas-Sussidjarjetà minhabba l-għarfien espert tagħhom b'rabta mas-sussidjarjetà u l-bażi soda tagħhom fil-qasam tal-liġi tal-UE) jagħzel għadd ta' inizjattivi tal-UE li jkunu interessanti mil-lat tas-sussidjarjetà. Fid-dawl ta' din il-lista, il-Grupp ta' Tmexxija dwar is-Sussidjarjetà mbagħad ihejji l-proposta tiegħu għall-Programm ta' Hidma dwar is-Sussidjarjetà tal-KtR li titressaq għall-adozzjoni quddiem il-Bureau tal-KtR.

Abbażi ta' dan il-Programm ta' Hidma, l-amministrazzjoni tal-KtR twaqqaf sistema interna ta' twissija bikrija sabiex tiżgura monitoraġġ adatt tal-proposti legiſlattivi tal-UE kif ukoll tal-inizjattivi mhux legiſlattivi li jistgħu jinvolvu kwistjonijiet ta' sussidjarjetà u li jistgħu jesigū azzjoni mill-KtR. Hekk kif jiġu identifikati dawn il-każijiet, jitnieda proċess fil-KtR li jinvolvi lill-partijiet politiċi u amministrattivi interessati rilevanti kollha u li jwassal għall-identifikazzjoni u l-ippjanar tal-attivitajiet ta' monitoraġġ tas-sussidjarjetà li jridu jitwettqu matul is-sena, sew qabel u sew wara li l-Kummissjoni tadotta l-proposti tagħha.

Mil-lat ta' kontenut, sabiex ikun hemm fehim komuni tal-prinċipju u ssir evalwazzjoni konsistenti tal-proposti tal-UE, il-KtR jirreferi b'mod strett għall-kundizzjonijiet stabbiliti fit-Trattati⁶, jiġifieri li l-UE m'għandhiex tintervjeni f'qasam ta' kompetenza kondiviza sakemm din l-azzjoni ma titqiesx neċessarja u ma tippreżentax valur mizjud ċar. Madankollu, billi l-Protokoll Nru 2 attwali ma jipprovdi l-ebda kriterju materjali biex jiġi evalwat jekk inkisirx il-prinċipju tas-sussidjarjetà, il-KtR għadu juża t-Tabella ta' Valutazzjoni tas-Sussidjarjetà u l-Proporzjonalità⁷ tiegħu li tirreferi għall-kriterji stabbiliti fil-Protokoll preċedenti dwar l-applikazzjoni tal-prinċipji ta' sussidjarjetà u proporzjonalità (Protokoll Nru 30 tat-Trattat ta' Amsterdam). Din it-tabella mhix limitata għas-sussidjarjetà⁸, iżda tenfasizza wkoll il-bżonn li jiġu definiti t-tip ta' kompetenza u l-bażi legali tal-azzjoni tal-UE fil-bidu tal-analiżi tas-sussidjarjetà, u tishaq fuq ir-rabta mal-prinċipju tal-

⁵ Konsultazzjonijiet dwar il-valutazzjonijiet tal-impatt, konsultazzjonijiet immirati u miftuha, l-użu tal-Pjan ta' Azzjoni u l-użu tar-REGPEX, ara punt 2.3.

⁶ Ara l-Artikolu 5(3) tat-TUE.

⁷ Disponibbli fis-sit www.cor.europa.eu/subsidiarity, taht "Subsidiarity Tool Kit". It-tabella ilha tiġi żviluppata u rfinata mill-2007 min-naħa tal-amministrazzjoni tal-KtR, u ġiet rikonoxxuta, fost oħrajn, mid-Direttorati Ġenerali tal-Kummissjoni Ewropea, u tintuza minn numru ta' istituzzjonijiet imsieħba (ara pereżempju l-Guidelines for impact assessment [Linji Gwida għall-Valutazzjoni tal-Impatt] tal-Kummissjoni Ewropea (SEC(2009) 92) u r-Rapport 2009 mill-Kummissjoni dwar is-Sussidjarjetà u l-Proporzjonalità (is-16-il rapport dwar it-Tfassil Ahjar tal-Liġijiet li jkopri s-sena 2008), COM(2009) 504 final).

⁸ Suppost tinghata tweġiba għall-mistoqsija "l-UE għandha tagixxi?"

proporzjonalità⁹ kif ukoll fuq l-importanza li jitqiesu l-elementi relatati mat-“tfassil aħjar tal-ligijiet” meta jiġu evalwati l-inizjattivi tal-UE.

2.3 Ghodod ta' implimentazzjoni: in-Netwerk għall-Monitoraġġ tas-Sussidjarjetà u l-Grupp ta' Esperti tiegħu

In-Netwerk għall-Monitoraġġ tas-Sussidjarjetà (NMS) twaqqaf fl-2007 u issa hu għodda valida li fl-aħħar tal-2012 inkludiet 141 imsieheb¹⁰. Il-membri u l-bazi rappreżentattiva tiegħu reġgħu żdiedu fl-2012, l-aktar fost il-parlamenti reġjonali (ingħaqdu l-Parlament tal-Istat Ġermaniż ta' Sachsen-Anhalt u l-Parlament ta' Hamburg, kif ukoll l-Assemblea Reġjonali Spanjola tal-Gżejjer Kanarji u l-Konferenza tal-Presidenti tal-Parlamenti Reġjonali Taljani), iżda ta' min jinnota wkoll iż-żieda fil-partecipazzjoni tal-municipalitajiet Olandiżi permezz tal-assocjazzjoni tagħhom (VNG). In-NMS issa jinkludi awtoritajiet lokali u reġjonali u l-assocjazzjonijiet tagħhom minn madwar l-UE kollha, minbarra l-Estonja. Hu jappoġġja l-attivitajiet kollha tal-KtR għall-monitoraġġ tas-sussidjarjetà bil-ghan li jipprovdli lir-relaturi u l-membri tal-KtR kontribut ta' kwalità mill-perspettiva tas-sussidjarjetà, sabiex l-opinjonijiet tal-KtR ikunu jistgħu jinkludu valutazzjonijiet tas-sussidjarjetà tajbin.

Għalkemm jiġi ppubblikat “Bulettin tas-Sussidjarjetà” darbtejn fis-sena u l-imsieħba għandhom xi opportunitajiet li jiltaqgħu matul is-sena, in-Netwerk jopera l-aktar permezz tal-websajt tiegħu li tinkludi sezzjoni ddedikata għar-reġjuni li għandhom setgħat leġislattivi, b'mod partikolari fil-kuntest tas-sistema ta' twissija bikrija: REGPEX. Il-konsultazzjonijiet (kemm dawk miftuha, jiġifieri dawk ibbażati fuq il-kontributi spontani tal-imsieħba, kif ukoll dawk immirati, jiġifieri dawk li jintalbu mir-relatur) tal-imsieħba tan-NMS għadhom l-għodda operattiva ewlenija fil-kuntest tat-tnejn tal-abbozz ta' opinjoni mir-relatur tal-KtR. Il-konsultazzjonijiet għall-valutazzjonijiet tal-impatt matul il-fażi preleġislattiva huma mod ieħor ta' kooperazzjoni mal-Kummissjoni Ewropea biex jiġi evalwat l-impatt fuq l-awtoritajiet lokali u reġjonali ta' ċerti proposti tal-Kummissjoni u biex ma jqumux kwistjonijiet relatati mas-sussidjarjetà aktar tard. Il-Pjan ta' Azzjoni, li bih jistgħu jitwaqqfu gruppi ta' bejn hames u għaxar imsieħba, jikkomplementa l-konsultazzjonijiet. Huwa mezz biex jiġu eżaminati bir-reqqa ċerti oqsma ta' politika b'mod aktar kwalitattiv.

Fir-rigward tal-għodod però, l-innovazzjoni prinċipali tal-istrategija riveduta hi t-twaqqif ta' grupp ta' esperti lokali u reġjonali dwar is-sussidjarjetà li jappoġġja l-attivitajiet tal-Grupp ta' Tmexxija dwar is-Sussidjarjetà u l-attivitajiet konsultattivi ġenerali tal-KtR. Il-Grupp ta' Esperti għandu jagħti l-kontribut tiegħu għall-Programm ta' Hidma Annwali dwar is-Sussidjarjetà u qiegħed għad-dispożizzjoni tar-relaturi tal-KtR jekk ikollhom bżonnu.

⁹ Suppost tingħata twegiba għall-mistoqsija “kif għandha taġixxi l-UE?” u dan għandu jiġi applikat ukoll fil-każ tal-kompetenzi esklużivi tal-UE.

¹⁰ Ara l-lista tal-imsieħba kollha kif kienet sal-31 ta' Diċembru 2012, Appendiċi 1.

3. L-istrategija fil-prattika: monitoraġġ minn qabel, prijoritizzazzjoni msahha, hidma aktar mill-qrib mal-gvernijiet u l-parlamenti reġjonali

L-istrategija riveduta giet adottata f'Mejju u implimentata fix-xhur ta' wara matul l-2012, bl-istadji ewlenin li ġejjin.

3.1 It-twaqqif tal-Grupp ta' Tmexxija dwar is-Sussidjarjetà u l-Grupp ta' Esperti dwar is-Sussidjarjetà

Il-Grupp ta' Tmexxija dwar is-Sussidjarjetà twaqqaf f'Settembru 2012 u jinkludi membru minn kull grupp politiku: Jean-François Istasse (BE/PSE), Mark Hendrickx (BE/AE), Graham Tope (UK/ALDE) u Michael Schneider (DE/PPE), li hu l-President u l-Koordinatur tan-Netwerk għall-Monitoraġġ tas-Sussidjarjetà. Iltaqa' l-ewwel darba fit-30 ta' Novembru 2012, iżda kien beda l-hidma tiegħu minnufih f'Settembru bil-hatra tas-16-il membru tal-Grupp ta' Esperti dwar is-Sussidjarjetà.

Rigward il-Grupp ta' Esperti dwar is-Sussidjarjetà, is-16-il espert dwar is-sussidjarjetà lokali u reġjonali ltaqgħu għall-ewwel darba fil-25 ta' Ottubru 2012. L-għan kien li minn fost l-inizjattivi mnizzlin fil-Programm ta' Hidma 2013 li l-Kummissjoni Ewropea kienet għadha kemm ippubblikat jingħazlu dawk li għandhom jingħataw prijorità fil-monitoraġġ mill-perspettiva tas-sussidjarjetà. Wara l-prezentazzjoni tal-Programm ta' Hidma mill-uffiċjali tal-Kummissjoni kien hemm dibattitu li fih il-Grupp ta' Esperti identifika għadd ta' inizjattivi abbażi tat-tliet kriterji kumulattivi li ġejjin: l-inizjattivi għandhom (1) jipprezentaw interess politiku ċar għall-awtoritajiet lokali u reġjonali; (2) jikkonċernaw il-kompetenzi tal-awtoritajiet lokali u reġjonali; u (3) ikollhom il-potenzjal ta' dimensjoni tas-sussidjarjetà.

3.2 Thejjijiet għal Programm ta' Hidma dwar is-Sussidjarjetà 2013

Il-lista mhejjija mill-Grupp ta' Esperti kienet bażi importanti li l-Grupp ta' Tmexxija dwar is-Sussidjarjetà uza biex ifassal il-Programm ta' Hidma dwar is-Sussidjarjetà tal-KtR, li mbagħad gie adottat mill-Bureau fit-30 ta' Jannar 2013. L-attivitajiet tal-KtR għall-monitoraġġ tas-sussidjarjetà fl-2013 ser ikunu ffokati fuq hames prijoritajiet¹¹. Jiġi enfasizzat, madankollu, li l-flessibbiltà hi essenzjali u l-prijoritajiet jistgħu jiġu riveduti matul is-sena fid-dawl tal-kalendarju istituzzjonali jew tal-kontenut li effettivament ikun fihom l-inizjattivi, li ma jkunx magħruf b'mod shih meta jingħazlu dawn l-oqsma ta' prijorità.

3.3 REGPEX, l-Iskambju Parlamentari Reġjonali (REGional Parliamentary EXchange)

Ir-REGPEX hu sottonetwerk tan-Netwerk għall-Monitoraġġ tas-Sussidjarjetà miftuħ għall-parlamenti u r-reġjuni li għandhom poteri legiſlattivi. Hu twaqqaf biex jappoġġja lil dawn ir-reġjuni fir-rwol

¹¹

Erba' inizjattivi previsti fil-Programm ta' Hidma 2013 (il-fatturazzjoni elettronika fil-qasam tal-akkwist pubbliku, il-“Blue Belt” għal suq uniku għat-trasport marittimu, ir-Revizjoni tal-Politika u l-Legislazzjoni dwar l-Iskart, il-Qafas dwar il-klima ambjentali u l-valutazzjoni tal-enerġija li jippermetti l-estrazzjoni sigura u mingħajr periklu tal-idrokarburi mhux konvenzjonali) kif ukoll il-mobbiltà urbana.

tagħhom fil-monitoraġġ tas-sussidjarjetà tal-leġislazzjoni tal-UE, b'mod partikolari fil-kuntest tas-sistema ta' twissija bikrija ta' wara Lisbona u l-possibbiltà li huma jiġu kkonsultati mill-parlamenti nazzjonali. Ir-REGPEX tnedia fi Frar 2012. Huwa jirrifletti u hu marbut mal-IPEX¹², il-Pjattaforma għall-Iskambju Interparlamentari tal-UE li hi ddedikata għall-parlamenti nazzjonali.

3.3.1 Funzjonalitajiet prinċipali

Ir-REGPEX joffri magna tat-tiftix li torbot l-inizjattivi tal-UE mal-analizi tagħhom mill-gvernijiet u l-parlamenti reġjonali. Jipprovdi wkoll aċċess dirett għas-sorsi ta' informazzjoni rilevanti li jistgħu jgħinu fit-thejjija tal-analizi tas-sussidjarjetà, bħall-valutazzjonijiet tal-impatt li twettaq il-Kummissjoni Ewropea. Hu għodda biex jingħazlu l-prijoritajiet tal-monitoraġġ tas-sussidjarjetà. Il-“fajls ta' twissija bikrija” jipprezentaw informazzjoni ta' sfond dwar l-inizjattivi magħzula u jikkonsistu f'eżerċizzji kkoordinati fejn il-gvernijiet u l-parlamenti reġjonali jiġu mistiedna jaqsmu u jippubblikaw il-pożizzjonijiet tagħhom matul it-tmien ġimgħat tal-fażi ta' twissija bikrija. Fl-2012 ġie pprezentat fajl ta' dan it-tip dwar l-abbozzi ta' direttivi dwar l-akkwist pubbliku u l-konċessjonijiet (COM(2011) 895, 896 u 897). Fil-kuntest ta' dawn il-fajls, il-kontributi tal-gvernijiet u l-parlamenti reġjonali ġew analizzati u miġbura fil-qosor f'rapport ta' analizi mibgħut lir-relatur tal-KtR.

3.3.2 Minn bażi tad-data għal netwerk

Ir-REGPEX hu wkoll pjattaforma għall-koordinazzjoni bejn ir-reġjuni fl-UE. Fi tmiem l-2012 kien jinkludi 39 parlament u 28 gvern minn 74 reġjun li għandhom poteri leġislattivi fl-UE. L-informazzjoni dwar l-74 parlament reġjonali dalwaqt tkun disponibbli onlajn flimkien mad-dettalji ta' kuntatt. Din l-informazzjoni ser tiġi pprezentata permezz ta' mappa tar-reġjuni tal-UE. Fix-xhur li ġejjin ser tiġi ttestjata sistema ta' korrispondenti reġjonali tar-REGPEX.

Il-gvernijiet u l-parlamenti reġjonali msiehba fl-Iskambju Parlamentari Reġjonali (REGPEX) iltaqgħu għall-ewwel darba fit-12 ta' Diċembru 2012 biex jevalwaw l-operat tal-bażi tad-data, jiġbru l-feedback mill-utenti u jiddiskutu l-iżviluppi futur, fil-preżenza ta' rappreżentanti tal-Kummissjoni Ewropea, il-Parlament Ewropew, il-parlamenti nazzjonali u l-IPEX. Minn din il-laqgħa hareġ messaġġ ċar: ir-REGPEX m'għandux ikun sempliċement bażi tad-data teknika. Il-gvernijiet u l-parlamenti reġjonali huma herqana li jsemmgħu lehinhom fil-proċess leġislattiv tal-UE u r-REGPEX żgur li jitqies bħala għodda siewja għal dan il-għan, b'potenzjal qawwi għall-iskambju tal-informazzjoni fi żmien limitat u għall-koordinazzjoni. Il-pjattaforma ntaqgħet tajjeb ukoll mill-istituzzjonijiet l-oħra tal-UE. B'mod partikolari, il-Kummissjoni Ewropea tirċievi kontributi dwar is-sussidjarjetà direttament mir-reġjuni, liema kontributi huma prezzjużi għalkemm ma teżistix bażi legali fit-Trattati biex dawn jiġu integrati b'mod formali fil-proċess leġislattiv. Ir-REGPEX jista' jkun punt fokali interessanti f'dan ir-rigward. Jista' jkun ukoll mekkanizmu utli biex jiffacilita l-iskambju tal-informazzjoni bejn il-parlamenti nazzjonali u reġjonali.

12

www.ipex.eu

Fl-2013, il-KtR ser ikompli jiżviluppa l-faċilità u jinkoraġġixxi lill-gvernijiet u parlamenti reġjonali biex jaqsmu u jippubblikaw il-pożizzjonijiet tagħhom fuq ir-REGPEX.

3.4 Konsultazzjonijiet

Fl-2012 il-konsultazzjonijiet komplew isiru permezz tal-websajt tan-Netwerk għall-Monitoraġġ tas-Sussidjarjetà. Il-konsultazzjonijiet immirati jintalbu mir-relaturi tal-KtR u minn Mejju 2012 jistgħu jinbdeu ukoll mill-Grupp ta' Tmexxija dwar is-Sussidjarjetà. Fl-2012 saru żewġ konsultazzjonijiet ta' din ix-xorta: wahda dwar il-Faċilità Nikkollegaw l-Ewropa (COM (2011) 659), fuq it-talba tar-relatur Ivan Žagar (SI/PPE), mid-29 ta' Novembru 2011 sal-15 ta' Jannar 2012, u wahda dwar il-Komunikazzjoni tal-Kummissjoni Ewropea "Nisfruttaw aħjar il-benefiċċji tal-miżuri ambjentali tal-UE: nibnu l-fiduċja permezz ta' għarfien u rispons aħjar" (COM(2012) 95) fil-kuntest tal-Opinjoni "Lejn is-Seba' Programm ta' Azzjoni Ambjentali: implimentazzjoni aħjar tal-liġi tal-UE dwar l-ambjent" imhejjija mir-relatur Nilgun Canver (UK/PSE), mill-25 ta' Mejju sas-6 ta' Lulju 2012¹³.

Barra minn hekk, l-imsieħba tan-Netwerk jistgħu jressqu wkoll l-analizijiet tas-sussidjarjetà ta' kwalunkwe proposta tal-UE. Dawn jittellgħu fuq il-websajt u, meta jkun hemm bżonn, jintbagħtu lir-relatur ikkonċernat tal-KtR.

Fi tmiem l-2012 giet organizzata l-ewwel konsultazzjoni tal-Grupp ta' Esperti dwar is-Sussidjarjetà. Din ma kinitx marbuta ma' proposta tal-UE iżda giet organizzata fuq it-talba tas-Sur Franz Schausberger (AT/PPE) fil-kuntest tat-thejjija ta' Opinjoni fuq inizjattiva proprja li hu kien ir-relatur tagħha: Id-deċentralizzazzjoni fl-Unjoni Ewropea u l-lok tal-awtonomija lokali u reġjonali fit-tfassil u l-implimentazzjoni tal-politiki tal-UE. Saret bejn il-21 ta' Novembru 2012 u t-3 ta' Jannar 2013¹⁴.

Fl-aħhar nett, il-KtR ikkoopera mal-Kummissjoni Ewropea fil-kuntest tat-thejjija tal-valutazzjoni tal-impatt tar-Raba' Pakkett Ferrovjarju. L-ewwel il-Kummissjoni Ewropea nediet konsultazzjoni tal-awtoritajiet lokali u reġjonali permezz tan-netwerks u l-pjattaformi tal-KtR, fosthom in-NMS, u mbagħad il-KtR ressaq il-mistoqsijiet tiegħu lill-awtoritajiet lokali u reġjonali f'dan il-qasam, bejn il-11 ta' Mejju u l-21 ta' Ġunju 2012. Minkejja li l-avviż hareġ fl-aħhar mument u l-perjodu meta saret il-konsultazzjoni, intbagħtu 11-il kontribut minn awtoritajiet f'seba' Stati Membri¹⁵. Il-kontributi kollha ntbagħtu lill-Kummissjoni Ewropea flimkien ma' rapport dwar il-konsultazzjoni.

3.5 Il-Pjan ta' Azzjoni tan-NMS

Il-Pjan ta' Azzjoni tan-Netwerk għall-Monitoraġġ tas-Sussidjarjetà tnieda fl-2009 bhala segwitu tar-Raba' Konferenza dwar is-Sussidjarjetà. Hu jinkoraġġixxi lill-awtoritajiet lokali u reġjonali biex jidentifikaw u jaqsmu l-aħjar Prattiki fl-implimentazzjoni tal-miri ta' politika tal-UE fl-ispirtu tal-

¹³ Ir-rapporti tal-konsultazzjonijiet jiġu ppubblikati fuq il-websajt tan-Netwerk għall-Monitoraġġ tas-Sussidjarjetà, www.cor.europa.eu/subsidiarity, taht "Activities" u mbagħad "Consultations".

¹⁴ Idem.

¹⁵ Idem.

prinċipju tas-sussidjarjetà, b'attenzjoni partikolari għall-involviment tal-organizzazzjonijiet tas-soċjetà ċivili. Hu jikkomplementa l-attivitajiet tan-NMS permezz ta' analizi ta' oqsma ta' politika speċifiċi tal-UE fid-dawl tas-sussidjarjetà matul perjodu ta' sena.

Fl-2012, in-Netwerk iffoka l-Pjan ta' Azzjoni tiegħu fuq il-politika l-ġdida tat-TEN-T. F'analizi ta' dan il-qasam ta' politika mill-perspettiva tas-sussidjarjetà u l-governanza f'diversi livelli twaqqaf grupp ta' awtoritajiet lokali u reġjonali mill-Belt ta' Göteborg u r-Regjun ta' Västra Götaland. Il-grupp iltaqa' għall-ewwel darba f'Diċembru 2011 u matul it-tieni laqgħa tiegħu fl-aħħar ta' Frar 2012 sar skambju tal-fehmiet mal-membri tal-Kummissjoni COTER tal-KtR is-Sur Ivan Žagar (SI/PPE), is-Sur Väino Hallikmägi (EE/ALDE) u s-Sur Uno Silberg (EE/AE).

Il-grupp ta' hidma ffinalizza rapport li jinkludi analizi tal-politika l-ġdida tat-TEN-T mill-perspettiva tas-sussidjarjetà u tal-governanza f'diversi livelli, kif ukoll numru ta' Prattiki tajbin ipprezentati mill-membri tal-grupp. Barra minn hekk, għadd ta' konklużjonijiet ta' politika għandhom l-għan li jagħtu harsa ġenerali lejn x'jaħsbu l-awtoritajiet lokali u reġjonali dwar il-politika l-ġdida tat-TEN-T u l-implikazzjonijiet tagħha. Uħud minn dawn il-konklużjonijiet ġew ipprezentati fil-Workshop Tematiku dwar is-Sussidjarjetà matul l-Open Days nhar l-10 ta' Ottubru 2012. Il-workshop ġie pprevedut mis-Sur Michael Schneider (DE/PPE), Koordinatur tan-Netwerk għall-Monitoraġġ tas-Sussidjarjetà, u l-kelliema kienu s-Sur Ismail Ertug (MEP, DE/PSE), is-Sur Jean-Eric Paquet (Direttur tan-Netwerk Ewropew tal-Mobbiltà, DG MOVE), iż-żewġ relaturi tal-KtR dwar il-qasam, is-Sur Bernard Soulage (FR/PSE) u s-Sur Ivan Žagar (SI/PPE), is-Sur Johan Nyhus (Deputat Sindku tal-Belt ta' Göteborg), is-Sinjura Mimmi von Troil (Kunsilliera Reġjonali ta' Västra Götaland) u s-Sinjura Anna Livieratou, rappreżentanta tal-Aġenzija Eżekuttiva TEN-T.

Din kienet l-ewwel darba li l-Pjan ta' Azzjoni tan-Netwerk inkluda skambju dirett mal-membri tal-KtR u ppermetta lill-membri tal-grupp jaħdmu mill-qrib mar-relaturi tal-KtR.

4. Is-sussidjarjetà fl-opinjonijiet tal-KtR

Il-KtR adotta 71 opinjoni fl-2012¹⁶. 70 % minnhom (49) inkludew referenza esplicita għall-applikazzjoni tal-prinċipju tas-sussidjarjetà kif mitlub mill-Artikolu 51(2) tar-Regoli ta' Proċedura tal-KtR, u 43 % stabbilew pożizzjoni ċara dwar il-konformità tal-inizjattiva mal-prinċipju.

Madwar nofs l-opinjonijiet li ma inkludewx referenza għas-sussidjarjetà (22) kienu jew dwar inizjattivi mhux leġislattivi (komunikazzjonijiet, green papers jew rapporti) jew tfasslu fuq l-inizjattiva tal-KtR (opinjonijiet fuq inizjattiva proprja) u fuq talba tal-Kummissjoni Ewropea (opinjonijiet ta' prospettiva); għalhekk l-aħħar żewġ kategoriji ta' opinjonijiet ma jirreferux għal dokument finalizzat speċifiku. Madankollu, sitta mill-opinjonijiet li ma kinux konformi mal-Artikolu 51(2) tar-Regoli ta' Proċedura ġew adottati dwar proposti leġislattivi f'oqsma ta' politika li fihom il-konsultazzjoni tal-KtR hi obligatorja, jiġifieri proposti li jissodisfaw il-kriterji formali biex il-KtR iressaq rikors ġudizzjarju għal annullament fuq il-bażi tas-sussidjarjetà.

¹⁶

Ara l-Appendiċi 2 għal harsa lejn l-opinjonijiet adottati bejn l-1 ta' Jannar u l-31 ta' Diċembru 2012.

L-opinjoniġiet li ġejjin ġew adottati mill-KtR fl-2012 u għandhom jiġu sottolinjati minhabba r-relevanza tagħhom mill-perspettiva tas-sussidjarjetà; uħud minnhom ressqu preokkupazzjonijiet dwar il-konformità mal-prinċipji tas-sussidjarjetà u tal-proporzjonalità jew saħansitra qalu li nkisru dawn il-prinċipji: Opinjoni fuq inizjattiva proprja dwar “L-iżvilupp ta’ kultura Ewropea ta’ governanza f’diversi livelli: segwitu tal-White Paper tal-Kumitat tar-Regġuni” (CdR 273/2011); Opinjoni dwar “il-Proposta għal Regolament Ġenerali dwar il-Fondi tal-Qafas Strateġiku Komuni” (CdR 4/2012); Opinjoni dwar “il-Proposta għal Regolament dwar il-Fond Ewropew għall-Iżvilupp Reġjonali” (CdR 5/2012); Opinjoni dwar “il-Proposta għal Regolament dwar il-Fond Soċjali Ewropew” (CdR 6/2012); Opinjoni dwar ir-Revizjoni tal-linji gwida tat-TEN-T u l-Facilità “Nikkollegaw l-Ewropa” (CdR 648/2012); Opinjoni dwar “il-Pakkett tal-Ajruporti” (CdR 649/2012); Opinjoni dwar “is-Seba’ Programm ta’ Azzjoni Ambjentali” (CdR 1119/2012); Opinjoni dwar “il-Pakkett dwar l-Akkwist Pubbliku” (CdR 99/2012); Opinjoni dwar “il-Pakkett dwar il-Protezzjoni tad-Dejta” (CdR 625/2012); u Opinjoni dwar “L-impjeg ta’ haddiema fil-qafas ta’ prestazzjoni ta’ servizzi” (CdR 1185/2012)¹⁷.

Fl-2012, in-numru ta’ opinjonijiet dwar proposti leġislattivi (42) żdied b’mod sinifikanti, u b’hekk jista’ jitqies li kompliet it-tendenza osservata diġà fl-2011. Aktar minn nofshom kienu dwar inizjattivi fl-oqsma ta’ politika b’kompetenza kondiviza li fihom il-konsultazzjoni tal-KtR hija obligatorja. Barra minn hekk, b’paragun mal-2011 komplew jiżdiedu l-kazijiet fejn l-opinjoniġiet tal-KtR jesprimu preokkupazzjoni fir-rigward tal-konformità mas-sussidjarjetà jew saħansitra jidentifikaw dispożizzjonijiet fil-proposti li jiksru l-prinċipju tas-sussidjarjetà.

Kif ġie osservat fis-snin preċedenti, is-sussidjarjetà qiegħda bla dubju ta’ xejn issir punt ta’ referenza għat-tfassil tal-opinjoniġiet. Madankollu, minhabba l-prerogattivi u r-responsabbiltajiet il-ġodda tal-KtR, l-opinjoniġiet kollha li jindirizzaw proposti leġislattivi f’oqsma ta’ konsultazzjoni obligatorja għandhom jinkludu evalwazzjoni sistematika tal-konformità mal-prinċipju tas-sussidjarjetà.

Il-kwalità tar-referenzi għas-sussidjarjetà fl-opinjoniġiet tal-KtR għandha tibbenefika mir-rwol ta’ monitoraġġ li jaqdi l-Grupp ta’ Tmexxija dwar is-Sussidjarjetà mwaqqaf dan l-aħħar, li jista’ jiġbed l-attenzjoni tar-relaturi għan-nuqqasijiet possibbli u jressaq emendi biex jappoġġja r-referenzi għas-sussidjarjetà fl-abbozzi ta’ opinjonijiet imressqa quddiem is-sessjoni plenarja. Il-membri tal-Grupp ta’ Tmexxija eżerċitaw dan id-dritt darba u ressqu emenda, appoġġjata mir-relatur, fuq l-Opinjoni dwar “L-impjeg ta’ haddiema fil-qafas ta’ prestazzjoni ta’ servizzi” (CdR 1185/2012).

5. Konkluzjonijiet

Jidher ċar li l-2012 kienet sena meta tħaffef il-monitoraġġ tas-sussidjarjetà min-naħa tal-KtR, bit-tnedija ta’ strateġija ġdida. Abbazi ta’ għodod ta’ monitoraġġ validi, il-KtR afferma mill-ġdid l-approċċ komprensiv tiegħu fir-rigward tal-monitoraġġ tas-sussidjarjetà bħala responsabbiltà matul iċ-ċiklu kollu tat-tfassil tal-politiki. Hu saħħaħ il-kooperazzjoni tiegħu mal-istituzzjonijiet tal-UE – b’mod partikolari fil-qafas tal-Protokoll ta’ Kooperazzjoni mal-Kummissjoni Ewropea – u ma’ istituzzjonijiet oħra involuti fil-kontrolli tas-sussidjarjetà tal-inizjattivi tal-UE, bħall-parlamenti

¹⁷ Ara l-Appendiċi 3 għal aktar dettalji dwar kull waħda minn dawn l-opinjoni tal-KtR.

nazzjonali jew reġjonali. L-opinjoniġiet tiegħu qed jirriflettu dejjem aktar valutazzjonijiet sostanzjali tal-konformità mal-prinċipju tas-sussidjarjetà u qed iressqu sugġerimenti sabiex itejbu t-tfassil tal-ligijiet.

Il-Programm ta' Ħidma dwar is-Sussidjarjetà 2013 huwa l-ewwel tentattiv strutturat għall-monitoraġġ fi stadju bikri tal-inizjattivi tal-UE. Taht it-tmexxija tal-Grupp ta' Tmexxija dwar is-Sussidjarjetà u bl-għajjnuna tal-esperti dwar is-sussidjarjetà lokali u reġjonali fi hdan il-Grupp ta' Esperti dwar is-Sussidjarjetà, hu ċertament ser joffri l-possibbiltà lill-KtR li jerfa' r-responsabbiltajiet tiegħu fil-qasam għall-benefiċċju taċ-cittadini kollha tal-UE.

L-istruttura ta' governanza l-għdida u l-għodod ta' monitoraġġ il-godda jehtiegu z-żmien biex jipprovdu l-frott b'mod shih. L-organizzazzjoni tas-Sitt Konferenza dwar is-Sussidjarjetà flimkien mal-Bundesrat Ġermaniż f'Berlin ser tkun opportunità tajba biex issir evalwazzjoni. L-istituzzjonijiet fil-livell nazzjonali, reġjonali, lokali u tal-UE ser jiġu mistiedna jingħaqdu fl-evalwazzjoni tal-istatus u l-impatt tal-prinċipju tas-sussidjarjetà fuq it-tfassil tal-ligijiet tal-UE fil-kuntest ta' wara Lisbona.

L-organizzazzjoni tal-Konferenza dwar is-Sussidjarjetà li jmiss flimkien mal-Bundesrat u fil-bini tiegħu hu sinjal ċar. Il-parlamenti nazzjonali u l-Kumitat tar-Regġuni, bhala gwardjani rikonoxxuti tal-prinċipju tas-sussidjarjetà fit-Trattati, għandhom jingħaqdu biex jevalwaw l-inizjattivi tal-UE minn perspettivi differenti. Il-KtR huwa impenjat bis-shih li jahdem f'din id-direzzjoni u l-Konferenza ser tesplora modi differenti biex jinkiseb dan l-għan.

*

* *

Appendix 1

List of partners
The CoR Subsidiarity Monitoring Network

141 partners at 31 December 2012

Parliaments or assemblies representing regions
with legislative powers

Lower Austria State Parliament	Austria
Burgenland State Parliament	Austria
Carinthia State Parliament	Austria
Tyrol State Parliament	Austria
Vorarlberg State Parliament	Austria
Flemish Parliament	Belgium
Walloon Parliament	Belgium
Brussels-Capital Region Parliament	Belgium
French Community Parliament	Belgium
Åland Parliament	Finland
Bavarian State Parliament	Germany
Baden-Württemberg State Parliament	Germany
Hesse State Parliament	Germany
North Rhine-Westphalia State Parliament	Germany
Lower Saxony State Parliament	Germany
Saxony-Anhalt State Parliament	Germany
Schleswig-Holstein State Parliament	Germany
Thüringen State Parliament	Germany
Hamburg City Parliament	Germany
Emilia Romagna Regional Legislative Assembly	Italy
Marche Regional Legislative Assembly	Italy
Sardinia Regional Legislative Assembly	Italy
Tuscany Regional Legislative Assembly	Italy
Trento Autonomous Province Legislative Assembly	Italy
Friuli – Venezia Giulia Regional Assembly	Italy
Abruzzo Regional Assembly	Italy
Calabria Regional Assembly	Italy
Piedmont Regional Assembly	Italy
Azores Legislative Assembly	Portugal
Madeira Legislative Assembly	Portugal

Asturias Legislative Assembly	Spain
Basque Regional Parliament	Spain
Canary Islands Regional Assembly	Spain
Catalan Regional Parliament	Spain
Extremadura Regional Assembly	Spain
Galician Regional Parliament	Spain
Navarre Regional Parliament	Spain
Welsh National Assembly	United Kingdom
Northern Ireland Assembly (NIA)	United Kingdom

Governments or executives representing regions
with legislative powers

Lower Austrian State Government	Austria
Vienna City Municipal Executive	Austria
Steiermark State Government	Austria
Vorarlberg State Government	Austria
Upper Austrian State Government	Austria
Flemish Government	Belgium
Bavarian State Government	Germany
Hesse State Government	Germany
Lower Saxony State Government	Germany
Saxony State Government	Germany
Rhineland-Palatinate State Government	Germany
Hamburg City Senate	Germany
Abruzzo Regional Government	Italy
Bolzano/Bozen – South Tyrol Provincial Government	Italy
Lombardy Regional Government	Italy
Piedmont Regional Government	Italy
Veneto Regional Government	Italy
Emilia Romagna Regional Government	Italy
Azores Regional Government	Portugal
Madeira Regional Government	Portugal
Basque Government	Spain
Canary Islands Government	Spain
Galicia Regional Government	Spain
Madrid Regional Government	Spain
Valencia Regional Government	Spain
Murcia Regional Government	Spain
Asturias Regional Government	Spain
Scottish Government	United Kingdom

Local or regional authorities without legislative powers

Sofia City	Bulgaria
Zlín City	Czech Republic
Auvergne Regional Council	France
Dunkirk Urban Community	France
Eure General Council	France
Augsburg City	Germany
Erlangen Municipality	Germany
Patras Municipality	Greece
Budapest City	Hungary
Alessandria Province	Italy
Radviliškis District Municipality	Lithuania
Flevoland Provincial Government	Netherlands
Twente Network City – (inc. municipalities of Almelo, Borne, Hengelo, Enschede and Oldenzaal)	Netherlands
Overijssel Province	Netherlands
Łódź City	Poland
Łódź Region Marshal's office	Poland
Wielkopolska Region Marshal's office	Poland
Pomeranian Regional Parliament	Poland
Masovian Region Marshal's office	Poland
Silesian Region Government	Poland
Tavira City	Portugal
Hunedoara City	Romania
Galați County Council	Romania
Košice Autonomous Region Government	Slovakia
Nitra Self Governing Region	Slovakia
Izola City	Slovenia
Barcelona Provincial Council	Spain
Ceuta Autonomous City	Spain
Madrid City	Spain
Gothenburg	Sweden
Västra Götaland County	Sweden
Skåne Regional Government	Sweden

Associations of regional and/or local authorities

Arco latino	European association
Assembly of European Regions	European association
Association of European Border Regions	European association
Conference of European Regional Legislative Assemblies (CALRE)	European association
Council of European Municipalities and Regions (CEMR)	European association
Eurocities	European association
REGLEG	European association
Austrian State Governors' Conference	Austria
Union of Cyprus Municipalities	Cyprus
Danish Regions	Denmark
Denmark Local Government	Denmark
Association of Finnish Local and Regional Authorities	Finland
Association of Mayors and Elected Representatives of Lozère	France
Conference of Atlantic Arc Cities	France
French Regions Association	France
German Association of Towns and Municipalities	Germany
German County Association	Germany
Association of Prefectoral Authorities of Greece (ENAE)	Greece
AICCRE - Italian Section of the Council of European Municipalities and Regions	Italy
Conference of the Presidents of the Italian Regional Parliaments	Italy
Union of Italian Provinces (UPI)	Italy
Latvian Association of Local and Regional Governments	Latvia
Lithuanian Association of Local Authorities	Lithuania
Association of the Provinces of the Netherlands (IPO)	Netherlands
Association of Netherlands Municipalities (VNG)	Netherlands
Association of Romanian Municipalities	Romania
Association of Romanian Cities	Romania
National Union of County Councils	Romania
Association of Municipalities of Aragon	Spain
Federation of Provinces and Municipalities of Extremadura	Spain
Association of Swedish Local and Regional Authorities (SALAR)	Sweden
Convention of Scottish Local Authorities (COSLA)	United Kingdom

CoR national delegations

Irish Delegation to the CoR	Ireland
Luxembourg Delegation to the CoR (Syvicol)	Luxembourg
Maltese Delegation to the CoR	Malta
Romanian Delegation to the CoR	Romania
United Kingdom Delegation to the CoR (LGA)	United Kingdom

National Parliaments

Austrian Federal Council (Bundesrat)	Austria
French Senate	France
Hellenic Parliament	Greece
Italian Senate	Italy
Portuguese Assembly of the Republic	Portugal

Appendix 2: Overview of opinions adopted between 1 January and 31 December 2012

CoR commission	Number of opinions adopted from 1 January 2012 to 31 December 2012	Number of opinions on legislative proposals	Number of opinions containing an explicit reference to subsidiarity (Rule 51(2))*	Number of opinions containing an assessment of compliance with subsidiarity principle	Related SMN consultation	Number of opinions adopted in a policy area of mandatory CoR consultation	
						Legislative proposals	Non- legislative initiatives
CIVEX	12	5	10	3	1	0	0
COTER	14	10	9	6	1	10	2
ECOS	13	9	8	5	3	2	1
EDUC	10	7	10	8	0	4	2
ENVE	12	4	9	7	3	4	7
NAT	9	6	3	2	0	2	1
BUDG	1	1	0	0	0	0	0
TOTAL	71	42	49	31	8	22	13

* Rule 51(2) of the Rules of Procedure of the CoR, which states that "Committee opinions shall contain an explicit reference to the application of the subsidiarity and proportionality principles", entered into force on 10 January 2010.

CIVEX

Overview of opinions adopted between 1 January 2012 and 31 December 2012

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory¹⁸	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking
Own-initiative opinion CdR 273/2011 fin (CIVEX)	16 February 2012	Building a European culture of multilevel governance: follow-up to the Committee of the Regions' White Paper	No	No	No	N/A ¹⁹	Yes (subsidiarity, proportionality, better law-making, multi-level governance)
COM(2011) 274 final of 18 May 2011 COM(2011) 275 final of 18 May 2011 COM(2011) 276 final of 18 May 2011 CdR 197/2011 fin (CIVEX)	16 February 2012	Opinion on the Victims' Package	Yes	No	No	No	Yes (subsidiarity, proportionality)
COM(2011) 455 final CdR 199/2011 fin (CIVEX)	15 February 2012	New European Agenda For Integration	No	No	Yes ²⁰	No	Yes (subsidiarity, proportionality, better law-making, multi-level governance)

¹⁸ During the legislative procedure.

¹⁹ The opinion is an assessment of multilevel governance in the EU, therefore the principle of subsidiarity is an overall concern and an assessment of compliance of the latter is not relevant.

²⁰ Although not technically taking place within the context of an impact assessment, the aim of this consultation was to provide the European Commission (DG HOME) with input from local and regional authorities with regard to the Second European Agenda on Integration, which was then being drafted. The report of the consultation together with all contributions received was transmitted to the European Commission via a letter from the CoR Secretary General on 25 May 2011. The results of the consultation were also used by Mr Kalogeropoulos (EL/EPP) in the preparation of his draft opinion.

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ¹⁸	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking
COM(2011) 637 final of 13 October 2011 CdR 364/2011 fin (CIVEX)	16 February 2012	Increasing the impact of EU Development Policy: an Agenda for Change	No	No	No	No	Yes (better governance)
COM(2011) 666 final CdR 365/2011 fin (CIVEX)	3 May 2012	Opinion on The enlargement strategy and main challenges 2011-12 (Communication)	No	No	No	No	Yes (subsidiarity, multi-level governance)
COM(2011) 735 final CdR 10/2012 fin (CIVEX)	3 May 2012	Opinion on Family reunification (Green Paper)	No	No	No	No	Yes (subsidiarity, proportionality, multi-level governance)
COM(2011) 743 final CdR 9/2012 fin (CIVEX)	18 July 2012	Opinion on the Communication from the Commission on The Global Approach to Migration and Mobility	No	No	No	No	Yes (subsidiarity, better law-making, multi-level governance)
COM(2011) 835 final CdR 11/2012 fin (CIVEX)	18 July 2012	Opinion on the Communication from the Commission on enhanced intra-EU solidarity in the field of asylum – An EU agenda for better responsibility-sharing and more mutual trust	No	No	No	Yes	Yes (subsidiarity, proportionality)
COM(2011) 749 final COM(2011) 750 COM(2011) 751 COM(2011) 752 COM(2011) 753 CdR 12/2012 fin (CIVEX)	18 July 2012	Opinion on EU financial instruments in Home Affairs	Yes	No	No	No	Yes (better law-making, multi-level governance)
COM(2011) 758	18 July 2012	Opinion on the EU	Yes	No, except for	No	Yes (compliance)	Yes (subsidiarity,

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory¹⁸	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking
COM(2011) 759 COM(2011) 884 CdR 13/2012 fin (CIVEX)		financial instruments in Justice and Citizenship		Art. 168(4) (safety measures for public health)			proportionality, better law-making)
COM(2011) 837, 838, 839, 840, 842, 843, 844, 865 final CdR 732/2012 (CIVEX)	9 October 2012	Opinion on Global Europe: a new approach to financing EU external action	Yes	No	No	No	Yes (subsidiarity, better law-making, multi-level governance)
COM(2011)293, 308 final COM(2012) 85 final CdR 1269/2012 (CIVEX)	10 October 2012	Opinion on the Package on protection of the licit economy	Yes	No	No	Yes	Yes (subsidiarity)

COTER

Overview of opinions adopted between 1 January 2012 and 31 December 2012

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ²¹	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2011) 610 final CdR 371/2011 (COTER)	15 February 2012	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1082/2006 of the European Parliament and of the Council of 5 July 2006 on a European grouping of territorial cooperation (EGTC) as regards the clarification, simplification and improvement of the establishment and implementation of such groupings	Yes	Yes	No	No	Yes (better law-making, multi-level governance)
COM(2011) 615 final CdR 4/2012 (COTER)	3 May 2012	Opinion on the proposal for a Regulation on the funds covered by the Common Strategic Framework	Yes	Yes	No	Yes (non-compliance)	Yes (subsidiarity, proportionality, better law-making, multi-level governance)
COM(2011) 614 final CdR 5/2012 (COTER)	3 May 2012	Opinion on the proposal for a Regulation on the ERDF	Yes	Yes	No	Yes (calls on the European Commission to review the draft regulation, taking greater account of the principles of subsidiarity and proportionality)	Yes (subsidiarity, proportionality, better law-making)

²¹ During the legislative procedure.

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ²¹	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2011) 607 final CdR 6/2012 (COTER)	3 May 2012	Opinion on the proposal for a Regulation on the ESF	Yes	Yes	No	Yes (non-compliance)	Yes (subsidiarity, proportionality, better law-making)
COM(2011) 612 final CdR 7/2012 (COTER)	3 May 2012	Opinion on the proposal for a Regulation on the Cohesion Fund	Yes	Yes	No	No	Yes (subsidiarity, multi-level governance)
COM(2011) 650 final CdR 8/2012 (COTER)	3 May 2012	Opinion on Revising the TEN-T Legislative Framework	Yes	Yes	No	Yes (compliance)	Yes (proportionality)
Outlook opinion CdR 650/2012 (COTER)	19 July 2012	Opinion on Future cities: environmentally and socially sustainable cities	No	No	No	No	Yes (multi-level governance)
COM(2011) 611 final – 2011/0273 (COD) CdR 647/2012 (COTER)	19 July 2012	Opinion on the Proposal for a Regulation of the European Parliament and of the Council on specific provisions for the support from the European Regional Development Fund to the European territorial cooperation goal	Yes	Yes	No	No	Yes (better law-making)

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ²¹	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM (2011) 665 and COM (2011) 659 CdR 648/2012 (COTER)	19 July 2012	Opinion on the Proposal for a Regulation of the European Parliament and of the Council establishing the Connecting Europe Facility	Yes	Yes	Yes (targeted consultation from 29 November 2011 to 15 January 2012, mentioned in the opinion)	Yes (compliance)	Yes (subsidiarity)
COM(2011) 823 final COM(2011) 828 final COM(2011) 824 final COM(2011) 827 final CdR 649/2012 (COTER)	19 July 2012	Opinion on the Airport Package	Yes	Yes	No	Yes (non-compliance)	No
COM(2012) 128 final CdR 1272/2012 (COTER)	10 October 2012	Opinion on the Revised EU strategy for the Baltic sea region	No	Yes	No	No	Yes (multi-level governance)
SWD(2012) 106 final CdR 1683/2012 (COTER)	29 November 2012	Opinion on the Code of Conduct on Partnership	No	No	No	No	Yes (subsidiarity, proportionality, multi-level governance)

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory²¹	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
CdR 1684/2012 (COTER)	29 November 2012	Opinion on Community led local development	No	Yes ²²	No	No	Yes (subsidiarity)
COM(2012) 496 final CdR 2027/2012 (COTER)	29 November 2012	Opinion on a Common strategic framework	Yes	Yes	No (consultation of the Europe 2020 Platform)	No	Yes (proportionality, multi-level governance)

²²

As far as economic, social and territorial cohesion are concerned; will depend on each legal basis of possibly forthcoming legislative proposals.

ECOS

Overview of opinions adopted between 1 January 2012 and 31 December 2012

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory²³	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
Own-initiative opinion COM(2011) 594 final CdR 332/2011 (ECOS)	15 February 2012	A common system of financial transaction tax and amending Directive 2008/7/EC	Yes	No	No	Yes (compliance)	No
Referral letter from the Commission of 28 October 2011 Outlook Opinion CdR 333/2011 (ECOS)	15 February 2012	Child Poverty	No	Yes	No	No	No
Outlook Opinion CdR 56/2012 (ECOS)	4 May 2012	Opinion on Active Ageing: Innovation – Smart Health – Better Lives	No	No	No	Yes (compliance)	Yes (proportionality, multi-level governance)
COM(2011) 609 final CdR 335/2011 (ECOS)	3 May 2012	Opinion on EU Programme for social change and innovation	Yes	Yes	No	No	No

²³ During the legislative procedure.

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ²³	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
Outlook Opinion Proposal for a Regulation of the European Parliament and of the Council on <i>the European Globalisation Adjustment Fund for the period 2014-2020</i> COM(2011) 608 final CdR 334/2011 (ECOS)	3 May 2012	Opinion on European Globalisation Adjustment Fund for the period 2014-2020	Yes	Yes	No	No	Yes (multi-level governance)
COM(2011) 685 final COM(2011) 684 final COM(2011) 683 final COM(2011) 681 final CdR 14/2012 (ECOS)	19 July 2012	Opinion on the responsible businesses package	Yes	No	No	No	Yes (subsidiarity, proportionality, better law-making, administrative burdens)
COM(2011) 897 final CdR 100/2012 (ECOS)	19 July 2012	Opinion on the award of concessions contracts	Yes	No	Yes (first Early Warning System consultation through REGPEX)	No	Yes (subsidiarity, proportionality, better law-making)
COM(2011) 834 final CdR 98/2012 (ECOS)	9 October 2012	Opinion on the Programme for the competitiveness of enterprises and small and medium-sized enterprises (2014-2020)	Yes	No	No	No	No

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ²³	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2012) 55 final CdR 747/2012 (ECOS)	10 October 2012	Opinion on the White paper – an agenda for adequate, safe and sustainable pensions	No	No	No	Yes (compliance)	Yes (proportionality)
COM(2011) 895 & 892 final CdR 99/2012 (ECOS)	9 October 2012	Opinion on the Public Procurement Package	Yes	No	Yes (first Early Warning System consultation through REGPEX)	Yes (non-compliance)	Yes (subsidiarity, proportionality, better law-making, administrative burdens)
COM(2012) 209 final CdR 1528/2012 (ECOS)	29 November 2012	Opinion on EU State Aid Modernisation (SAM)	No	No	No	No	Yes (better law-making)
COM(2012) 131 final COM(2012) 130 final CdR 1185/2012 (ECOS)	29 November 2012	Opinion on the posting of workers in the framework of the provision of services	Yes	No ²⁴	Yes ²⁵	Yes (non-compliance)	Yes (subsidiarity, proportionality)
COM(2012) 35 final CdR 1364/2012 (ECOS)	29 November 2012	Opinion on the Statute for a European Foundation (FE)	Yes	No	No (however, publication of positions on REGPEX)	No	Yes (subsidiarity, better law-making)

²⁴ Following the legal basis chosen by the Commission (Art. 352 TFEU).

²⁵ Letter of 9 July 2012 from the rapporteur to SMN members asking them to respond to a number of questions.

EDUC

Overview of opinions adopted between 1 January 2012 and 31 December 2012

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory²⁶	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
Own initiative opinion CdR 191/2011 (EDUC)	15 February 2012	The future of the European capital of culture	No	Yes	No	No	Yes (subsidiarity)
COM(2011) 567 final CdR 290/2011 (EDUC)	16 February 2012	Modernisation of higher education	No	Yes	No	Yes (compliance)	Yes (subsidiarity, proportionality)
COM(2011) 788 final CdR 400/2011 (EDUC)	4 May 2012	Opinion on Erasmus for all – Proposal for a Regulation	Yes	Yes	No	No	Yes (subsidiarity, better law-making)
COM(2011) 657 final CdR 399/2011 (EDUC)	4 May 2012	Opinion on Trans-European telecom networks – Proposal for a Regulation	Yes	Yes	No	Yes (compliance)	Yes (proportionality)
COM(2011) 785 final CdR 401/2011 (EDUC)	19 July 2012	Opinion on the Creative Europe Programme	Yes	Yes	No	Yes (compliance)	Yes (subsidiarity, proportionality, better law-making)
COM(2011) 809 final CdR 402/2011 (EDUC)	19 July 2012	Opinion on Horizon 2020 (The Framework Programme for Research and Innovation)	Yes	No	No	Yes (compliance)	Yes (proportionality, better law-making)

²⁶ During the legislative procedure.

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ²⁶	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2012) 9, 10, 11 final CdR 625/2012 (EDUC)	10 October 2012	Opinion on the Data Protection package	Yes	No	No, however publication of positions of Regional Parliaments on REGPEX	Yes (non-compliance)	Yes (subsidiarity, proportionality)
COM(2011) 877 & 882 final CdR 626/2012 (EDUC)	10 October 2012	Opinion on the Review of the directive on re-use of public sector information and open data	Yes	No	No, however publication of positions of Regional Parliaments on REGPEX	Yes (compliance)	Yes (subsidiarity, proportionality, multi-level governance)
COM(2012) 60 final CdR 1112/2012 (EDUC)	30 November 2012	Opinion on Innovating for Sustainable Growth: A Bioeconomy for Europe	No	No ²⁷	No	Yes (compliance)	Yes (multi-level governance)
COM(2012) 407 final CdR 2077/2012 (EDUC)	30 November 2012	Opinion on the Proposal for a Decision establishing a Union action for the European Capitals of Culture for the years 2020 to 2033	Yes	Yes	No	Yes (compliance)	No

²⁷

As far as research/innovation, agriculture, competitiveness of industry are concerned. Mandatory consultation for environment; will depend on each legal basis of possibly forthcoming legislative proposals.

ENVE

Overview of opinions adopted between 1 January 2012 and 31 December 2012

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory²⁸	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2011) 321 final CdR 190/2011 (ENVE)	16 February 2012	Report from the Commission to the European Parliament and the Council on the implementation of the Environmental Noise Directive in accordance with Article 11 of Directive 2002/49/EC	No	No	No	No	Yes (subsidiarity, proportionality, multi-level governance)
Referral by the Danish Presidency of 12 January 2012 CdR 85/2012 (ENVE)	4 May 2012	Opinion on Energy efficiency in cities and regions incl. a focus on the differences between rural districts and cities	No	Yes	No	No	No
Letter from the European Commission vice-president of 19 July 2011 CdR 329/2011 (ENVE)	3 May 2012	Outlook opinion on Review of EU Air Quality and Emissions Policy	N/A (not yet, the legislative proposals are still to come)	Yes	Yes (targeted consultation from 18 October to 2 December 2011, mentioned in the opinion)	No	Yes (multi-level governance)

²⁸

During the legislative procedure.

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ²⁸	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2011) 874 final – 2011/0428 COD CdR 86/2012 (ENVE)	19 July 2012	Opinion on the establishment of the Programme for the Environment and Climate Action (LIFE)	Yes	Yes	Yes (in the framework of an impact assessment consultation during the pre-legislative phase in 2011)	Yes	Yes (proportionality, better law-making, multi-level governance)
COM(2011) 658 final - 2011/0300 (COD) CdR 20/2012 (ENVE)	19 July 2012	Opinion on the Proposal for a Regulation on Guidelines for trans-European energy infrastructure and repealing Decision No 1364/2006/EC	Yes	Yes	No	Yes (compliance)	No
COM(2011) 789 final CdR 87/2012 (ENVE)	19 July 2012	Opinion on the Proposal for a Regulation on a mechanism for monitoring and reporting greenhouse gas emissions and for reporting other information at national and Union level relevant to climate change	Yes	Yes	No	Yes (compliance)	Yes (proportionality, better law-making, multi-level governance)

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ²⁸	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2011) 885 final – CdR 88/2012 (ENVE)	10 October 2012	Opinion on the Energy Roadmap 2050	No	Yes ²⁹	No	No	Yes (better law-making, multi-level governance)
Own-initiative opinion CdR 89/2012 (ENVE)	10 October 2012	Opinion on Regional-specific approaches to climate change in the EU based on the example of mountainous regions	No	Yes ³⁰	No	No	Yes (subsidiarity)
Presidency referral CdR 1751/2012 (ENVE)	10 October 2012	Opinion on Adaptation to climate change and regional responses: the case of coastal regions	No	Yes ³¹	No	Yes (compliance)	Yes (proportionality, multi-level governance)

²⁹ As far as energy- or environment-related issues are concerned – will depend on each legal base of possibly forthcoming legislative proposals.

³⁰ As far as energy- or environment-related issues are concerned – will depend on each legal base of possibly forthcoming legislative proposals.

³¹ As far as energy- or environment-related issues are concerned – will depend on each legal base of possibly forthcoming legislative proposals.

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ²⁸	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2012) 95 final CdR 1119/2012 (ENVE)	30 November 2012	Opinion "Towards a 7 th Environment Action Programme: Better implementation of EU environment law"	No	Yes	Yes (targeted consultation of the SMN which ran from 25 May to 6 July 2012)	Yes	Yes (subsidiarity, better law-making, multi-level governance)
COM(2011) 876 final – 2011/0429 (COD) CdR 1120/2012 (ENVE)	30 November 2012	Opinion on priority substances in the field of water policy	Yes	Yes	No (however, publication of positions on REGPEX)	Yes (compliance)	Yes (proportionality)
COM(2012) 46 final CdR 1121/2012 (ENVE)	30 November 2012	Opinion on The implementation of the Soil Thematic Strategy and ongoing activities	No	Yes	No	Yes	Yes (subsidiarity, proportionality, better regulation, administrative burdens)

NAT

Overview of opinions adopted between 1 January 2012 and 31 December 2012

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ³²	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2011) 709 final CdR 67/2012 (NAT)	4 May 2012	Opinion on the proposal for a regulation on "Health for Growth, the third multi-annual programme of EU action in the field of health for the period 2014-2020	Yes	Yes	No	Yes (compliance)	Yes (better law-making, administrative burdens)
COM(2011) 707 final CdR 66/2012 (NAT)	4 May 2012	Opinion on the Proposal for a Regulation of the European Parliament and of the Council on a consumer programme 2014-2020	Yes	No	No	No	Yes (better law-making)

³²

During the legislative procedure.

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ³²	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2011) 625 final/2, COM(2011) 626 final/2, COM(2011) 627 final/2, COM(2011) 628 final/2, COM(2011) 629 final, COM(2011) 630 final, COM(2011) 631 final CdR 65/2012 (NAT)	4 May 2012	Opinion on the proposals on the reform of the Common Agricultural Policy and the Rural Development Policy after 2013	Yes	No	No	Yes	Yes (subsidiarity, better law-making, multi-level governance)
COM(2011) 416 final - COM(2011) 417 final - COM(2011) 418 final - COM(2011) 424 final - COM(2011) 425 final CdR 239/2011 (NAT)	4 May 2012	Opinion on the Proposals on the reform of the common fisheries policy	Yes	No	No	No	Yes (proportionality, good governance)
COM(2011) 934 final CdR 740/2012 (NAT)	19 July 2012	Opinion on Union Civil Protection Mechanism	Yes	No	No	No	Yes (better law-making, multi-level governance)

Opinion reference #	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory ³²	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion?	Other mention of subsidiarity / proportionality / better lawmaking?
COM(2011) 804 final CdR 34/2012 (NAT)	9 October 2012	Opinion on the European Maritime and Fisheries Fund (EMFF)	Yes	Yes	No	No	Yes (better law-making, multi-level governance)
COM(2011) 782 final CdR 741/2012 (NAT)	9 October 2012	Opinion on Developing a maritime strategy for the Atlantic Ocean area	No	Yes ³³	No	No	Yes (multi-level governance)
COM(2012) 79 final CdR 1749/2012 (NAT)	30 November 2012	Opinion on the European Innovation Partnership: Agricultural Productivity and Sustainability	No	No	No	No	Yes (multi-level governance)
COM(2012) 225 final CdR 1750/2012 (NAT)	29 November 2012	Opinion on A European Consumer Agenda – boosting confidence and growth	No	No	No	No	Yes (subsidiarity, proportionality)

³³

As far as territorial cohesion is concerned – will depend on each legal base of possibly forthcoming legislative proposals.

BUDG

Overview of opinions adopted between 1 January 2012 and 31 December 2012

Opinion reference	Date	Title	Legislative proposal?	Policy field within which consultation of the CoR is mandatory³⁴	SMN consultation	Assessment of compliance with subsidiarity principle in the opinion	Other reference to subsidiarity / proportionality / better lawmaking in the opinion
COM(2012) 42 final COM(2012) 388 final CdR 1777/2012 (BUDG)	9 October 2012	Opinion on The new multiannual financial framework post-2013	Yes	No	No	No	Yes (better law-making)

³⁴ During the legislative procedure.

Appendix 3

KEY OPINIONS ADOPTED IN 2012 WITH REGARD TO SUBSIDIARITY AND PROPORTIONALITY

1. Own-initiative opinion: Building a European culture of multilevel governance: follow-up to the Committee of the Regions' White Paper
(CdR 273/2011, adopted on 15 February 2012)

This opinion confirmed the CoR's political commitment expressed in its White Paper on Multilevel Governance adopted on 17 June 2009³⁵ and highlighted a number of political principles and directions to ensure that its project for Building Europe in partnership is achieved.

It particularly developed the concept of multilevel governance as "*based on coordinated action by the EU, the Member States and regional and local authorities according to the principles of subsidiarity and proportionality and in partnership, taking the form of operational and institutionalised cooperation in the drawing-up and implementation of the European Union's policies*". Furthermore, it stressed the link between multilevel governance and subsidiarity, the latter relating to the remits of the various tiers of government and the former focusing on their interaction.

In the opinion, the CoR pointed out that it has taken the initiative of creating a Multilevel Governance Scoreboard at European Union level which will help to measure annually to what extent the main principles and mechanisms of this type of governance have been taken into account in the European Union's political cycle. Also, the CoR has undertaken to draw up its European Union Charter for Multilevel Governance, which will seek to incorporate a shared understanding of European governance into the European Union's core values and should lead to greater participation by local and regional authorities in the exercise of European democracy.

2. Opinion on the proposal for a Regulation on the funds covered by the Common Strategic Framework
(COM(2011) 615 final, CdR 4/2012, adopted on 3 May 2012)

In the opinion, the CoR welcomed the fact that "*the ESF will remain in the sphere of cohesion policy as a key instrument for jobs, for improving people's skills and for social inclusion*" but insisted "*however that in accordance with the subsidiarity principle regional and competent local authorities should be responsible for choosing investment priorities and distributing the Structural Funds between the ERDF and the ESF*".

One of the amendments to the Commission's proposal thus specified that "[i]n accordance with the subsidiarity principle, the managing authorities shall autonomously choose the thematic objectives and investment priorities on which overall EU support shall be concentrated." In the reason for the amendment it is explained that although the CoR endorses the principle of concentrating the bulk of resources on a limited number of thematic objectives/investment priorities it considers that "*the choice*

35

CoR White Paper on Multilevel Governance, CdR 89/2009 fin.

of objectives and priorities should be left to the managing authorities which will adapt the goals of the Europe 2020 strategy and the Common Strategic Framework to local conditions."

In the opinion, the CoR furthermore *"reject[ed] the proposed accreditation of management and control authorities. The implementation of cohesion policy by the Member States is in line with the subsidiarity principle in the EU. Accreditation of state authorities by other state authorities has no basis in administrative law in some Member States and interferes in the organisational sovereignty of Member States."*

3. Opinion on the proposal for a Regulation on the ERDF

(COM(2011) 614 final, CdR 5/2012, adopted on 3 May 2012)

The opinion stated the CoR's view that *"the European Commission's draft regulation overly restrict[ed] the ERDF's scope for funding and [did] not allow Member States and regions the necessary room for manoeuvre in terms of regional and structural policy to meet the goals of the treaty and the Europe 2020 strategy with tailor-made territorial measures"* and that *"[i]t restrict[ed] the scope for using the ERDF to support the introduction of integrated territorial development strategies which take account of the respective territorial strengths and needs and in so doing make a major contribution to boosting economic growth and employment"*.

More generally, the opinion called for greater account to be taken of the principles of subsidiarity and proportionality in the negotiations so that ERDF support *"does not become centralised, overregulated and highly bureaucratic"*. It called on the European Commission to review the draft regulation accordingly in consultation with the Council and the European Parliament.

4. Opinion on the proposal for a Regulation on the ESF

(COM(2011) 607 final, CdR 6/2012, adopted on 3 May 2012)

In the opinion, the CoR raised concerns regarding a number of points in the Commission proposal, such as for instance those relating to thematic concentration, *"because they will limit scope to tailor ESF support to the needs and particularities of individual regions, which raise issues of conflict with the subsidiarity and proportionality principles"*.

The CoR then recalled that *"the Commission is bound under the Treaties to respect the subsidiarity principle and that this is a matter of particular interest to the CoR, since Article 2 of the Protocol on the application of the principles of subsidiarity and proportionality stipulates that consultations conducted during the process of enacting legislation should 'take into account the regional and local dimension of the action envisaged'; furthermore, Article 5 of the same protocol specifies that justification must be provided for Commission proposals. Since the present proposal simply invokes in the usual general and vague terms the need for ESF interventions to be effective, it can hardly be said to meet this specification"*.

Furthermore, the CoR found that the proposal was not in compliance with the principle of subsidiarity as regards the chosen method and procedure for pursuing the aim of thematic concentration: *"while welcoming the aim of thematic concentration, is against the Commission's chosen method and procedure for pursuing this goal, as set out in Article 4(3) of the proposal for a Regulation: prescribing very high rates of concentration for allocations to each operational programme, ranging*

from 80% to 60% depending on the category of region, in up to four of the total 18 investment priorities, is incompatible with the principles of subsidiarity and proportionality, as this may not prove adequate to cover the particular needs and priorities of each region".

5. Opinions on the Revision of the TEN-T Guidelines and Connecting Europe Facility

(COM(2011) 650, COM (2011) 665 and COM (2011) 659; CdR 8/2012 and CdR 648/2012, respectively adopted on 3 May and 19 July 2012)

In 2012, the Action Plan of the Subsidiarity Monitoring Network focused on these two opinions, allowing for the first time direct exchange between CoR rapporteurs and members of the Network. Moreover, a targeted SMN consultation on the Connecting Europe Facility took place at the beginning of the year. Finally, the Thematic Subsidiarity Workshop held during the Open Days 2012 was attended by Mr Soulage (FR/PES) and Mr Zagar (SL/EPP), both CoR rapporteurs for the above mentioned opinions. The CoR has expressed its support to these two initiatives and has recalled the importance of involving local and regional authorities in all phases of the different procedures.

6. Opinion on the Airport Package

(COM(2011) 823 final, COM(2011) 828 final, COM(2011) 824 final, COM(2011) 827 final, CdR 649/2012, adopted on 19 July 2012)

In the opinion, the CoR found that several points of the Commission's proposal were in breach with the principle of subsidiarity.

The CoR agreed "that in line with the Balanced Approach, the most cost-efficient measure should be chosen in order to achieve noise abatement objectives but considers that the proposed right of scrutiny for the Commission exceeds its powers according to the principle of subsidiarity. Operating restrictions must be imposed by regional authorities with due regard to the local situation and to local specifics. An additional right of scrutiny for the Commission is neither necessary nor proportionate".

Consequently, the CoR deleted Article 10 on operating restrictions from the Commission's proposal considering that, *"as currently worded, [the relevant provision] could call regional mediation agreements into question. These agreements between airports, the relevant region and citizens are often reached after years of difficult and exhausting negotiations. The German Bundesrat, Austrian Bundesrat, French Senate and Dutch First Chamber concluded that the Commission's right of scrutiny under Article 10 is in breach of the European Union's principle of subsidiarity."*

Furthermore, the CoR considered that *"the proposed right of the European Commission to designate individual 'network airports', whereby it can require Member States to treat individual airports distinctly and separately, exceeds its powers according to the principle of subsidiarity."*

7. Opinion "Towards a 7th Environment Action Programme (EAP) – better implementation of EU environment law"

(COM(2012) 95 - Improving the delivery of benefits of EU environment measures: Building confidence through better knowledge and responsiveness (COM), CdR 1119/2012, adopted on 30 November 2012)

The rapporteur of this opinion, Ms Canver (UK/PES), was able to use the outcome of a targeted consultation of the SMN which ran from 25 May to 6 July 2012. In its opinion, the CoR noted that the Commission makes no assessment of the various options set out in its communication (COM(2012) 95), in terms of their compatibility with the principle of subsidiarity. Furthermore, the CoR considered that the options presented in the communication are *"insufficiently well-developed for the CoR to form a definitive view, with much depending on whether (and how) the European Commission decides to take some of these forward."*

With this reservation, the opinion referred to the consultation of the SMN, noting that the contributions *"generally indicate that the options in the Communication, when fully formulated, are unlikely to constitute a significant breach of subsidiarity"* and highlighted *"however, that whereas there is support for an upgrade of the existing framework for inspections, there may be some resistance in the SMN to this being made binding and to the creation of an EU inspection body. Similarly, whereas there is support for criteria for handling of complaints by Member States, some SMN members may prefer for these to be non-binding recommendations. There appears to be an acceptance that the EU should define the conditions for efficient and effective access to national courts on EU environment law."*

8. Opinion on the Public Procurement Package and Opinion on the award of concessions contracts

(COM(2011) 895 and 896 final, CdR 99/2012, adopted on 9 October 2012; and COM(2011) 897 final, CdR100/2012, adopted on 19 July 2012)

The two opinions benefited from the first coordinated exercise organised by the CoR with regional parliaments and governments through REGPEX. Partners were invited to share their positions during the early warning phase, from 11 January to 8 March 2012. A report, analysing and summarising the contributions of twelve SMN partners and referring to reasoned opinions adopted by national parliaments during the same period, was drawn up and forwarded to the two CoR rapporteurs appointed on this legislative package, Mr Kool (NL/PES) for concessions and Ms Segersten-Larsson (SV/EPP) on public procurement.

Eventually, the opinion on concessions made a general statement to the effect that the proposal *"must show due regard for the subsidiarity principle: local and regional authorities should remain free to choose whether they will carry out works and services themselves or outsource them to third parties"*. The opinion on public procurement went further in expressing concern. It pointed out that *"the proposal contravenes the Member States' right to organise their own administration and is in breach of the subsidiarity principle"*.

9. Opinion on the Data Protection package

(COM(2012) 9, 10, 11 final, CdR 625/2012, adopted on 10 October 2012)

The opinion acknowledged that *"insofar as it concerns the private sector, there is good reason to try to fully harmonise parts of European data protection law by replacing it with a regulation"*. However, it noted that the package of the General Data Protection Regulation and the Directive relating to the police and justice attracted objections concerning its compliance with the principles of subsidiarity and proportionality. Indeed, a number of regional parliaments and governments have expressed concerns.

The opinion questioned the choice of instrument for the General Data Protection Regulation, i.e. a rather abstract regulation giving the Commission some power for delegated acts, including in essential matters. It considered that processing by public authorities of personal data and the sphere of employment law should continue to be governed by a directive. Furthermore, it also expressed doubts as to *"whether regulation of exclusively national-level data processing by way of a proposal for a directive relating to the police and justice falls within the legislative competence of the European Union or complies with the principles of subsidiarity and proportionality"*.

10. Opinion on the posting of workers in the framework of the provision of services

(COM(2012) 131 final; COM(2012) 130 final; CdR1185/2012, adopted on 29 November 2012)

This opinion was adopted after the Proposal for a Council Regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services ("Monti II") was withdrawn by the Commission as a result of the activation of the "Yellow card" procedure by national parliaments. However, the CoR stated in the opinion that it shared the view that the right to strike is clearly excluded of the scope of EU legislation and that the proposal lacked a legal basis in this area.

Moreover, the opinion stressed that *"if the Commission had maintained its proposal for a regulation, in the light of reasoned opinions adopted by national parliaments as well as positions expressed at regional level through the CoR, the latter could have considered taking the necessary steps to lodge an ex-post appeal against it for breaching the principle of subsidiarity in terms of both the choice of legal basis and insufficient evidence of the added value of EU action in this area"*. The opinion also pointed out that the CoR will continue to monitor these matters very closely.