



December 2012

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Subsidiarity Newsletter

Foreword by Michael Schneider, Coordinator of the Subsidiarity Monitoring Network (SMN):

With 2012 drawing to a close, this is a good time to look forward and build on our recently re-focused subsidiarity monitoring strategy. With the adoption of this strategy in May, the CoR has reconfirmed its intention to become the benchmark for subsidiarity monitoring within the EU. Subsidiarity is part of the CoR's very DNA and is clearly anchored in its mission statement.



The new political governance structure of the CoR's subsidiarity monitoring now relies on a Steering Group, which represents all political groups at the CoR. As SMN coordinator, I have the pleasure of chairing this group, taking over from Ramón Luis Valcárcel Siso, who is now the CoR President. As a Steering Group, we will argue for the subsidiarity principle to be respected in EU decision-making, not least because this leads to a more effective and grassroots method of delivering policy.

To support its work, the Steering Group relies, amongst others, on a group of 15 experts from local and regional authorities, national parliaments that represent sub-national levels of governance and territorial associations. The newly appointed expert group has already completed its first task, by submitting proposals for the CoR's 2013 Subsidiarity Work Programme to be adopted by the CoR Bureau early in the New Year.

The Subsidiarity Work Programme for 2013 will undoubtedly improve the effectiveness of the CoR's subsidiarity monitoring, through its new political governance, the Expert Group, SMN consultations, REGPEX and closer cooperation with other EU institutions. The Subsidiarity Conference, which is scheduled to take place in the first half of 2013, will provide a good opportunity to assess, in conjunction with other institutional partners, the role of the subsidiarity principle in post-Lisbon EU policy-making.

Together with my Steering Group colleagues, we will ensure that local and regional authorities are part of the EU decision-making process, ensuring respect for the subsidiarity principle.

Open Days / Action Plan - TEN-T

Event



► The Subsidiarity Monitoring Network held its latest thematic subsidiarity workshop on 11 October 2012, during the Open Days – the three-day conferences co-organised

every year by the Committee of the Regions and DG REGIO. The workshop focused on TEN-T policy and was part of a number of initiatives launched by the CoR in 2012 aimed at discussing the latest developments in the TEN-T policy field this year.

The round table was chaired by the new Coordinator of the Subsidiarity Network, Michael Schneider, and attended by Ismail Ertug, EP rapporteur for TEN-T; CoR members Bernard Soulage and Ivan Zagar; and Mimmi von Troil and Johan Nyhus, Member of the Västra Götaland Regional Council and Deputy Mayor of Gothenburg, respectively. The European Commission's DG MOVE was represented by Jean-Eric Paquet, Director in the European Mobility Network and the Commission's Executive Agency for TEN-T was represented by Anna Livieratou.

At the end of 2011, the European Commission adopted a legislative proposal of paramount importance for the future of transport and cohesion policy: the Revision of the TEN-T Guidelines, COM (2011) 650, backed up with a proposal for a regulation establishing the

Connecting Europe Facility (CEF), a single funding instrument for the transport, communication and energy sector.

Both proposals are closely linked and have been the subject of discussion within the CoR's COTER Commission; the rapporteurs for these issues were Bernard Soulage (TEN-T) and Ivan Zagar (CEF). Their opinions were adopted by the CoR's plenary sessions in May and July 2012 respectively.



Given the importance of the subject the Network has focused its 2012 Action Plan on the new TEN-T policy. A group of SMN partners led by the City of Gothenburg and the

Västra Götaland Region has analysed the new TEN-T policy from a subsidiarity and multilevel governance point of view.

The workshop provided an opportunity for live discussion on the outcome of the 2012 Action Plan, the content of the CoR opinions and the positions of the European Parliament and Commission. It served to illustrate the importance of future TEN-T policy for the local and regional level and to find common positions shared by EU institutions and local and regional authorities, in an attempt to improve and consolidate the latter's role in this policy area.

Subsidiarity Expert Group

Activities

► THE SUBSIDIARITY EXPERT GROUP - TOWARDS A SUBSIDIARITY WORK PROGRAMME



The CoR's newly formed Subsidiarity Expert Group, comprising local and regional subsidiarity experts selected from within the Subsidiarity Monitoring Network on account of their expertise in this area, met for the first

time, on 25 October 2012. The purpose of the expert group is to support the activities of the CoR Subsidiarity Steering Group and the CoR's consultative work and, in particular, to provide input for the Subsidiarity Work Programme. Accordingly, the aim of this particular meeting was for the experts to advise the CoR, on the basis of the European Commission's Work Programme for 2013, which subsidiarity priorities are the

most important from a regional and local point of view.

Sixteen experts representing local and regional authorities and associations such as CALRE, REGLEG and Eurocities attended the meeting.

Officials from the European Commission's secretariat-general presented the Work Programme, noting that it was based on President Barroso's "State of the Union" speech in September 2012. They stressed that the Commission took systematic account of subsidiarity at all stages of the pre-legislative and legislative procedure and that all of the available tools, such as roadmaps, consultations and external studies, fed into this process.

The presentation of the work programme was followed by a debate, which enabled the expert group to identify a number of initiatives, selected with the help of the

following three cumulative criteria: initiatives should (1) present a clear political interest for local and regional authorities; (2) touch on the competences of local and regional authorities; and (3) have a potential subsidiarity dimension. The list drawn up by the expert group constituted an important tool for the Subsidiarity Steering Group when it came to drafting the Subsidiarity Work Programme.

Overall, the experts praised the exchange as a unique opportunity to discuss the work programme directly with representatives of the European Commission.



This first fruitful meeting of the expert group confirmed its role as an important tool for improving the subsidiarity checks carried out by the CoR by providing input for the Committee's consultative activities. By linking up with the subsidiarity debate in the Member States, the Subsidiarity Expert Group can strengthen mutual understanding and bring the CoR closer to its local and regional partners.

Update

► FIRST REGPEX MEETING

Regional parliaments and government partners of Regional Parliamentary EXchange (REGPEX) met for the first time on 12 December 2012. Almost one year after the launch of the database, it was an opportunity to assess its operations, gather feedback from users, and discuss future developments. Officials from seven out of the eight Member States where regions have legislative powers took part in a lively discussion which also involved their counterparts in national Parliaments, the European Parliament and Commission, the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) and IPEX, the platform for EU Interparliamentary Exchange.

A DATABASE AND A NETWORK

A clear message came out of the meeting: REGPEX should not just be seen as a technical database. Its networking potential among regions with legislative powers is essential and should be developed. Regional parliaments and governments representatives insisted that building confidence amongst officers is essential,

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in order to allow for informal exchanges within the tight deadlines of the Early Warning System. Lessons can be learned from IPEX and its system of national correspondents. A system of REGPEX regional correspondents will be tested in the coming months. Fact-sheets on each of the 74 regional parliaments in the EU will be published online with relevant contact details.

SUBSIDIARITY PRIORITIES

Participants took note of the priorities for subsidiarity monitoring selected by the CoR Subsidiarity Steering Group which are to be submitted to the CoR Bureau on 30 January as Subsidiarity Work Programme. They include initiatives on E-invoicing in the field of public procurement, on a Blue Belt for a single market for maritime transport, the Review of Waste Policy and Legislation, the Environmental climate and energy assessment framework to enable safe and secure unconventional hydrocarbon extraction and Urban Mobility. Should the Bureau retain the proposal, the REGPEX coordinated exercises ("Early Warning System files") to be organised in 2013 would be drawn from this list.

Subsidiarity concerns

► FIRST CoR RED FLAGS

For the first time since the entry into force of the Lisbon Treaty, the CoR has expressed strong concerns regarding compliance of EU initiatives with the subsidiarity principle in two opinions adopted at the October 2012 Plenary Session. The opinion on the Public Procurement package stressed that the requirement to set up national oversight bodies and to send contracts to them, was clearly in breach of the subsidiarity principle. The provision was removed at a later stage of the legislative procedure. The other opinion questioned the choice of instrument, i.e. a rather abstract regulation giving the Commission some powers for delegated acts even in essential matters, for the Data

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Protection package.

GENDER BALANCE DIRECTIVE

At the time of writing, 5 national Parliaments or chambers (7 votes within the Early Warning System) had issued reasoned opinions against the Proposal for a Directive of the European Parliament and of the Council on improving the gender balance among non-executive directors of companies listed on stock exchanges and related measures (COM(2012) 614). It is likely that some other national Parliaments could issue reasoned opinions as well before the 15 January 2013 deadline. The threshold for activating the "Yellow card" procedure is 19 votes.

Consultation of the Subsidiarity Expert Group

► The newly appointed Subsidiarity Expert Group (see article above) supports the activities of the Subsidiarity Steering Group and the CoR's consultative activities in general. As such, it is an additional tool at the disposal of rapporteurs and CoR commissions if needed. The input the experts can give to the CoR consultative activities could make the 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.

Mr Schausberger (AT/EPP), rapporteur for the own-initiative opinion on the **"Devolution in the European Union and the place for local and regional self-government in EU policy making and delivery"**, has therefore decided to seek the expertise and experience of the Group. Experts are being asked whether the subsidiarity principle, within the EU but also at national level, involves effective and functional

► SMN partners are reminded that they can always submit their observations on any EU initiative, even if no formal consultation is launched. All relevant contributions are uploaded onto the SMN website and contributions submitted within the eight-week period (the Early Warning period) are also uploaded onto the

Targeted consultation

► TOWARDS A 7TH ENVIRONMENT ACTION PROGRAMME

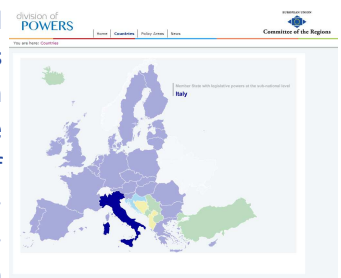
A targeted consultation of the Subsidiarity Monitoring Network (SMN) ran from 25 May to 6 July 2012 on the initiative ***Towards a 7th Environment Action Programme (EAP) – better implementation of EU environment law***, upon request from Ms. Nilgun Canver (UK/PES) CoR rapporteur for the dossier.

The purpose of the consultation was to gather feedback on the European Commission's Communication of 7 March 2012 (COM (2012) 95 final). Reactions were sought in particular on the role of local and regional authorities in the implementation of EU environment

self-governance at the local and regional level, whether it may act as a driver for decentralisation, and whether more decentralisation and stronger local and regional self-government could enhance the position of the Committee of the Regions and LRAs, in monitoring compliance of EU legislation with the subsidiarity principle.

Experts' contributions will feed into Mr Schausberger's work, which also relies on the study concerning the assessment of the state of affairs with regard to regionalisation and decentralisation in the European Union

recently commissioned by the CoR. The opinion is due to be submitted to the CIVEX commission on 11 February and the CoR Plenary on 11-12 April 2013.



Open contributions

REGPEX website in the case of legislative initiatives. Furthermore, the CoR subsidiarity team sends them to the relevant commission secretariats where the CoR has decided to issue an opinion on the subject matter. Rapporteurs are therefore informed of subsidiarity issues that may have been raised.

law and the way respondents view selected options for strengthening the implementation of environment law, particularly regarding the principle of subsidiarity.

Furthermore, the consultation aimed to provide input to the preparation of the CoR opinion, which was to discuss the Communication and to feed into the work on the Commission's proposal for a 7th EAP.

The contributions demonstrated that a variety of opinions exists among the respondents with respect to the issues covered by the consultation and their relation to the subsidiarity principle.

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