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SUBSIDIARITY/PROPORTIONALITY ASSESSMENT

Subsidiarity Monitoring Unit

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Title	<i>Communication from the Commission: Promoting young people's full participation in education, employment and society.</i> <i>Nature of document:</i> non-legislative
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Drafting of opinion of COR	Commission: CONST Reporter: Gebhard Halder (AT/EPP)
Treaty articles invoked	None
Detailed subsi check	No

This Communication aims to complement the actual policy framework in youth related issues by other policies impacting on persons in their youth age. This will help to tackle the **challenges faced by young people in a more efficient way**. The Communication is accompanied by two Commission Staff Working Documents on youth employment and on voluntary activities of young people.

1. Legal bases

The Communication offers an integrated approach aiming to reduce youth unemployment and to improve the quality of jobs. Even though no direct legal bases are invoked, future legislation on this field should take into consideration **article 2 TEC and TUE** (especially the promotion of a high level of employment and of social protection, and the equality between men and women), **article 3 (1) lit c) TEC** (measures for the abolition of obstacles to the free movement of people), **3 (1) lit i) TEC** (promotion of coordination between the employment policies of the Member States), **3 (1) lit q) TEC** (measures for education and training) and in particular articles **125-130 TEC** (employment), **136-137 TEC** (social policy) and **149-150 TEC** (education, vocational training and youth).

It should be noted that **Community measures** in education, vocational training and employment should **support and supplement the actions of the Member States**, while fully respecting their responsibility for the content and implementation of those measures. Furthermore, Community action should not go as far as to harmonise the laws and regulations of the Member States.

According to the Treaties, employment, education and youth policies are not exclusive competences of the European Community. Hence the principles of subsidiarity and proportionality apply so that the Commission remains vigilant as regards respecting those principles.

.../...

2. Compliance with subsidiarity principle

This Communication seems to be in compliance with the subsidiarity principle taking into account that most of the criteria set in paragraph 5 of the Protocol are met:

- The issue has **transnational aspects** (e.g. developing certain elements in *Europass* and the Commission's commitment to support Member State cooperation in promoting mobility through EURES "Your First Job Abroad" initiative - point 3.2 of the Communication).
- Action at Community level would produce clear **benefits** by reason of its scale or effects compared with action at the level of the Member States. In this sense, attention is drawn to the extent of the problems regarding youth employment as outlined in the relevant Commission Staff working document¹. The initiative to implement a European quality charter on internships (point 3.3 of the Communication) should also be taken into consideration.

The Commission has not presented an analysis of the policy options to address the challenges faced in particular by young people. Nevertheless, it invites Member States to take measures forging links between existing processes, such as the Lisbon Strategy, health strategies and various procedures applying the open methods of coordination, especially in the field of education, social inclusion and youth (point 5.3).

The CoR has already welcomed in its **Opinion on the Communication on the follow-up to the White Paper on a New Impetus for European Youth**², "the use of the open method of coordination and the principle of subsidiarity in relation to European youth policy, provided that this method pays full attention to involving regional and local authorities".

Key point

Even though the CoR has already welcomed the application of the **open method of coordination** in relation to young people³, the *CoR could remind that the involvement of local and regional authorities in the open method of coordination should be clearly recognised and respected. This method must not in any way be used at the expense of local and regional authorities, but rather in close and active consultation with them. That implies that, the CoR should be consulted and not merely informed when initiatives are taken via the open method of coordination in the field of youth policy.*

¹ Commission Staff Working Document on youth employment in the EU, SEC (2007) 1093 of 05/09/2007.

² Opinion on the Communication on the follow-up to the White Paper on a New Impetus for European Youth. Proposed common objectives for the participation and information of young people, in response to the Council Resolution of 27 June 2002 regarding the framework of European cooperation in the youth field (CdR 309/2003 fin).

³ Opinion of the CoR on the European Commission White Paper. A new impetus for European Youth. CdR 389/2001.

Even if the operational objectives presented in the Communication are covered by the EC Treaty and the document does not raise major concerns from the subsidiarity point of view, following remarks could be useful for the CoR opinion:

- The proposals presented by the Commission in this Communication should be considered in line with the **competences of regional and local authorities**, and should **not lead to a harmonisation** as foreseen in the Treaty. In this sense, the invitation to the Member States to modernise curricula or higher education, or the provisions for early childhood education remains competence of the member states and the Commission should provide a detailed analysis of why its coordination is necessary to achieve the objectives established. To achieve transnational comparability of education and vocational training systems might require EU intervention, nevertheless, the quality of such systems need to be adequately ensured through national and regional measures.
- The same applies for the Education National Reform Programs, the implementation of the European Qualifications Framework (EQF) and the lifelong learning strategies where the priorities and specificities of regional and local authorities have to be taken into account and involved in the consultation process, to achieve the full participation of youth in education, employment and society.
- The CoR has already pointed out in his **Opinion on Efficiency and Equity in European Education and Training Systems and the European Qualifications Framework for Lifelong Learning (CdR 335/2006)** that "Importance should be given to the local and regional level as in many Member States local and regional authorities are vested with direct responsibilities and powers in the field of education and training, including the establishment of qualifications frameworks. They are responsible for the delivery of educational and training services which provide a structure for lifelong learning through the provision of pre-school, school, youth, adult and community services".
- Therefore, even though the invitation to Member States to prioritise the quality and quantity of investment to early childhood education and to modernise curricula is not a binding EU action, some Regions have already reminded (through the external consultation of the Subsidiarity Monitoring Network) that these activities fall under local and regional competences. The EU has no power as regards higher education funding and cannot, influence budgetary priorities of regional and local authorities in this field; neither can it replace the Member States in the management of pre-school educational policies⁴.

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CdR 335/2006.

Key point

In this sense, the CoR could welcome that the Commission invites Member States to implement the EQF which will support the mobility of young students. At the same time it should emphasise that the EQF should respect the diversity and strengths of regions and localities in the EU. The EQF will not replace but complement national and regional qualifications frameworks.

The CoR could also highlight that the choice if and if yes how to organise early childhood education remains with the member states and in some of these with their regional authorities. Moreover, the CoR could stress that the financing of pre-school education puts a lot of local and regional authorities under considerable budgetary pressure (see also under point 3 costs of implementation.

3. Compliance with the proportionality principle.

The present communication makes no reference to the proportionality aspect nor to the evaluation of the effects of the proposals presented. Even though it recognises the important role of Member States in education and employment policy, it fails to mention the **crucial role to be played by regional and local authorities**, especially in view of the fact that they are significant employers often offering employment possibilities to young people. Some issues exhibit a significant regional dimension (e.g. unemployment, poverty, social exclusion and minority participation) and can be very effectively dealt with at the regional or local level like voluntary activities and youth organisations.

Key point

According to **article 7 of the Protocol** on subsidiarity and proportionality, "*Community measure should leave as much scope for national decision as possible, while also respecting well established national arrangement and the organisation and working of the Member States' legal systems*".

The CoR could welcome that the Commission recognises that Member States play a major role in implementing youth policy. Nevertheless, it could regret that the Communication makes little reference to the role of local and regional authorities in tackling the challenges involved in the participation of young people in education, employment and society. It is important that the promotion of young persons' participation come from and involve the local and regional level.

In this context the CoR could reiterate proposals it made in previous opinions.

The CoR could welcome that the Commission launched (point 5.1) a dialogue with young people and that in doing so invites Member States to involve local and regional authorities and to implement results of this dialogue.

Regarding **the youth participation**, the CoR has already called upon, in the **Opinion on the Communication on the follow-up to the White Paper on a New Impetus for European Youth**⁵, "the governments of the Member States, together with local actors, to create the appropriate conditions in terms of legislation and resources for work on involving all young people in local political life". In the same line, the CoR has encouraged and supported the establishment of youth councils at local level, and has stressed the importance of European youth organisations and other organisations active in the youth field, to work in networks and exchange good practice in this area.

Key point

Therefore, following the **CdR Opinion 397/2006 on Better Lawmaking 2005 and 2006**, and considering the importance of consultation and involvement of all partners in the legislative process to make the decision-making process more open, inclusive, operation and democratic, the *CoR could encourage that youth organisations in Member States participate actively in the consultations related to their policy interest policies through their existing structures in each region or Member State. In the framework of broadening its consultation base the CoR could even launch the creation of an own CoR register or network for those associations/structures in order to involve them in the European debate.*

Costs of implementation

Despite the general nature of the proposals made in the communication, some of them could result in **an extra administrative and financial burden** for regional and local authorities. The communication does not indicate clearly where the necessary funds would come from to finance these reforms (e.g.: the Commission invites Member states to equip youth organisations and youth workers to deal with health issues, improve lifelong learning strategies, to finance pre-school education, etc.). A general reference is made to the European Social Fund and to other structural instruments (e.g. in order to provide young people with transition pathways from education to work/employment). Nevertheless, it should be reminded that these **Community funds are always just complimentary to national/regional financing instruments.**

Key point

In accordance to paragraph 9(3) of the Protocol, the Commission should not only justify the relevance of its proposals with the regard to the principle of subsidiarity⁶ but also "*take duly into account the need for any burden, whether financial or administrative, falling upon the Community, national governments, local authorities, economic operators and citizens, to be minimised and proportionate to the objective to be achieved*". **The Commission has not presented an impact assessment on the issue nor does it provide any type of analysis regarding the funding**

⁵ Opinion CdR 309/2003 fin.

⁶ Article 4, Protocol on the application of the principles of subsidiarity and proportionality.

The CoR could therefore *highlight that the measures to promote young people's participation in education, employment and society will undeniably entail an **economic burden for local and regional authorities** as they are very often large employers and that an impact assessment of these costs would have been necessary according to the Protocol on Subsidiarity/Proportionality.*

Furthermore, the CoR could underline that lifelong learning strategies, investment in human capital, as well as the modernisation of social security systems and unemployment benefit – although in principle welcomed - could bear considerable costs for the Member States and for local and regional authorities which so far have not been analysed neither.

The same question arises with the financing of pre-school and early childhood education which is already a difficulty in some regions and Member States of the European Union. If the EU wants to develop a stronger dynamic in this policy field, the CoR should suggest to the Commission to come forward with studies and strategies on how to assure a proper financing of this policy.
