



**European Committee
of the Regions**

Brussels, 5 June 2020

SUBSIDIARITY WORK PROGRAMME 2020

Subsidiarity Work Programme 2020

1. Introduction

In accordance with the Subsidiarity Monitoring Strategy¹, the Subsidiarity Work Programme (SWP) is prepared by the Subsidiarity Steering Group (SSG) and the Subsidiarity Expert Group (SEG) in coordination with all commissions to ensure a consistent approach to the subsidiarity monitoring of legislative initiatives.

The Subsidiarity Work Programme is based on a priority list, i.e. an initial pre-selection of legislative initiatives included in the 2020 European Commission Work Programme based on the following cumulative criteria²:

- initiatives should present a clear political interest for local and regional authorities;
- initiatives should touch on competences of local and regional authorities;
- initiatives should have a potential subsidiarity dimension;
- preference should be given to legislative proposals. Moreover, the pre-selection takes account of European Committee of the Regions (CoR) priorities and initiatives included in the work programmes of the commissions.

This work programme provides guidelines for the work to be carried out in 2020 and therefore helps to ensure forward-looking and strategic planning of subsidiarity monitoring activities while also ensuring the necessary flexibility to adapt to changes in the institutional and political agenda, in particular changes linked to the current health crisis (COVID-19).

2. Priority initiatives³

The following **five priority initiatives were identified, along with three additional relevant dossiers** for the 2020 SWP. These additional dossiers were chosen to replace one or more of the priority initiatives if the latter do not materialise, do not progress sufficiently in 2020 or are not considered sufficiently relevant upon a more detailed analysis. The priority list could also be subject to changes following the institutional and political agenda, once the content of the European Commission initiatives is known and if the Commission submits other initiatives outside its Work Programme which could be relevant in terms of subsidiarity, in particular initiatives linked to the health crisis (COVID-19).

¹ R/CdR 606/2012 item 7a).

² Criteria established by the SEG at its first meeting on 25 October 2012.

³ Descriptions of the selected initiatives are taken from the European Commission Work Programme 2020 (adjustment published 27 May 2020).

Furthermore, the CoR will continue to closely follow the subsidiarity monitoring activities carried out by regional and national parliaments, particularly via its Subsidiarity Expert Group and REGPEX⁴, the internet platform dedicated to regional parliaments and governments.

Any change of priority files or addition of relevant dossiers would be done in agreement with the SSG, taking account of the work programme of the relevant CoR commission.

2.1 Digital services

This initiative contains: the Digital Services Act (legislative, incl. impact assessment, Article 114 TFEU, Q4 2020). This legislative proposal is expected to update the EU regulatory framework for online services, including for collaborative economy platforms. Following their rapid development in the past years, these platforms (in particular in the accommodation and transport sectors) have had a very significant impact at the local and regional level. There is legal uncertainty surrounding their activities and several cities have launched legal proceedings or appealed for regulatory changes. In its most recent [opinion](#) on the topic in December 2019, the CoR called for the new European regulatory framework to "recognise this territorial dimension and to strengthen the capacity of public authorities to take action to regulate the collaborative economy according to their national, regional or local situation, in full respect of the principle of subsidiarity."

2.2 The European Green Deal

This initiative contains: the Communication on the European Green Deal (non-legislative, Q4 2019); European Climate Law enshrining the 2050 climate neutrality objective (legislative, Article 192(1) TFEU, Q1 2020); the European Climate Pact (non-legislative, Q4 2020). Aiming to work on several sectors, such as biodiversity, energy, mobility, agriculture, circular economy, building and zero-pollution, the European Green Deal will be "deeply transformative" and local and regional authorities are directly as well as indirectly targeted and closely concerned. Therefore, any legislative and non-legislative initiatives presented by the European Commission have to adhere to the principles of subsidiarity and proportionality.

2.3 Protecting our environment

This initiative contains: the EU Biodiversity Strategy for 2030 (non-legislative, Q1 2020); the 8th Environmental Action Programme (legislative, Article 192(3) TFEU, Q4 2020); the chemicals strategy for sustainability (non-legislative, Q3 2020). While all are important, the 2020 SWP will particularly focus on the only legislative proposal, the 8th Environmental Action Programme, as it may affect key competences of local and regional authorities on environmental protection, standards, renewables, energy efficiency, spatial planning, etc.

2.4 Social Europe

This initiative contains: A Strong Social Europe for Just Transitions (non-legislative, Q1 2020); Fair minimum wages for workers in the EU (Articles 153(1)b, 153(2) and 154 TFEU, Q1/Q4 2020);

⁴ <http://portal.cor.europa.eu/subsidiarity/regpex/Pages/default.aspx>.

Reinforcing the Youth Guarantee (non-legislative, Q2 2020); European Unemployment Reinsurance Scheme (legislative, incl. impact assessment, Q4 2020; temporary instrument adopted). The 2020 SWP will particularly focus on the legislative proposal on Fair minimum wages for workers in the EU. Fair minimum wages are essential to prevent in-work poverty, to provide adequate protection to low-level earners and to support overall wage growth. While there are different devolution structures in each Member State and national specificities in the field of minimum wage setting, the local and regional authorities (LRAs) are legitimately and directly responsible for implementation of various labour laws, take active part in collective bargaining agreements and help set wage trends; as a result, the subsidiarity principle should be an inherent part of any discussion related to fair minimum wages.

2.5 A New Pact on Migration and Asylum

This initiative contains: A New Pact on Migration and Asylum and accompanying legal proposals (non-legislative and legislative, Articles 78 and 79 TFEU, Q2 2020). Migration and its management affect many areas of social and economic policies for which local and regional levels of authority are responsible. They bear key responsibilities in providing services for migrants and asylum seekers such as housing, health care and education and have to ensure social cohesion and integration measures in their communities. LRAs intervene in different sectors to ensure the wellbeing of these vulnerable persons providing services such as housing, education, health care and general integration initiatives.

3. Additional relevant initiatives⁵

3.1 Commission contribution to COP26 in Glasgow – 2030 Climate Target Plan (*non-legislative, incl. impact assessment, Q3 2020*)

Although the planned communication on the 2030 Climate Target Plan is a non-legislative initiative, it will be a comprehensive plan to increase the EU's climate target for 2030 to at least 50% and towards 55% in a responsible way. This plan – including legal action revising current climate targets – should be scrutinised regarding its compliance with proportionality.

3.2 Sustainable production and consumption – Empowering the consumer for the green transition (*legislative, incl. impact assessment, Article 114 TFEU, Q2 2021*)

The proposal on Empowering the consumer for the green transition may have an impact on local and regional authorities as consumer protection and trading standards are often their competences, raising subsidiarity and proportionality concerns. Moreover, this particular initiative could be seen in the broader discussion of the European Green Deal and its impact at local level.

3.3 European Strategy for Data (non-legislative, Q1 2020)

Local and regional authorities are collecting and processing a massive amount of data already and this EC Communication should be monitored to assess the impact on their situation as data users as well as data providers, and the implications for the principle of local self-governance.

⁵ Descriptions of the additional relevant initiatives are taken from the European Commission Work Programme 2020 (adjustment published 27 May 2020).

4. **Cooperation with other institutions, organisations, bodies and associations**

Based on the protocol on the cooperation between the CoR and the European Commission⁶, the CoR will build on its privileged relationship with the Commission concerning subsidiarity monitoring. As per the Communication of the European Commission⁷ on strengthening the role of subsidiarity and proportionality, the CoR should facilitate communication between sub-national levels and the European level. Moreover, in accordance with the cooperation agreement, close relations and cooperation between the CoR and the European Parliament should be ensured as early as possible in the legislative phase, namely with the JURI and AFCE Committees.

Cooperation with the national parliaments and COSAC will also continue. Furthermore, the CoR will pursue close cooperation with the Conference of European Regional Legislative Assemblies (CALRE) in terms of subsidiarity monitoring. Synergies with the CoR-CALRE pilot project contributing to the preparation of the EC WP 2021 will be pursued.

5. **Adoption procedure and implementation**

The SWP is prepared in parallel to the work programme of all CoR commissions. The adoption procedure comprises several steps: first, the SEG and CoR commission chairs carry out a pre-selection of initiatives on the basis of the Commission Work Programme 2020. Then this pre-selection is discussed by the SEG, the draft Subsidiarity Work Programme is prepared and then submitted to the SSG for decision. Usually the SSG chairs present the draft Subsidiarity Work Programme to the CIVEX commission. However, in 2020, due to the necessity to hold a shorter meeting, the Subsidiarity Work Programme will be presented by the CIVEX chair. Finally, the Bureau adopts the final SWP together with work programmes of all commissions, making sure that they have the necessary flexibility to adapt to changes in the institutional and political agenda, in particular changes linked to the current health crisis (COVID-19).

Given that the CIVEX commission has responsibility for the oversight of subsidiarity and proportionality monitoring, and in light of the emphasis placed by the European Commission on ensuring that the principle of subsidiarity is fully upheld, the CIVEX commission cooperates closely with all commissions in the implementation of the work programme. For this purpose, CIVEX relies on the work of the Subsidiarity Monitoring Network and its Subsidiarity Steering Group and the Subsidiarity Expert Group.

⁶ Point 23 of the Protocol on the cooperation between the European Commission and the Committee of the Regions signed on 16 February 2012, OJ C 102, 5.4.2012.

⁷ COM(2018) 703 final, *The principles of subsidiarity and proportionality: Strengthening their role in the EU's Policymaking*.