



**European Committee
of the Regions**

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SUBSIDIARITY WORK PROGRAMME 2021

Subsidiarity Work Programme 2021

1. Introduction

In accordance with the Subsidiarity Monitoring Strategy¹, the annual 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 European Commission Work Programme 2021² based on the following cumulative criteria³:

- 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 2021 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 COVID-19 health crisis.

2. Priority initiatives⁴

The following **5 priority initiatives** (representing one cluster of actions from the "Fit for 55 package" and two other initiatives) **were identified, along with 7 additional relevant dossiers** for the 2021 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 2021 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

¹ Item 7 a) – Subsidiarity Monitoring – A revised strategy (R/CdR 606/2012)

² 2021 Commission work programme – key documents | European Commission (europa.eu)

³ Criteria established by the SEG at its first meeting on 25 October 2012.

⁴ Descriptions of the selected initiatives are taken from the European Commission Work Programme 2021.

European Commission initiatives is known and if the Commission submits other initiatives outside its Work Programme which could be relevant in terms of subsidiarity.

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 REGPEX⁵, 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 **'Fit for 55 package'**

Revision of the energy performance of Buildings Directive

(legislative, incl. impact assessment, Article 194 TFEU, Q4 2021)

On the European Green Deal, the Commission's focus will be overhauling our relevant climate and energy legislation to align with the newly proposed target to reduce emissions by at least 55% by 2030, as compared to 1990 levels. This will be brought together in the "Fit for 55 Package" which will cover everything from renewables to energy efficiency first, buildings, as well as land use, energy taxation, effort sharing and emissions trading and a wide range of other pieces of legislation.

In this perspective, local and regional authorities are affected and challenged by a revision and tightening of the targets for the energy performance of buildings directive. The provision of energy is a local competence in many EU member states, as is the construction and/or renovation of public buildings. Moreover, considering, among others, the role of local and regional authorities as public owners and the impact those initiatives would therefore have on them, the CoR believes it would be valuable to properly assess the subsidiarity dimension of this revision.

2.2 **'Fit for 55 package'**

Amendment to the Renewable Energy Directive to implement the ambition of the new 2030 climate target

(legislative, incl. impact assessment, Article 194 TFEU, Q2 2021)

With the "Fit for 55 package" there is a translation from the ambitions of the EU green deal into legislative proposals which are politically important and touch upon several local and regional authorities' competences. The package is broad but we will focus especially on some specific issues such as the importance of renewable energy. This directive significantly affects the regions, cities and municipalities, and it should be examined with regard to the scope of appropriate regulation at EU level (principle of proportionality). This includes checking

⁵ <http://portal.cor.europa.eu/subsidiarity/regpex/Pages/default.aspx>.

whether it is actually suitable for effectively contributing to the achievement of the objectives initially formulated by the European Commission and whether it is in line with the additional effort required for what is intended to be achieved.

2.3 **'Fit for 55 package'**

Amendment of the Energy Efficiency Directive to implement the ambition of the new 2030 climate target

(legislative, incl. impact assessment, Article 194 TFEU, Q2 2021)

The depth and breadth of the work planned across the European Green Deal reflects the systemic nature of the green transition and its importance as a growth strategy. In this initiative of the "Fit for 55 package", LRAs are partly obliged to set and/or contribute to the creation and implementation of national energy and climate plans. There are model regions and cities that are already implementing concepts for increasing energy efficiency. It is particularly important to clarify whether the increased objectives with suitable measures can also be achieved at local and regional level.

2.4 **'Biodiversity and toxic-free environment package'**

Minimising the risk of deforestation and forest degradation associated with products placed on the EU market

(legislative, incl. impact assessment, Q2 2021)

The European Green Deal goes far beyond cutting emissions, and in the "Biodiversity and toxic-free environment package", the EC aims to reduce the risk of products associated with deforestation. In some EU member states, local and regional authorities are responsible for the protection and preservation of forests. As the effectiveness of the implementation of EU environmental policy largely depends on its implementation at regional and local levels, EU action in the matter is of great relevance for LRAs. Therefore, it would be of great value to rely on a deeper subsidiarity analysis to determine whether the proposed initiative remains within the boundaries of what is necessary to be defined at EU level.

2.5 **'Sustainable and smart mobility'**

Revision of the Regulation on the trans-European transport network (TEN-T)

(legislative, incl. impact assessment, Article 172 TFEU, Q3 2021)

The European Commission will put forward a series of measures on smart and sustainable transport, including this revision of the Regulation on the trans-European transport network. The design and definition of high-ranking transport networks in the interests of the EU affect fundamentally regions and especially the metropolises. This includes questions of finance, approval procedures and environmental concerns. The Commission also postulates the objective that "mobility should be accessible and affordable for all people in all regions". For urban centers as well as for rural regions, this means that the mostly public transport modes

would have to provide appropriate cheap transport offers and/or create social systems in parallel in order to meet this objective. The “social component” in particular is a matter that almost exclusively falls within the competence of the member states and here often that of the regions and municipalities.

3. Additional relevant initiatives⁶

3.1 'Fit for 55 package'

Revision of the Directive on deployment of alternative fuels infrastructure (legislative, incl. impact assessment, Article 91 TFEU, Q2 2021)

With this initiative, which is part of the effort to operationalise the EU Green Deal, the EC is trying to densifying the existing infrastructures directly on site in municipalities and cities, hand in hand with the needs of consumers. The range of "alternative energies" and thus of the infrastructures to be made available is increasing and often does not cover costs. The challenge in setting up the infrastructure consists mainly in complex approval procedures to face the new challenges. Local and regional authorities are in the forefront and this directive should be scrutinized regarding its compliance with the principle of subsidiarity and proportionality

3.2 'Biodiversity and toxic-free environment package'

New legal framework on the restoration of healthy ecosystems (legislative, incl. impact assessment, Article 192 TFEU, Q4 2021)

The proposal to draft a "New legal framework on the restoration of healthy ecosystems" will have an impact on LRAs. Conservation, restoration and preservation of biodiversity and the diversity of nature are often matters for the countries and regions in the Member States. The topic also has a massive impact on agriculture and forestry, areas that are often administered in a decentralised way in the EU.

3.3 'Sustainable and smart mobility'

EU 2021 Rail Corridor Initiative, including the revision of the Rail Freight Corridor Regulation and actions to boost passenger rail (non-legislative and legislative, incl. impact assessment, Article 91 TFEU, Q3 2021)

The immense complexity of the rail corridors is a real challenge. The gains that can be expected from the multitude of interactions and synergies, the technological opportunities, should be strong motivators to face that complexity. In this frame national, regional and local authorities are important actors. This initiative touches upon many competences of local authorities and is crucial in mobility component of energy transition.

⁶ Descriptions of the additional relevant initiatives are taken from the European Commission Work Programme 2021.

3.4 **'Transparency and democracy package'**

Revision of the Council Directive laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals (legislative, incl. impact assessment, Article 22 TFEU, Q4 2021)

LRAs with legislative powers have the competence to regulate the right to vote for the regional authorities falling within their organizational competence. This is the right to vote for regional parliaments, city councils and, if necessary, directly elected top mandates from executive bodies (e.g. mayors). This initiative could be relevant in terms of subsidiarity due to its direct impact on local decision-making processes. Moreover, depending on the content, the revised legislation might reveal proportionality issues as regards the practical arrangements to vote and to be elected in local elections.

3.5 **'Transparency and democracy package'**

Revision of the Council Directive laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals (legislative, incl. impact assessment, Article 22 TFEU, Q4 2021)

With this initiative, it is unclear to what extent a legal change is required. If the possibility is to be created that, there should be cross-state candidacies and electoral lists. This plan – including legal action revising current climate targets – should be scrutinized regarding its compliance with proportionality

3.6 **'Biodiversity and toxic-free environment package'**

Zero pollution action plan for water, air and soil
(non-legislative, Q2 2021)

This initiative would have to be examined with regard to the principle of conferral and regarding measures that are already being taken at Member State level as well as regarding the appropriateness of any initiative at EU level in comparison with national and regional measures. The zero pollution action plan will most likely have an impact on a number of local competences, one of them being the protection of groundwater against pollution.

3.7 **'Fair economy package'**

Recommendation for a European child guarantee
(non-legislative, Q1 2021)

The European Child Guarantee was first announced in 2019, in the political guidelines of the then candidate Ursula von der Leyen. A European Commission recommendation on a European Child Guarantee is now expected during first quarter of this year (Q1/2021). Its aim will be to

ensure that every child that is at risk of poverty or social exclusion in the European Union has access to basic rights such as healthcare, housing and education, thus reducing children poverty and social inequalities.

From a subsidiarity perspective and given the large scope the European Child Guarantee, it would be important to assess the different areas relevant to the Child Guarantee as well as the level of implementation of its main policies between cross-border, national and regional or local level. This would ensure that the recommendations made at the EU level adhere to the principles of subsidiarity.

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

Based on the protocol on the cooperation between the CoR and the European Commission⁷, the CoR will build on its privileged relationship with the Commission concerning subsidiarity monitoring. As per the Communication of the European Commission⁸ 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 AFCO Committees. Furthermore, the CoR will pursue close cooperation with the Conference of European Regional Legislative Assemblies (CALRE) in terms of subsidiarity monitoring.

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 2021. Then, this pre-selection is discussed by the SEG, the draft Subsidiarity Work Programme is prepared and then submitted to the SSG for decision. The SSG Chair presents the draft Subsidiarity Work Programme to the CIVEX commission. 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.

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, making use of all

⁷ 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.

⁸ COM(2018) 703 final, *The principles of subsidiarity and proportionality: Strengthening their role in the EU's Policymaking*.

synergies and available resources. For this purpose, CIVEX relies on the guidance of the Subsidiarity Steering Group, the work of the Subsidiarity Expert Group and assessments from the members of the Subsidiarity Monitoring Network.
