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of the Regions**

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REGIONS**

- 23 MAY 2023 -

POINT 7

ANNUAL SUBSIDIARITY WORK PROGRAMME FOR 2023

Submitted by the secretary-general

FOR DECISION

SUMMARY

Bureau meeting: 219

Date: 23/05/2023

Point 7

Annual Subsidiarity Work Programme for 2023

Type:

- Document for information / debate
- Document for decision
- Recommendation to the Assembly

Short description:

Following the decision of the CoR Bureau of June 2022, the Better Regulation and Active Subsidiarity Steering Group¹, (BRASS-G) is submitting the CoR 2023 Annual Subsidiarity Work Programme, based on a contribution by the Subsidiarity Expert Group (SEG) and consultations with the CoR commissions to ensure a consistent approach to the subsidiarity monitoring of legislative initiatives.

Beyond the implementation of this annual work programme, an holistic reflection will be launched in 2023 in order to revitalise the CoR's subsidiarity monitoring activities in line with the changing context of the interinstitutional subsidiarity debate, primarily as a result of:

- the follow-up to the recommendations of the Conference on the Future of Europe regarding subsidiarity and the role of the CoR, and
- the need to adapt the CoR's structure and processes on monitoring subsidiarity in the wider "active subsidiarity and better regulation" approach.

The Bureau is asked to adopt the Annual Subsidiarity Work Programme for 2023

¹ CoR Bureau Decision No [CoR-2022-02422-23](#).

1. Introduction

The SWP is based on a priority list of proposed initiatives preselected on the basis of the available information from the European Commission Work Programme 2023² (ECWP) and informed by 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 preselection takes account of European Committee of the Regions (CoR) priorities and initiatives included in the commissions' work programmes.

This work programme provides guidelines for the work to be carried out in 2023 and helps to ensure strategic planning of subsidiarity monitoring activities while also allowing the necessary flexibility to adapt to changes in the institutional and political agenda. It also provides a basis to seek synergies with the CoR's other activities in the area of better regulation, such as its territorial impact assessments, and where appropriate the work of the RegHub initiative and the Fit4Future platform, in the spirit of promoting "active subsidiarity" and in line with the creation of the BRASS-G.

The BRASS-G will therefore, in addition to identifying a priority list of subsidiarity-relevant files, also follow-up on the **subsidiarity-related recommendations of the Conference on the Future of Europe** (CoFoE)⁴.

The **10th Subsidiarity Conference, held in Valencia on 11 November 2022**, built on the momentum of the Conference on the Future of Europe's recommendations on active subsidiarity and involving local and regional authorities more in EU policymaking. The Subsidiarity Conference adopted a set of [conclusions](#) which underline the need to follow up on the CoFoE's recommendations and develop operational proposals to ensure that local and regional authorities can contribute their experience with all aspects and phases of EU legislation to a lifecycle approach to better regulation at EU level.

2. Priority Subsidiarity Initiatives for 2023

Five priority initiatives have been identified for the CoR's subsidiarity work programme 2023 (SWP) on the basis of the European Commission Work Programme published on 18 October 2022. Four of them (on *healthy soils*, *waste reduction*, *healthy foods* and *SME relief*) are planned as legislative files, whereas the *economic governance* initiative may be legislative or non-legislative (see Annex I).

² The European Commission Work Programme 2023 is to be found [here](#) and the annexes listing all proposed action [here](#)

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

⁴ [Final Report](#) from the Conference on the Future of Europe, May 2022.

In addition, **four additional files are considered to be potentially relevant** and are also recommended for monitoring in application of Rule 54(2) of the CoR's Rules of Procedure, which enlarges the scope of the CoR's subsidiarity scrutiny to legal acts⁵, i.e. including recommendations. Two of these files are announced as "legislative", namely a part of the *social economy package* on cross-border associations, and the *public health initiative* on asbestos monitoring, whereas two others are announced as "legislative/non-legislative", namely the initiatives on *greening corporate fleets* and on *better traineeships*.

This year, **no items from the list of eight REFIT initiatives for 2023**, presented in Annex II of the European Commission Work Programme, have been pre-selected for special monitoring⁶.

The priority list could be subject to change depending on institutional and political developments, and may be re-assessed once the precise content of the European Commission initiatives is known, or if the Commission proposes other initiatives outside its work programme that 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 SEG and REGPEX⁷, the internet platform dedicated to regional parliaments and governments.

Any change in priority files or any additions of relevant dossiers will be proposed to the BRASS-G, taking account of the work programmes of the relevant CoR commissions.

The five priority initiatives proposed for subsidiarity scrutiny are⁸:

1. **Healthy soil:** Initiative on protecting, sustainably managing and restoring EU soils (legislative, inc. impact assessment, Article 192(1) TFEU, Q2 2023)
2. **Waste reduction:** Revision of food waste and textiles aspects of the EU Waste Framework Directive (legislative, inc. impact assessment, Articles 191 and 192 TFEU, Q2 2023)
3. **Economic governance:** Economic governance review (legislative or non-legislative, Q1 2023)
4. **Sustainable food systems:** Legislative framework for sustainable food systems (legislative, inc. impact assessment, Q3 2023)
5. **SME relief:** Revision of the Late Payments Directive (legislative, inc. impact assessment, Article 114 TFEU, Q3 2023)

⁵ "Committee opinions on proposals for legal acts in areas not falling within the Union's exclusive field of competence shall express a view on the proposal's compliance with the principles of subsidiarity and proportionality."

⁶ [Annex II to the 2023 Commission Work Programme](#)

⁷ <http://portal.cor.europa.eu/subsidiarity/regpex/Pages/default.aspx>. At the time of preparing this report, 19 contributions from SMN members had been received by the CoR and had been uploaded to the REGPEX site.

⁸ Further information on the content of the items listed below can be found in Annex I to this document.

The four additional initiatives recommended for observation are:

6. **Sustainable transport:** Greening corporate fleets initiative (legislative or non-legislative, Q3 2023)
7. **Social economy package:**
 - a) Council Recommendation on developing social economy framework conditions (non-legislative, Q2 2023)
 - b) Legislative initiative on cross-border activities of associations (legislative, inc. impact assessment, Article 114 TFEU, Q2 2023, responds to Article 225 TFEU resolution P9_TA(2022)0044 *A statute for European cross-border associations and non-profit organisations*)
8. **Public health:** Screening and registration of asbestos in buildings (legislative, inc. impact assessment, Q2 2023, responds to Article 225 TFEU resolution P9_TA(2021)0427 *Protecting workers from asbestos*)
9. **Fostering better traineeships:** Reinforced quality framework for traineeships (non-legislative and/or legislative, Q2 2023)

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

The CoR and the European Commission cooperate closely on the basis of a bilateral cooperation agreement dating back to 2012⁹. Over the years, the CoR has continuously built on its relationship with the Commission concerning subsidiarity monitoring and will also seek to strengthen its position in the context of a possible renewal of that agreement in the light of the CoFoE's recommendations and the conclusions of the 10th Subsidiarity Conference.

Similarly, in accordance with the cooperation agreement between the European Parliament and the European Committee of the Regions, close cooperation will continue with the aim of bringing the suggestions from local and regional authorities to the EP's attention as early as possible in the legislative phase. The JURI and AFCE Committees are clearly prime interlocutors in this regard but, in the spirit of a lifecycle approach to EU legislation from a better regulation and active subsidiarity point of view, and under the guidance of the BRASS-G, the strong thematic links between CoR commissions and their EP committee counterparts will also be mobilised in this regard.

The CoR will also continue to pursue close cooperation with the Conference of European Regional Legislative Assemblies (CALRE) in terms of subsidiarity monitoring and better regulation.

The BRASS-G will also discuss general questions relating to the role of the CoR in monitoring subsidiarity and proportionality and the contribution of local and regional authorities to better regulation in the light of the recommendations of the Conference on the Future of Europe, and based on the experience the CoR has gathered over the past decade in these fields and in line with the conclusions of the CoR's 10th Subsidiarity Conference held in Valencia, Spain on 11 November 2022.

⁹ Point 23 of the *Protocol on cooperation between the European Commission and the Committee of the Regions* signed on 16 February 2012, OJ C 102, 5.4.2012.

4. Adoption procedure and implementation

The SWP is prepared in parallel with the work programmes of all CoR commissions. Based on the recommendations made by the SEG in their meeting on 23 November 2022, the members of the BRASS-G preselect initiatives on the basis of the 2023 Commission Work Programme.

The draft SWP is then drawn up and submitted to the BRASS-G for decision. The BRASS-G chair presents the draft SWP to the CIVEX commission on 1 February 2023. The CoR Bureau then formally adopts the SWP, while making sure that the work programmes have the necessary flexibility to adapt to changes in the institutional and political agenda.

Given that the CIVEX commission oversees subsidiarity and proportionality monitoring and supports the BRASS-G in its coordination function, CIVEX will cooperate closely with all other commissions in the implementation of the work programme. The subsidiarity team in the CIVEX secretariat ensures communication between BRASS-G, the SEG, the members of the subsidiarity network, and the other CoR Commissions with a view to smooth implementation of the Subsidiarity Work Programme 2023.

The European Commission publishes an annual report on the implementation of the principles of subsidiarity and proportionality during the preceding year, to which the Committee of the Regions is invited to contribute. Previous editions of the report explicitly recognise the role of the CoR in implementing the subsidiarity and proportionality principles, and the BRASS-G will contribute to the report again for 2022¹⁰.

PROPOSAL:

The Bureau is asked to adopt the Annual Subsidiarity Work Programme for 2023.

¹⁰ The report on 2021 (published in August 2022) can be found [here](#).