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of the Regions**

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ITEM 8A)

SUBSIDIARITY ANNUAL REPORT 2016

Submitted by the secretary-general

FOR INFORMATION

SUMMARY

Bureau meeting: 175

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Item 8a)

Subsidiarity Annual Report 2016

Type:

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

Short description:

The seventh Annual Report on Subsidiarity presents the main features of the Subsidiarity Work Programme 2016, summarises activities carried out with a view to its implementation in 2016 and details the governance structure and tools for subsidiarity monitoring as well as the impact of the monitoring by examining the content of relevant CoR opinions with regard to subsidiarity.

The Bureau is invited to:

- Take note of this document.

Remarks:

NA

1. Introduction

This seventh Annual Report on Subsidiarity sets out the subsidiarity and proportionality-related activities of the European Committee of the Regions (CoR) in 2016. In that year, in line with the Treaty on the EU (Art. 5(3)), which explicitly contains a local and regional dimension and thus underlines the need to respect the competences of local and regional authorities within the EU, the CoR monitored application of the subsidiarity principle through its various instruments. Via the Subsidiarity Work Programme¹, four initiatives selected from the European Commission's 2016 Work Programme were monitored with particular attention. In addition, using its own internal rules², the CoR assessed the compliance with the subsidiarity and proportionality principles of all legislative proposals on which it issued opinions.

In order to achieve the best possible legislation, the CoR seeks to constructively contribute to the European decision-making process at an early stage; the purpose of its subsidiarity monitoring activities is to detect any subsidiarity and proportionality concerns as early as possible in the legislative procedure.

The seventh Annual Report on Subsidiarity presents the main features of the Subsidiarity Work Programme 2016, summarises activities carried out with a view to its implementation in 2016 and details the governance structure and tools for subsidiarity monitoring as well as the impact of the monitoring through an examination of the content of relevant CoR opinions with regard to subsidiarity. The final sections are devoted to the most important events of the year in the field of subsidiarity, as well as the conclusions and outlook for the following year.

2. Subsidiarity Work Programme 2016

2.1 Adoption

In accordance with the Subsidiarity Monitoring Strategy³, a Subsidiarity Work Programme for 2016 was drawn up using a procedure comprising several steps. The first step consisted of an initial pre-selection of legislative initiatives from the European Commission Work Programme 2016 by the Subsidiarity Expert Group⁴ and the CoR Commission Chairs, based on the following criteria and information available at that stage:

- a) initiatives should present a clear political interest for local and regional authorities;
- b) initiatives should touch on competences of local and regional authorities;
- c) initiatives should bear a potential subsidiarity dimension.

¹ [COR-2016-00911-09-00-NB](#) adopted by the CoR Bureau on 4 April 2016.

² Rule 55(2) of the Rules of Procedure OJEU L65/41, 5.3.2014, http://www.toad.cor.europa.eu/pdf/rop_en.pdf.

³ R/CdR 606/2012 item 7a), adopted on 2 May 2012.

⁴ The SEG meeting took place on 14 January 2016.

The second step entailed endorsement by the Subsidiarity Steering Group by written procedure on 29 January 2016 and the presentation of the draft Work Programme at the CIVEX commission meeting on 5 February 2016. The final programme was adopted by the CoR Bureau on 6 April 2016.

2.2 Implementation

On the basis of the Subsidiarity Work Programme (SWP), the CoR administration set up an early internal flagging system to ensure proper monitoring of the selected EU initiatives that might raise subsidiarity concerns. The implementation of the SWP requires the involvement at the earliest possible stage of all relevant political and administrative stakeholders, with a view to identifying and planning subsidiarity monitoring activities.

2.2.1 Circular Economy package

The Subsidiarity Expert Group (SEG) was first consulted regarding proposals for Directives of the new **Circular Economy package**, amending four directives concerning waste, waste packaging, landfill of waste and batteries⁵. The majority of experts considered that the waste management targets did not give cause for concern in terms of subsidiarity but that, as far as the principle of proportionality was concerned, the targets included in the 2014 legislative proposal were disproportionate. The opinion⁶ concluded that: "*while there is no cause for concern as regards compliance with subsidiarity, the European Commission's proposals do give rise to concerns as regards compliance with proportionality*".

2.2.2 Revision of the Posting of Workers Directive

The **Revision of the Posting of Workers Directive**⁷ was the second consultation in 2016 and respondents highlighted that the proposal included significant new elements and that the proposed measures were not justified in an adequate and substantiated manner. In terms of the material aspects of subsidiarity, the opinion⁸ did not raise any issue and agreed with the Commission proposal "*that the objective of the proposed revised Directive, that is, a common definition of the rules applicable to the posting of workers, can be better achieved at EU level*". The opinion also emphasised that "*neither the current directive nor the directive amending it aims to harmonise conditions between the Member States*". In terms of proportionality, no issues were raised.

2.2.3 Revision of the Audiovisual Media Services Directive

⁵ COM (2015) 593 final, COM (2015) 594 final, COM (2015) 595 final and COM (2015) 596 final.

⁶ COR-2016-00585.

⁷ COM (2016) 128 final.

⁸ COR-2016-02881.

For the Revision of the Audiovisual Media Services Directive (AVMSD)⁹, experts concluded that the proposal appeared to comply with the subsidiarity principle, but that the extremely detailed rules on national regulatory authorities did not leave much room for national decision-making, and that the proposal therefore raised proportionality concerns. The adopted opinion¹⁰ stated that: "*while the proposal appears to comply with the subsidiarity and proportionality principles, the minimum harmonisation approach and cooperation mechanisms must be preserved and therefore, the proposed rules on national regulatory authorities must leave enough room for manoeuvre for national and sub-national decision-making*".

2.2.4 Copyright in the Digital Single Market

The final SEG consultation in 2016 concerned a Proposal for a Directive on **copyright in the Digital Single Market**¹¹. No issues were raised with regard to subsidiarity or proportionality. The CoR opinion adopted in Plenary in February 2017, found that "*arguments regarding the added value of a European-level legislative measure in this sector were convincing*" and attested to compliance with the subsidiarity and proportionality principles.

2.2.5 Initiatives not submitted to subsidiarity monitoring

One more initiative from the 2016 Subsidiarity Work Programme - the legislative proposals of the "Clean Energy for all Europeans" Package¹² - was not monitored, as the proposals were only presented on 30 November 2016; they have therefore been included in the 2017 Subsidiarity Work Programme.

3. Political governance and CoR tools for subsidiarity monitoring

3.1 Subsidiarity Steering Group

The Subsidiarity Steering Group was set up in September 2012 to provide political governance for subsidiarity monitoring at the CoR and to ensure coordination between the CoR's administrative and political activities on subsidiarity matters. During 2016, the Subsidiarity Steering Group further consolidated subsidiarity monitoring activities and adapted them to the reorganisation of the CoR Secretariat-General, so as to use all synergies resulting from the attachment of subsidiarity monitoring activities to the CIVEX commission, at political and administrative level. In this framework, the Steering Group adopted an internal working document laying down this improved governance structure.

Attention should also be drawn to the key role played by Steering Group members in raising awareness of subsidiarity and proportionality monitoring and helping the CoR to establish contacts

⁹ COM(2016) 287 final.

¹⁰ COR-2016-04093.

¹¹ COM(2016) 593 final and COM(2016) 592 final.

¹² <https://ec.europa.eu/energy/en/news/commission-proposes-new-rules-consumer-centred-clean-energy-transition>.

with national and regional parliaments. The Subsidiarity Steering Group initiated the pilot project for awareness-raising and training events and played a leading role in the awareness-raising and training event in Rome (Italy) on 19 February 2016.

The activities of the Steering Group in 2016 helped to ensure that subsidiarity matters had a high profile in the CoR's political activities.

3.2 Subsidiarity Expert Group

Under the revised subsidiarity strategy, the Subsidiarity Expert Group was set up to provide back-up for subsidiarity monitoring with expert knowledge from the local and regional level. The members of the group were selected from members of the Subsidiarity Monitoring Network for their expertise and experience in subsidiarity monitoring.

The preparation of the CoR Subsidiarity Work Programme, one of the Subsidiarity Expert Group's most important contributions, is carried out at the beginning of the subsidiarity monitoring cycle. In early 2016 the experts assisted the CoR with the selection of subsidiarity priorities from the European Commission's Work Programme 2016. The involvement of the experts ensures that initiatives that are particularly relevant from the point of view of subsidiarity and of interest to regional and local authorities are selected to form part of the CoR Subsidiarity Work Programme in order to be subject to thorough subsidiarity monitoring.

As already mentioned above (points 2.2.1 and 2.2.4), the Subsidiarity Expert Group dealt intensively with four files of the Subsidiarity Work Programme 2016, the outcome of which was forwarded to the relevant rapporteurs. Members of the Expert Group also actively contributed to the awareness-raising and training event in Rome on 19 February 2016. Two experts were among the speakers in the part dedicated to the practical application of the subsidiarity and proportionality principles.

The experts' contribution to the CoR's consultative activities creates a link to the subsidiarity debate in Member States, strengthens mutual understanding and brings the CoR closer to its local and regional partners and thus to the needs of Europeans. In fact, the Expert Group also serves as a network of "core" CoR contact points for subsidiarity in Member States. Consequently, the active participation of the SEG helps create a culture of subsidiarity in Europe.

3.3 Subsidiarity Monitoring Network

Through the Subsidiarity Monitoring Network¹³ launched in 2007, the CoR enables its partners to become involved in various phases of the EU decision-making process. This is an important function in view of the Lisbon Treaty, which underlines the local and regional dimension of subsidiarity and strengthens the CoR's role with regard to subsidiarity monitoring. The network grew further in 2016 and included 153 partners at the end of the year¹⁴. The newcomers in 2016 were two regional assemblies with legislative powers, the Brandenburg State Parliament and the Parliament of the

¹³ <http://portal.cor.europa.eu/subsidiarity/thesmn/Pages/default.aspx>.

¹⁴ See list of partners in Appendix 1.

German-speaking Community in Belgium, and one regional government, the Tyrol State Government. The network now includes local and regional authorities and their associations, regional parliaments and a few national parliaments and national CoR delegations. Efforts will be continued so as to encourage the active participation of all network partners in consultations and subsidiarity-related activities and to further extend the network.

In 2016, the CoR further upgraded and developed REGPEX¹⁵ - the sub-network of the Subsidiarity Monitoring Network open to parliaments and governments of regions with legislative powers which, at the end of 2016, counted 76 partners (47 regional assemblies and 29 regional governments). The REGPEX search engine facilitates a selection of priorities for subsidiarity monitoring and an exchange of information between partners by providing direct access to information for subsidiarity analysis, and links to EurLex, IPEX, CoR opinions and other REGPEX partners' contributions. REGPEX continues to be an important tool for subsidiarity monitoring. It plays a vital role in the monitoring of initiatives under the Early Warning System and fosters the exchange of good practice and a more common approach to subsidiarity monitoring.

In 2016, a total of 28 contributions submitted by REGPEX partners were uploaded to the platform. The Upper Austria State Parliament, the Emilia Romagna Regional Legislative Assembly and the Bavarian State Parliament were among the most active partners.

4. Subsidiarity in CoR opinions

Pursuant to Rule 55(2) of the Rules of Procedure¹⁶, the CoR assesses in its opinions the compliance of legislative proposals on shared competences with the subsidiarity and proportionality principles.

The CoR adopted fifty opinions in 2016¹⁷. Out of these fifty opinions, thirteen referred to a legislative proposal; ten included an assessment of compliance with the subsidiarity principle; and twelve included an assessment of compliance with the proportionality principle. One of the opinions did not include any legislative amendments and did not refer to the legislative proposal; instead it focused on the related Communication and consequently did not include any assessment. Two opinions referred to legislative proposals in areas of exclusive EU competence and did not therefore include any assessment of compliance with the subsidiarity principle. There was no need for the Subsidiarity Steering Group to intervene and table amendments to comply with the Rule 55(2).

Two opinions, one¹⁸ on a Proposal for a Regulation concerning the establishment of a Union **framework for the collection, management and use of data in the fisheries sector** and support for scientific advice regarding the Common Fisheries Policy¹⁹, and the other²⁰ on the Proposal for a

15 REGPEX (REGional Parliaments information EXchange) is a subsection of the SMN website consisting of a database designed to assist regions with legislative powers with regard to the EWS. It was launched by the CoR in 2012. <http://corportal/subsidiarity/regpex/Pages/default.aspx>.

16 OJEU L65/41, 5.3.2014.

17 See Appendix 2 for an overview of opinions adopted between 1 January and 31 December 2016.

18 COR-2015-05241.

19 COM (2015) 294 final.

Regulation on the **conservation of fishery resources and the protection of marine ecosystems through technical measures**²¹, were in areas of exclusive EU competence, where the subsidiarity principle was not applicable. Both opinions attested to compliance with the proportionality principle.

The opinion on the "**Modernisation of the EU copyright rules**"²², relating to the Proposal for a Regulation ensuring the cross-border portability of online content services in the internal market²³, acknowledged "*the added value of legislating in this area at European Union level*".

The opinion²⁴ on the Proposal to enhance **cost-effective emission reductions and low-carbon investments**²⁵ raised no issues regarding subsidiarity compliance, as "*tackling climate change and its effects is clearly a trans-boundary issue and therefore the objectives of this Directive cannot be sufficiently achieved by the Member States, but better at EU level*" and agreed that it "*complies with the principle of proportionality*".

The opinion²⁶ on the **Structural Reform Support Programme for the period 2017 to 2020**²⁷ concluded that the proposal complied "*with the principle of subsidiarity if technical assistance is provided in areas of shared competence between the Union and the Member States*" adding that "*as the proposal is based on a voluntary mechanism, the question of proportionality does not arise*".

The opinion²⁸ on the establishment of a **European Deposit Insurance Scheme**²⁹ stated that "*the justification presented does not fulfil the criteria required under Articles 2 and 5 of the subsidiarity protocol (Protocol No 2 to the Treaty on European Union), and no impact assessment was undertaken before the proposal was published*" and it urged the European Commission to submit a better substantiated justification to allow for an informed assessment of compliance with the principles of subsidiarity and proportionality.

The opinion³⁰ on the extension of the duration of the **European Fund for Strategic Investments**, as well as the introduction of technical enhancements for that Fund and the European Investment Advisory Hub³¹, concluded that "*the legislative proposal is compatible with the principles of subsidiarity and proportionality*".

20 COR-2016-02898.

21 COM(2016) 134 final.

22 COR-2016-00039.

23 COM (2015) 627 final and also COM(2015) 626 final.

24 COR 05386/2015.

25 COM (2015) 337 final.

26 COR 01214/2016.

27 COM (2015) 701 final.

28 COR-2016-01602.

29 COM(2015) 586 final.

30 COR-2016-05690.

31 COM (2016) 597 final.

The opinion on the "**Reform of the Common European Asylum System**"³² attested that all three proposals³³ complied with subsidiarity and proportionality as "*they clearly tackle cross-border issues – which could not be achieved by Member States acting individually. Furthermore, the proposed measures are necessary in order to achieve the objective of establishing uniform rules applicable to the entire European Union*".

The opinion on "**Legal Migration**"³⁴ concerning the Revision of the EU Blue Card Directive³⁵ stated that "*the proposal is in compliance with the subsidiarity principle as the objective – to compete in the international competition for highly skilled workers – cannot be sufficiently achieved by the Member States acting alone. As regards proportionality, it concluded that "the proposed measures do not go beyond what is necessary to improve the EU's ability to attract and retain highly skilled third-country nationals, as well as to enhance their mobility and circulation between jobs in different Member States, and they leave certain flexibility for Member States to adapt the scheme to their national situation*".

Thirty seven opinions were adopted on non-legislative initiatives: out of these, 14 include a reference to subsidiarity and nine include a reference to proportionality, although it is not a mandatory requirement under the Rules of Procedure.

In terms of support for the assessment of compliance with the subsidiarity and proportionality principles at administrative level, the subsidiarity team contributed in eight cases to policy analyses for rapporteurs at the request of thematic commission secretariats. Furthermore, the subsidiarity team organised targeted training sessions on subsidiarity for the colleagues of commission secretariats in May and June 2016 in order to increase awareness of the requirements of the Rules of Procedure and of the form and content of the compliance assessment, so that the rapporteurs can be better informed early on in the opinion drafting process.

5. Subsidiarity-related events and activities

The Conference on Subsidiarity, Better Regulation and Political Dialogue, co-organised by the Conference of Italian Regional Parliaments, the Italian Senate and the CoR, was held in Rome on 19 February 2016. This pilot subsidiarity awareness-raising project and training event was developed as part of a new concept to match the needs of LRAs against the backdrop of the intended reform of the Italian Senate. The event gathered 150 participants and emphasised the role of regional parliaments in the EU decision-making process and highlighted subsidiarity monitoring as a constructive exercise.

With a view to fostering the subsidiarity culture and information exchange with partner organisations, the CoR maintained its relationship with the Conference of European Regional Legislative Assemblies (CALRE) and the Intergroup Regions with Legislative Power (REGLEG), exchanging information on subsidiarity-relevant files in the work programme.

32 COR-2016-03267.

33 First package of reform proposals COM (2016) 270 final, COM (2016) 271 final, COM (2016) 272 final.

34 COR-2016-03699.

35 COM (2016) 378 final.

6. Conclusion and outlook

The CoR is strongly committed to its responsibilities with regard to subsidiarity monitoring resulting from the Lisbon Treaty and therefore is continuing its efforts to ensure effective application of the subsidiarity principle and to contribute to the creation of a subsidiarity culture within the EU.

In 2016, subsidiarity monitoring at the CoR was further consolidated by implementation of the fourth Subsidiarity Work Programme and a pilot project for awareness raising coupled with a training event for regional parliaments. However, the CoR considers that it is necessary to further highlight the importance of subsidiarity monitoring and the exchange of information and experience with national and regional parliaments.

On 4 December 2017 the CoR will co-organise the 8th Inter-Institutional Subsidiarity Conference with the Austrian Bundesrat in Vienna. The conference will take stock of developments in subsidiarity monitoring since the last conference in 2015 and will focus on the practical application of the principles of subsidiarity and proportionality. It will also offer a unique opportunity to share the experience of those involved in the subsidiarity monitoring process. Special attention will be given to the Austrian network of regional parliaments and their practice of subsidiarity monitoring.

Appendix 1

List of partners The CoR Subsidiarity Monitoring Network

153 partners as at 31 December 2016

Parliaments or assemblies representing regions with legislative powers

| | |
|---|----------|
| Lower Austria State Parliament | Austria |
| Burgenland State Parliament | Austria |
| Carinthia State Parliament | Austria |
| Tyrol State Parliament | Austria |
| Vorarlberg State Parliament | Austria |
| Upper Austria State Parliament | Austria |
| Flemish Parliament | Belgium |
| Walloon Parliament | Belgium |
| Brussels-Capital Region Parliament | Belgium |
| French Community Parliament | Belgium |
| German-speaking Community Parliament | Belgium |
| Åland Parliament | Finland |
| Bavarian State Parliament | Germany |
| Baden-Württemberg State Parliament | Germany |
| Hesse State Parliament | Germany |
| North Rhine-Westphalia State Parliament | Germany |
| Lower Saxony State Parliament | Germany |
| Saxony-Anhalt State Parliament | Germany |
| Schleswig-Holstein State Parliament | Germany |
| Thüringen State Parliament | Germany |
| Hamburg City Parliament | Germany |
| Saxon State Parliament | Germany |
| Mecklenburg-Vorpommern State Parliament | Germany |
| Brandenburg State Parliament | Germany |
| Emilia Romagna Regional Legislative Assembly | Italy |
| Marche Regional Legislative Assembly | Italy |
| Sardinia Regional Legislative Assembly | Italy |
| Tuscany Regional Legislative Assembly | Italy |
| Trento Autonomous Province Legislative Assembly | Italy |
| Friuli – Venezia Giulia Regional Assembly | Italy |
| Abruzzo Regional Assembly | Italy |
| Calabria Regional Assembly | Italy |
| Piedmont Regional Assembly | Italy |
| Lombardy Regional Assembly | Italy |
| Sicilian Regional Assembly | Italy |
| Lazio Regional Assembly | Italy |
| Azores Legislative Assembly | Portugal |
| Madeira Legislative Assembly | Portugal |
| Asturias Legislative Assembly | Spain |

| | |
|----------------------------------|----------------|
| Basque Regional Parliament | Spain |
| Canary Islands Regional Assembly | Spain |
| Catalan Regional Parliament | Spain |
| Extremadura Regional Assembly | Spain |
| Galician Regional Parliament | Spain |
| Navarre Regional Parliament | Spain |
| Welsh National Assembly | United Kingdom |
| Northern Ireland Assembly (NIA) | United Kingdom |

Governments or executives representing regions with legislative powers

| | |
|---|----------------|
| Lower Austrian State Government | Austria |
| Vienna City Municipal Executive | Austria |
| Steiermark State Government | Austria |
| Vorarlberg State Government | Austria |
| Upper Austrian State Government | Austria |
| Tyrol State Government | Austria |
| Flemish Government | Belgium |
| Bavarian State Government | Germany |
| Hesse State Government | Germany |
| Lower Saxony State Government | Germany |
| Saxony State Government | Germany |
| Rhineland-Palatinate State Government | Germany |
| Hamburg City Senate | Germany |
| Abruzzo Regional Government | Italy |
| Bolzano/Bozen – South Tyrol Provincial Government | Italy |
| Lombardy Regional Government | Italy |
| Piedmont Regional Government | Italy |
| Veneto Regional Government | Italy |
| Emilia Romagna Regional Government | Italy |
| Friuli Venezia Giulia Regional Government | Italy |
| Azores Regional Government | Portugal |
| Madeira Regional Government | Portugal |
| Basque Government | Spain |
| Canary Islands Government | Spain |
| Galicia Regional Government | Spain |
| Madrid Regional Government | Spain |
| Valencia Regional Government | Spain |
| Murcia Regional Government | Spain |
| Asturias Regional Government | Spain |
| Scottish Government | United Kingdom |

Local or regional authorities without legislative powers

| | |
|---------------------------|----------------|
| Sofia City | Bulgaria |
| Zlín City | Czech Republic |
| Auvergne Regional Council | France |
| Dunkirk Urban Community | France |
| Eure General Council | France |

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|--|-------------|
| Augsburg City | Germany |
| Erlangen Municipality | Germany |
| Patras Municipality | Greece |
| Budapest City | Hungary |
| Alessandria Province | Italy |
| Radviliškis District Municipality | Lithuania |
| Flevoland Provincial Government | Netherlands |
| Twente Network City – (incl. municipalities of Almelo, Borne, Hengelo, Enschede and Oldenzaal) | Netherlands |
| Overijssel Province | Netherlands |
| Łódź City | Poland |
| Łódź Region Marshal's office | Poland |
| Wielkopolska Region Marshal's office | Poland |
| Pomeranian Regional Parliament | Poland |
| Masovian Region Marshal's office | Poland |
| Silesian Region Government | Poland |
| Tavira City | Portugal |
| Hunedoara City | Romania |
| Galați County Council | Romania |
| Harghita County Council | Romania |
| Košice Autonomous Region Government | Slovakia |
| Nitra Self Governing Region | Slovakia |
| Izola City | Slovenia |
| Barcelona Provincial Council | Spain |
| Ceuta Autonomous City | Spain |
| Madrid City | Spain |
| Gothenburg | Sweden |
| Västra Götaland County | Sweden |
| Skåne Regional Government | Sweden |

Associations of regional and/or local authorities

| | |
|--|----------------------|
| Arco latino | European association |
| Assembly of European Regions | European association |
| Association of European Border Regions | European association |
| Conference of European Regional Legislative Assemblies (CALRE) | European association |
| Council of European Municipalities and Regions (CEMR) | European association |
| Eurocities | European association |
| REGLEG | European association |
| Austrian State Governors' Conference | Austria |
| Union of Cyprus Municipalities | Cyprus |
| Danish Regions | Denmark |
| Denmark Local Government | Denmark |
| Association of Finnish Local and Regional Authorities | Finland |
| Association of Mayors and Elected Representatives of Lozère | France |
| Conference of Atlantic Arc Cities | France |
| French Regions Association | France |

| | |
|--|------------------|
| German Association of Towns and Municipalities | Germany |
| German County Association | Germany |
| Association of Prefectoral Authorities of Greece (ENAE) | Greece |
| AICCRE - Italian Section of the Council of European Municipalities and Regions | Italy |
| Conference of the Presidents of the Italian Regional Parliaments | Italy |
| Union of Italian Provinces (UPI) | Italy |
| Latvian Association of Local and Regional Governments | Latvia |
| Lithuanian Association of Local Authorities | Lithuania |
| Association of the Provinces of the Netherlands (IPO) | Netherlands |
| Association of Netherlands Municipalities (VNG) | Netherlands |
| Association of Romanian Municipalities | Romania |
| Association of Romanian Cities | Romania |
| National Union of County Councils | Romania |
| Association of Municipalities of Aragon | Spain |
| Federation of Provinces and Municipalities of Extremadura | Spain |
| Eixo Atlántico | Spain / Portugal |
| Association of Swedish Local and Regional Authorities (SALAR) | Sweden |
| Convention of Scottish Local Authorities (COSLA) | United Kingdom |

CoR national delegations

| | |
|--|----------------|
| Irish Delegation to the CoR | Ireland |
| Luxembourg Delegation to the CoR (Syvicol) | Luxembourg |
| Maltese Delegation to the CoR | Malta |
| Romanian Delegation to the CoR | Romania |
| United Kingdom Delegation to the CoR (LGA) | United Kingdom |

National Parliaments

| | |
|--------------------------------------|----------|
| Austrian Federal Council (Bundesrat) | Austria |
| French Senate | France |
| Hellenic Parliament | Greece |
| Italian Senate | Italy |
| Portuguese Assembly | Portugal |

Appendix 2: Overview of opinions adopted between 1 January and 31 December 2016

| CoR commission | Number of opinions adopted from 1 January to 31 December 2016 | Number of opinions on legislative proposals | Number of opinions containing an assessment of compliance with subsidiarity principle | Number of opinions containing an assessment of compliance with proportionality principle | Related SEG / SMN consultation | Number of opinions adopted in a policy area of mandatory CoR consultation | |
|----------------|---|---|---|--|--------------------------------|---|-----------------------------|
| | | | | | | Legislative proposals | Non-legislative initiatives |
| CIVEX | 8 | 2 | 2 | 2 | 0 | 0 | 0 |
| COTER | 7 | 2 ³⁶ | 1 | 1 | 0 | 2 | 3 |
| ECON | 10 | 2 | 2 | 2 | 0 | 1 | 2 |
| ENVE | 7 | 2 | 2 | 2 | 1 | 2 | 4 |
| NAT | 7 | 2 | 0 ³⁷ | 2 | 0 | 0 | 1 |
| SEDEC | 11 | 3 | 3 | 3 | 2 | 1 | 4 |
| TOTAL | 50 | 13 | 10 | 12 | 3³⁸ | 6 | 14 |

³⁶ One opinion has a legislative proposal among its references; however it does not suggest any legislative amendments and does not go into detail on the legislative proposal (nor does it contain any assessment of compliance with subsidiarity and proportionality principles).

³⁷ Two opinions adopted in the policy area of exclusive EU competence (conservation of marine biological resources), where the subsidiarity principle does not apply.

³⁸ An SEG consultation on copyright in the Digital Single Market was carried out in 2016; however the CoR opinion was not adopted in 2016, but in February 2017, so it is not counted here.

CIVEX

Overview of opinions adopted between 1 January and 31 December 2016

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory ³⁹ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other reference to subsidiarity / proportionality / better regulation |
|--|------------|---|-----------------------|--|------------------------|---|--|---|
| CIVEX-VI/008 COR-2015-05896-00-01-AC-TRA COM (2015) 611 - final | 16/06/2016 | EU Enlargement Strategy 2015-2016 | No | No | No | No | No | Yes (subsidiarity) |
| CIVEX-VI/011 COR-2016-00982-00-00-AC-TRA JOIN (2015) 50 - final | 11/10/2016 | Own-initiative opinion Review of the European Neighbourhood Policy | No | No | No | No | No | No |
| CIVEX-VI/009 COR-2015-06328-00-00-AC-TRA | 08/04/2016 | Own-initiative opinion Protection of refugees in their areas of origin: a new perspective 2016 | No | No | No | No | No | No |

³⁹ During the legislative procedure.

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory³⁹ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other reference to subsidiarity / proportionality / better regulation |
|--|-------------|--|------------------------------|--|-------------------------------|--|---|--|
| CIVEX-VI/010 COR-2015-06329-00-02-AC-TRA | 16/06/2016 | Own-initiative opinion Combatting Radicalisation and Violent Extremism: Prevention mechanisms at local and regional level | No | No | No | No | No | No |
| CIVEX-VI/012 COR-2016-00983-00-00-AC-TRA | 07/12/2016 | Outlook opinion The REFIT Programme: the local and regional perspective | No | No | No | No | No | Yes (subsidiarity, proportionality and better regulation) |
| CIVEX-VI/013 COR-2016-03267-00-00-AC-TRA COM (2016) 270 – final COM (2016) 271 – final COM (2016) 272 - final | 08/12/2016 | Reform of the Common European Asylum System | Yes | No | No | Yes (compliance) | Yes (compliance) | No |

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory³⁹ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other reference to subsidiarity / proportionality / better regulation |
|--|-------------|--|------------------------------|--|-------------------------------|--|---|--|
| CIVEX-VI/014 COR-2016-03699-00-01-AC-TRA COM (2016) 378 - final | 08/12/2016 | Legal Migration | Yes | No | No | Yes (compliance) | Yes (compliance) | No |
| CIVEX-VI/015 COR-2016-04438-00-00-AC-TRA | 08/12/2016 | Own-initiative opinion Integration of Third Country Nationals | No | No | No | No | No | Yes (subsidiarity) |

COTER

Overview of opinions adopted between 1 January and 31 December 2016

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory ⁴⁰ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|--|------------|---|-----------------------|--|------------------------|---|--|---|
| COTER-VI/009 COR-2015-04287-00-00-AC-TRA | 11/02/2016 | Own initiative opinion Indicators for territorial development – GDP and beyond | No | Yes ⁴¹ | No | No | No | No |
| COTER-VI/010 COR-2015-05511-00-01-AC-TRA | 07/04/2016 | Own-initiative opinion Concrete steps for implementing the EU Urban Agenda | No | Yes | No | No | No | Yes (subsidiarity/ proportionality and better regulation) |

⁴⁰ During the legislative procedure.

⁴¹ As far as territorial cohesion (Art. 177, 178 TFEU) is concerned.

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory⁴⁰ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|--|-------------|---|------------------------------|--|-------------------------------|--|---|--|
| COTER-VI/011 COR-2016-00007-00-00-AC-TRA COM (2015) 613 – final COM (2015) 598 – final SWD (2015) 261 - final | 12/10/2016 | Aviation strategy | Yes | Yes | No | No | No | Yes (subsidiarity, better regulation) |
| COTER-VI/012 COR-2016-00008-00-00-AC-TRA | 11/10/2016 | Own-initiative opinion Simplification of ESIF from the perspective of Local and Regional Authorities | No | No | No | No | No | Yes (proportionality, better regulation) |
| COTER-VI/013 COR-2016-01813-00-00-AC-TRA | 12/10/2016 | Own-initiative opinion An EU Roadmap for Cycling | No | Yes | No | No | No | Yes (subsidiarity, better regulation) |
| COTER-VI/014 COR-2016-00009-00-00-AC-TRA | 15/06/2016 | Own-initiative opinion Mid-term revision of the Multiannual Financial Framework | No | No | No | No | No | Yes (subsidiarity, better regulation) |

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory⁴⁰ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|--|-------------|---------------------------------|------------------------------|--|-------------------------------|--|---|--|
| COTER-VI/019 COR-2016-05690-00-00-AC-TRA COM (2016) 597 - final | 07/12/2016 | Own-initiative opinion EFSI 2.0 | Yes | Yes ⁴² | No | Yes (compliance) | Yes (compliance) | Yes (better regulation) |

⁴²

As far as economic, social and territorial cohesion is concerned.

ECON

Overview of opinions adopted between 1 January and 31 December 2016

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory ⁴³ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|---|------------|--|-----------------------|--|------------------------|---|--|---|
| ECON-VI/007 COR-2015-05066-00-00-AC-TRA COM (2015) 361 - final | 07/04/2016 | Own-initiative opinion Working together for jobs and growth | No | Yes ⁴⁴ | No | No | No | Yes (subsidiarity, better regulation) |
| ECON-VI/008 COR-2015-05112-00-00-AC-TRA | 07/04/2016 | Own-initiative opinion Follow-up to the five President's report: Completing EMU | No | Yes ⁴⁵ | No | No | No | Yes (proportionality) |
| ECON-VI/009 COR-2015-06626-00-01-AC-TRA COM (2015) 497 - final | 08/04/2016 | Own-initiative opinion A more responsible trade and investment policy | No | No | No | No | No | No |

⁴³ During the legislative procedure.

⁴⁴ As far as economic, social and territorial cohesion (Art. 174-178 TFEU) is concerned.

⁴⁵ As far as economic, social and territorial cohesion (Art. 174-178 TFEU) is concerned.

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory⁴³ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|---|-------------|---|------------------------------|--|-------------------------------|--|---|--|
| ECON-VI/010 COR-2015-06628-00-01-AC-TRA COM (2015) 550 - final | 08/04/2016 | Own-initiative opinion Upgrading the Single Market | No | No | No | No | No | Yes (proportionality, better regulation) |
| ECON-VI/011 COR-2016-01214-00-00-AC-TRA COM (2015) 701 - final | 07/04/2016 | Structural Reform Support Programme for the period 2017-2020 | Yes | Yes | No | Yes (compliance) | Yes (compliance) | Yes (subsidiarity/ better regulation) |
| ECON-VI/012 COR-2016-01602-00-01-AC-TRA COM (2015) 586 - final | 12/10/2016 | Own-initiative opinion European Deposit Insurance Scheme | Yes | No | No | Yes (non-compliance) | Yes (non-compliance) | Yes (better regulation) |
| ECON-VI/013 COR-2016-01460-00-00-AC-TRA | 11/10/2016 | Own-initiative opinion State Aid and Services of General Economic Interest | No | No | No | No | No | Yes (better regulation) |

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory⁴³ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|---|-------------|---|------------------------------|--|-------------------------------|--|---|--|
| ECON-VI/015 COR-2016-01726-00-01-AC-TRA COM (2016) 155 - final | 15/06/2016 | Own-initiative opinion Steel: Preserving sustainable jobs and growth in Europe | No | No | No | No | No | No |
| ECON-VI/017 COR-2016-02419-00-02-AC-TRA COM (2016) 148 - final | 12/10/2016 | Own-initiative opinion Action plan on VAT Towards a single EU VAT area | No | No | No | No | No | Yes (better regulation) |
| ECON-VI/016 COR-2016-04163-00-01-AC-TRA COM (2016) 288 - final COM (2016) 356 - final | 07/12/2016 | Own-initiative opinion Collaborative economy and online platforms | No | No | No | No | No | Yes (subsidiarity and proportionality) |

ENVE

Overview of opinions adopted between 1 January and 31 December 2016

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory ⁴⁶ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|--|------------|--|-----------------------|--|------------------------|---|--|---|
| ENVE-VI/007 COR-2015-05368-00-01-AC-TRA COM (2015) 337 - final | 07/04/2016 | Cost-effective emission reductions and low-carbon investments | Yes | Yes | No | Yes (compliance) | Yes (compliance) | Yes (subsidiarity) |
| ENVE-VI/009 COR-2015-05369-00-01-AC-TRA COM (2015) 339 - final | 07/04/2016 | Delivering a New Deal for Energy Consumers | No | No | No | No | No | Yes (subsidiarity, proportionality, better regulation) |
| ENVE-VI/008 COR-2015-05660-00-00-AC-TRA | 07/04/2016 | Outlook opinion EU environment law: improving reporting and compliance | No | Yes | No | No | No | Yes (subsidiarity, proportionality, better regulation) |

⁴⁶ During the legislative procedure.

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory⁴⁶ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|---|-------------|--|------------------------------|--|-------------------------------|--|---|--|
| ENVE-VI/010 COR-2016-00585-00-01-AC-TRA COM (2015) 596 - final COM (2015) 595 - final COM (2015) 593 - final COM (2015) 594 - final | 15/06/2016 | Legislative proposals amending waste directives | Yes | Yes | Yes | Yes (compliance) | Yes (non-compliance) | Yes (subsidiarity, proportionality and better regulation) |
| ENVE-VI/011 COR-2016-01415-00-01-AC-TRA COM (2015) 614 - final | 12/10/2016 | Closing the loop - An EU action plan for the Circular Economy | No | Yes | No | No | No | Yes (proportionality, better regulation) |
| ENVE-VI/013 COR-2016-01412-00-00-AC-TRA | 12/10/2016 | Own-initiative opinion Delivering the global climate agreement – a territorial approach to COP22 in Marrakesh | No | Yes | No | No | No | Yes (better regulation) |

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory⁴⁶ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|---|-------------|---------------------------------------|------------------------------|--|-------------------------------|--|---|--|
| ENVE-VI/012 COR-2016-01411-00-03-AC-TRA COM (2016) 51 - final | 12/10/2016 | An EU Strategy on Heating and Cooling | No | Yes | No | No | No | Yes (better regulation) |

NAT

Overview of opinions adopted between 1 January and 31 December 2016

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory ⁴⁷ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|---|------------|---|-----------------------|--|------------------------|---|--|---|
| NAT-VI/004 COR-2015-02799-00-00-AC-TRA | 10/02/2016 | Own-initiative opinion Innovation and modernisation of the rural economy | No | Yes ⁴⁸ | No | No | No | Yes (better regulation) |
| NAT-VI/005 COR-2015-03637-00-00-AC-TRA | 10/02/2016 | Own-initiative opinion Age-friendly tourism | No | No | No | No | No | No |
| NAT-VI/007 COR-2015-05241-00-01-AC-TRA COM (2015) 294 - final | 10/02/2016 | Own-initiative opinion European Union framework for the Data Collection in Fisheries | Yes | No | No | No ⁴⁹ | Yes (compliance) | Yes (better regulation) |

⁴⁷ During the legislative procedure.

⁴⁸ As far as territorial cohesion (Art. 177 and Art. 178 TFEU) is concerned.

⁴⁹ Policy area of exclusive EU competence (conservation of marine biological resources).

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory⁴⁷ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|--|-------------|--|------------------------------|--|-------------------------------|--|---|--|
| NAT-VI/008 COR-2015-06646-00-01-AC-TRA | 15/06/2016 | Own-initiative opinion Food Waste | No | No | No | No | No | Yes (subsidiarity) |
| NAT-VI/009 COR-2015-06648-00-00-AC-TRA | 07/12/2016 | Own-initiative opinion Tourism as a driving force for regional cooperation across the EU | No | No | No | No | No | Yes (subsidiarity) |
| NAT-VI/011 COR-2016-02898-00-00-AC-TRA COM (2016) 134 - final | 07/12/2016 | Conservation of fishery resources and the protection of marine ecosystems through technical measures | Yes | No | No | No ⁵⁰ | Yes (compliance) | Yes (better regulation) |
| NAT-VI/013 COR-2016-03169-00-01-AC-TRA | 07/12/2016 | Regulating price volatility of agricultural products | No | No | No | No | No | No |

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Policy area of exclusive EU competence (conservation of marine biological resources).

SEDEC

Overview of opinions adopted between 1 January and 31 December 2016

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory ⁵¹ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|--|------------|---|-----------------------|--|------------------------|---|--|---|
| SEDEC-VI/006 COR-2015-04871-00-01-AC-TRA COM (2015) 462 - final | 10/02/2016 | Own-initiative opinion A Council Recommendation for the integration of the long-term unemployed into the labour market | No | Yes | No | No | No | Yes (subsidiarity) |
| SEDEC-VI/007 COR-2015-04872-00-01-AC-TRA COM (2015) 429 - final | 11/02/2016 | Own-initiative opinion the implementation of the renewed framework for European cooperation in the youth field (2010-2018) | No | Yes | No | No | No | No |
| SEDEC-VI/008 COR-2016-00040-00-00-AC-TRA | 16/06/2016 | Own-initiative opinion EU response to the demographic challenge | No | No | No | No | No | No |

⁵¹ During the legislative procedure.

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory ⁵¹ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|---|------------|--|-----------------------|--|------------------------|---|--|---|
| SEDEC-VI/009 COR-2016-00039-00-01-AC-TRA COM (2015) 626 - final COM (2015) 627 - final | 08/04/2016 | Towards a more modern, more European copyright framework | Yes | Yes ⁵² | No | Yes (compliance) | Yes (compliance) | Yes (better regulation) |
| SEDEC-VI/010 COR-2016-02868-00-00-AC-TRA COM (2016) 127 - final | 11/10/2016 | European Pillar of Social Rights | No | Yes ⁵³ | No | No | No | Yes (subsidiarity, better regulation) |
| SEDEC-VI/011 COR-2016-02881-00-01-AC-TRA COM (2016) 128 - final | 07/12/2016 | Posting of workers in the framework of the provision of services | Yes | No | Yes | Yes (compliance) | Yes (compliance) | No |

⁵² As far as culture (Art. 167 TFEU) is concerned.

⁵³ As far as social policy aspects defined in Art. 153 TFEU are concerned.

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory⁵¹ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|--|-------------|--|------------------------------|--|-------------------------------|--|---|--|
| SEDEC-VI/012 COR-2016-02880-00-01-AC-TRA COM (2016) 176 - final COM (2016) 178 - final | 11/10/2016 | Own initiative opinion European Cloud Initiative and ICT Standardisation | No | No | No | No | No | Yes (better regulation) |
| SEDEC-VI/013 COR-2016-02882-00-01-AC-TRA COM (2016) 179 - final | 11/10/2016 | eGovernment Action Plan 2016-2020 | No | No | No | No | No | Yes (better regulation) |
| SEDEC-VI/014 COR-2016-02884-00-00-AC-TRA COM (2016) 180 - final | 11/10/2016 | Own initiative opinion Digitising European Industry Reaping the full benefits of a Digital Single Market | No | No | No | No | No | Yes (better regulation) |

| Opinion reference # | Date | Title | Legislative proposal? | Policy field within which consultation of the CoR is mandatory ⁵¹ | SEG / SMN consultation | Assessment of compliance with subsidiarity principle in the opinion | Assessment of compliance with proportionality principle in the opinion | Other mention of subsidiarity / proportionality / better regulation |
|---|------------|---|-----------------------|--|------------------------|---|--|---|
| SEDEC-VI/015 COR-2016-04094-00-01-AC-TRA COM (2016) 381 - final COM (2016) 382 – final COM (2016) 383 - final | 07/12/2016 | Own initiative opinion A new skills agenda for Europe | No | Yes | No | No | No | No |
| SEDEC-VI/016 COR-2016-04093-00-00-AC-TRA COM (2016) 287 - final | 07/12/2016 | Review of the audiovisual media services directive (AMSD) | Yes | No | Yes | Yes (compliance) | Yes (compliance) | No |

PROPOSAL:

Bureau members are invited to take note of this document.
