

European and External Affairs Committee

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Conference on the Implementation of the Principle of Subsidiarity

Brussels, 19 May 2008

Background:

A conference on the implementation of the principle of subsidiarity was held on the 19 May 2008 at the headquarters of the Committee of the Regions (CoR) in Brussels. The conference, which was co-hosted by the CoR, REGLEG (the Conference of European Regions with Legislative Power) and CALRE (Conference of Chairmen of the Legislative Regional Parliaments of Europe), was attended by representatives from 73 regions with legislative powers, as well as the European Commission (EC) and the European Court of Justice (ECJ).

The conference discussions were divided into two sessions. The first session looked at how regional parliaments and governments with legislative power intend to apply the subsidiarity mechanism. The second session addressed the role of the EU institutions (Commission, Parliament, CoR and the European Court of Justice) in the application of the subsidiarity principle.

Session One: Regional and National Parliaments

During the first part of the conference, Izaskun Bilbao Barandica, President of the Basque Parliament and President of CALRE, drew attention to "the historic challenge legislative regions will face with the entry of the Lisbon Treaty and the gain in responsibility for regions in Europe. In the future, subsidiarity will also include a regional dimension and the European legislator will have to take into account and to respect regional legislative powers whenever presenting a new proposal. In order to live up to the challenge of implementing this new principle of subsidiarity we need better inter-institutional cooperation and mutual respect," she said.

President Bilbao went on to say that regional parliaments, together with regional governments and the CoR, have started to prepare for their participation in the new subsidiarity monitoring mechanism foreseen in the Lisbon Treaty but that a lot still needs to be done as regards co-ordination with national parliaments and governments of the Member States.

Mrs **Marleen Vanderpoorten**, President of the Flemish Parliament, spoke about the current arrangements in Belgium which, since 2005, have included an agreement between regional and national parliaments on the implementation of the subsidiarity principle. Mrs Vanderpoorten also highlighted the introduction of a European Service within the Flemish Parliament, as an initiative of the Flemish Government to inform the Parliament more efficiently on matters belonging to the Flemish competence.

Mr **Andreas Kiefer**, Head of European Office of Land of Salzburg, Austria, outlined the current mechanisms in place in Austria to monitor subsidiarity. In addition to streamlining the process by allowing one of the regional 'Lander' to take responsibility for a proposal (before reporting to the other Lander), it was also established practice that subsidiarity checks were done at early stages (e.g. during Green and White Paper stages) to mitigate problems associated with short deadlines.

Session Two: The Role of European Institutions

During the second part of the conference, representatives of the European Commission and the European Court of Justice underlined that legislative regions and the CoR will considerably increase their European policy-shaping power under the framework of the new Lisbon Treaty.

Koen Lenaerts, a judge at the ECJ, called on the CoR to prepare in good time for the new powers which the Treaty will confer on the political assembly. He also referred to ECJ case history regarding the standing of legislative regions, which has progressively increased their rights where they are directly and individually concerned by EU decisions and regulations.

Lenaerts encouraged the legislative regions to invest in stronger network activities among themselves, with national parliaments and with regional and local authorities represented within the CoR in order to make full use of the new possibilities and channels to better monitor the implementation of the subsidiarity principle. Regions should use both national and European channels to increase their role within the European legislative process, he suggested.

The Minister for Foreign Affairs of Flanders and current President of the Conference of European Regions with Legislative Powers (REGLEG), Geert Bourgeois, stressed that "the 73 regions will use their inter-regional group within the CoR to identify European proposals which could conflict with the subsidiarity principle and to ensure steady cooperation with the CoR". In this context he hailed the important role of the CoR's Subsidiarity Monitoring Network in which more than 30 legislative regions take part. Following the conference, Geert Bourgeois and the CoR's Secretary General Gerhard Stahl signed a joint two-year action plan to strengthen cooperation between the two organisations.

CoR President Luc Van den Brande, who gave an overview of the Committee's political priorities in the field of subsidiarity, underlined the clear advice from Judge Lenaerts: "The time has come to step up the pace of preparations for the stronger responsibility we will have to assume under the new Treaty. We will have to work more closely with national parliaments and we will have to prepare and

streamline our internal procedures in order to be able to make full use of the new rights we will enjoy."

Summary of Key Points

A number of key issues arose from the conference:

It remains to be seen how, and in what capacity the CoR, CALRE and REGLEG will collaborate in facilitating the regional responses to questions of subsidiarity. All three have acknowledged that they will have a role to play in coordinating regional responses.

Internal constitutional differences within the Member States will mean that a single, common approach to the application of the principle of subsidiarity is not a viable option.

The resource implications of the new Treaty were raised as an issue on a number of occasions during the conference.

An official from the Austrian Lander explained that they operate a system whereby one Land takes lead responsibility for undertaking a subsidiarity check on a European proposal before reporting back to the other Lander. Checks carried out at the Green and White Paper stages mitigate the problems associated with time limits of 6/8 weeks.

In the future, the role of the CoR may be extended to represent groups of regions at the European Court of Justice. Currently, regions can only bring cases to the ECJ through Member States.

There was a consensus that guidelines would be useful, and a body able to offer advice would be invaluable.

The Commission may issue a consultation on how the subsidiarity mechanism will operate, along with potential guidelines, in June 2008.

Further Information

Further information on the conference, including transcripts of speeches can be found on the CALRE website:

http://www.calre.eu/en/reden_pr08_en.html