

## **Final Resolution of the CALRE Working Group on Subsidiarity**

regarding the final report of the Task Force on Subsidiarity, Proportionality and „Doing less more efficiently“ published on 10 July 2018 by the members of the CALRE Working Group on Subsidiarity, chaired by First Vice President of the Bavarian State Parliament, Reinhold

Bocklet

### **Introduction**

1.

Since the founding declaration of Oviedo in 1997, the **Conference** of European Regional Legislative Assemblies, CALRE, and the **presidents representing their respective regional assemblies and parliaments** advocate the democratic and participatory principles in the framework of the European Union in order to defend the values and principles of regional democracy and to reinforce links among regional parliaments with legislative powers as well as links between them and the European Union. According to CALRE's Rules, they **committed themselves to the strengthening of the principle of subsidiarity within the European Union.**

**At the plenary assembly in Seville, the conference passed a resolution requesting the European Commission to nominate one or two CALRE representatives as members of the Task Force so that the special role of regional parliaments with legislative powers within the EU multi-level governance system would be appropriately taken into account.**

**At the last meeting on 15 March 2018, members of CALRE's permanent Working Group Subsidiarity** and representatives of regional parliaments with legislative powers from Austria, Belgium, Germany, Italy, Spain and Portugal **have already addressed the topic of the Task Force on Subsidiarity, Proportionality and „Doing less more efficiently“** **President Jean-Claude Juncker established** and discussed potential improvements and ways to efficiently apply the principles of subsidiarity and proportionality, to more intensely involve the regions and to possibly re-delegate competences to the member states.

2.

At the meeting on 6 September 2018, the members of the Working Group Subsidiarity **welcomed the timely presentation of the final report** of the Task Force and **appreciated the great commitment and work of the members of the Task Force** chaired by First Vice

President of the European Commission, Frans Timmermans, especially of the representatives of the **Committee of the Regions** and of the **Austrian parliament**.

The **Committee of the Regions** under president Karl-Heinz Lambertz has proven to be an **important forum of interregional exchanges**, although the representatives of regional parliaments with legislative powers are outnumbered by the executive due to differing national structures within the member states.

3.

Unfortunately, **no representative of the regional parliaments** with legislative powers has been nominated as a member of the Task Force as it had been claimed in a **CALRE resolution** adopted by the plenary assembly in Seville in November 2017.

Nevertheless, the effort to involve regional interests by means of organising a hearing at the Committee of the Regions on 28 May 2018 deserves recognition.

**First Vice President of the Bavarian State Parliament and chairman of the CALRE Working Group Subsidiarity Reinhold Bocklet took part in the hearing and represented CALRE's President Ana Luís at the gathering.** He put forward ideas to intensify the direct dialogue with the EU Commission and suggested a pragmatic way to eliminate the present deficit characterizing the relations between regional parliaments with legislative powers and the European Commission, in particular by

- a) **establishing a direct communication channel** between regional parliaments and the European Commission provided that regional parliaments can directly send their opinions regarding legislative proposals to the Commission;
- b) **substantiated answers** provided by the European Commission to these opinions and their consideration in the framework of the Commission's annual report on subsidiarity and proportionality;
- c) a more **specific and targeted involvement and consultation of regional parliaments**, if their competences are concerned.

The members of the permanent Working Group Subsidiarity suggest the following position on the final report of the Task Force:

#### **Position on the final report**

4.

The **Conference of European Regional Legislative Assemblies welcomes that the Task Force does not consider its final report as an end but rather as the beginning of a process** to strengthen the acceptance of the principles of subsidiarity and proportionality.

Furthermore, CALRE welcomes that the Task Force underlines the principle of conferral as a fundamental EU principle according to art. 5 TEU, which relates to the **principle of exercising competences in a self-restrained manner** applying to the EU institutions.

It welcomes as well that the Task Force comes up with practical suggestions aiming at the improvement of subsidiarity and proportionality **instead of presenting an academic paper.**

5.

The **direct political dialogue** between the regional parliaments with legislative competences and the European Commission strengthens the flow of information within the multi-level governance system - from top to bottom but also from the regions up to the EU institutions. A dialogue is the only possible way to convey political interests of regions varying in strength and to resolve conflicts. The principle of subsidiarity can evolve into the **driving force of the European Union.**

Having said this, the members of the Working Group Subsidiarity provide the following comments on the **final report**. They acknowledge

- that not only national **but also regional parliaments with legislative powers are explicitly mentioned in the final report**. This implies an official recognition as democratically legitimised parliamentary institutions within the EU multi-level governance system;
- choosing a **pragmatic approach** to efficiently improve the involvement of regions without a formal treaty amendment procedure;
- the recommendation to the European Commission to apply the **8 weeks deadline stated in the treaty in a flexible way** and, for instance, to take into account common parliamentary holiday seasons and possible delays in transferring single elements of complex legislative acts to national parliaments;

- the recommendation to the European Commission to properly present reasoned opinions and proposals of national and **regional parliaments** with legislative powers that it receives in its **annual report** on subsidiarity and proportionality;
- the recommendation to the European Commission to provide an **overview on reasoned opinions of national parliaments – and possibly of regional parliaments with legislative competences as well** – and to give the co-legislators access in a timely manner when a considerable number of reasoned opinions is received;
- the recommendation to the European Commission to include more **elements taken from impact assessments** and relating to territorial implications, subsidiarity and proportionality in the justification of each legislative proposal;
- the recommendation to the co-legislators (Council and EP) **to invite** representatives of local and regional authorities **to their committee and working group meetings** as well as **hearings**, if this is relevant and appropriate in the case of this particular proposal;
- the recommendation to national and regional parliaments and the Committee of the Regions **to improve their communication and to better coordinate their IT-platforms**;
- the recommendation to examine **how the principle of multi-level-governance can be taken into account** in the framework of a future revision of the **Interinstitutional agreement on “better law-making”**;
- the recommendation to EU Commission to better involve local and regional authorities with regards to the **implementation of EU law**, to early and extensively **involve them in its consultation processes** and to promote the participation of local and regional authorities through the optimised **design of questionnaires** (for parliamentary purposes);
- that the development and use of a common assessment grid by the EU institutions should lead to the employment of a **shared method** to be able to better assess questions regarding the principles of subsidiarity and proportionality as well as the legal basis of new and existing legislative acts;
- that a **new way of working** based on a shared understanding could improve decision-making processes and ensure that local and regional authorities can efficiently contribute to policy making;
- that an **„active subsidiarity“** should lead to more **joint responsibility** of regions, among others, as well as to a **better understanding** of EU benefits;
- that in the framework of the applicable treaty provisions, **a structured but informal dialogue** should guarantee that regional parliaments with legislative powers are involved more efficiently in the dialogue with the European Commission.

- that the principles of subsidiarity and proportionality do not affect the final scenario for the future of Europe. These principles remain compatible with the several scenarios.

## **Conclusions**

6.

In order to strengthen the democratic legitimized position of regional parliaments with legislative powers within the EU multi-level governance system and to establish a permanent direct dialogue with the EU Commission – and in so doing to achieve an active subsidiarity - , CALRE claims that the following steps should be taken to implement the Task Force's proposals:

1. A regional parliament with legislative powers should also in the future have the possibility to directly send its opinions on EU legislative proposals, other consultations or requests regarding the EU to the President of the European Commission, if it wishes to do so.
2. In the framework of an informal dialogue, the EU Commission shall reply to the opinions of regional parliaments with legislative powers as substantiated as it answers national parliaments.
3. The EU Commission shall consider opinions of regional parliaments with legislative powers in its annual report on subsidiarity and proportionality in a similar way as it does in the case of opinions submitted by national parliaments.
4. In the case of specific regional interests and correspondent issues affecting regional institutions, the EU Commission shall involve regional parliaments with legislative powers at an early stage of its consultation procedures and, where possible, to let them participate in the implementation of the measures.
5. The European Commission shall involve regional parliaments with legislative powers at the drafting stage of the Commission's Work Programme, in order to ensure the correct balance between Treaty objectives and regional policies and the simplification of the EU regulatory framework, to retain a macro-regional reference dimension.
6. The EU Commission shall pragmatically handle deadlines of consultations until a treaty amendment took place.

7. The EU Commission shall involve regional parliaments with legislative powers into the database driven exchange of information between EU institutions and national parliaments. The regional parliaments with legislative powers work together to be able to better emphasize similar interests.
8. In order to arrive at a better common understanding of the principles of subsidiarity and proportionality and with regard to questions about the legal basis of new and existing legal provisions, the assessment grid can be used on a trial basis as a legal support instrument in terms of a common method. Nevertheless, the use of the assessment grid should not be imposed on regional parliaments with legislative powers and cannot replace the direct dialogue between their members and the EU Commission.
9. According to the principle of an active subsidiarity and in order to bring the EU closer to its citizens, the EU Commission shall - considering the democratic legitimacy of regional parliaments with their legislative powers - establish a political dialogue with them which is comparable to the dialogue with national parliaments.
10. Regional parliaments with legislative powers see the direct dialogue with the EU Commission as a necessary complement to the essential and important task the Committee of the Regions fulfils as an EU institution on Community level.
11. Regional parliaments with legislative powers consider the pragmatic possibility of a direct dialogue with the EU Commission not only as the respect of their direct democratic legitimacy but especially as a reinforcement of their role as a mediator between the European level and citizens in the regions and, consequently, for a Europe closer to its citizens.

The added value of CALRE results not only from the political exchange with the EU institutions. CALRE can gather parliamentary positions of the regions and, at the same time, communicate different solutions exemplified as “best-practice” in the framework of a political dialogue and new working method of active subsidiarity.

The members of the Working Group Subsidiarity submit this draft to the Standing Committee and the Plenary Assembly of CALRE to adopt a decision.

Brussels, 6 September 2018

*Signatures*