

## **Balance of Competences (BoC) Review: Subsidiarity & Proportionality: Note of round table discussion with think tanks: Vienna, 13 June 2014**

Kimberly Gillingham introduced the BoC Review and set the context for the report on Subsidiarity and Proportionality. Participants were invited to contribute broad points as well as answering the questions set in the Call for Evidence.

### Summary of key points

Participants commented that subsidiarity was high on the **election campaigns** of both Jean-Claude Juncker and Martin Schulz for the May European Parliament elections.

One participant observed that subsidiarity was **instinctively understood** in Austria as it came from Catholic terminology and aligned with the federal system of Government.

There was no appetite for EU action in areas that national Governments were already delivering well (with a specific example of the welfare system in Austria). There are **areas where the EU is not needed** and a resistance to the imposition of EU law which would lower existing standards in Austria.

One participant observed that the 'European project' would be in 'enormous danger' if there was no subsidiarity: **it legitimises the entire EU**.

The current subsidiarity mechanisms are well defined, though the **eight weeks deadline is too short and the scope should be changed**. Communication between national Parliaments needs to be improved; but the onus is on them to make it work better. They will only do this if they know that their actions will have an impact, however.

The recent response of the Commission is 'pathetic'. They must taken reasoned opinions and yellow cards seriously: cannot dismiss them in a 'supercilious' way; and must send national Parliaments a quality response.

**'Proportionality is completely unknown'**. Speakers observed that no-one mentions it; they could not think of examples of its having been used and attributed this to the vague and varying definitions. The Austrian Parliament had recently commented on the way that proportionality was ignored.

Participants therefore felt that it would be helpful to separate the two concepts, particularly by making the procedures for proportionality clearer, and to **'upgrade proportionality'**

The 'red card' reform proposal is seen as British obstructionism. While the Dutch proposal for a 'green card' is seen as impinging on the Commission's right of initiative, and the view was that the Commission would therefore fight hard against that proposal. Participants thought that the 'late card' was a very interesting and workable option.

Participants discussed conflicts between the European Parliament and the Committee of the Regions. In times of crisis, national decision-making is favoured, which had led to a stronger role for the European Council and Council in recent years. **Participants favoured a stronger European Parliament.**

The Committee of the Regions and COSAC are both currently just talking shops, which could do more. Participants had no preference for which took the lead, but they would need a political consensus to do it, and to know that their actions will be taken seriously. Ultimately, **they should be given a purpose, or scrapped.** A clear purpose / mandate would also help them to recruit good personnel.

### **Discussion Group attendees**

Kimberly Gillingham, EuD (I), FCO  
Ben Boddy, British Embassy Vienna, FCO  
Representative from Go-Governance NGO  
Representative from Renner Institute (SPÖ)