

Balance of Competences Review: Subsidiarity, Proportionality and Article 352:
Note of discussion group 2, University of Bath, 13 May 2014

This is the record of the second group, hosted by Professor Charles Lee of the University of Bath.

Only 2 participants in this group had come prepared to give evidence. Nonetheless, some interesting points were raised in the subsequent discussion; and some useful feedback received.

Summary of key points:

Subsidiarity & Proportionality

1. Subsidiarity and Proportionality should be transparent and taken as close as possible to EU citizens and in the regions
2. There are problems with interpretation – for example, the EU is currently reshaping the European Patent System but there is no demand from stakeholders for a harmonised system and there are worries that a new system will be costly.
3. Subsidiarity isn't always an effective way to make a decision, for example with impact assessments
4. The application of Subsidiarity and Proportionality is not always democratic, for example the Commission ignores yellow cards
5. The ECJ should make decisions as to proportionality
6. There is not enough analysis before EU decisions are made – for example the harmonised patent system
7. National parliaments should play a greater role in scrutinising EU legislation

Article 352 (flexibility clause):

8. This was not generally regarded by participating attendees as a matter for concern, now that its role had been clearly set out

Other:

9. One attendee said he was very fond of Germany and thought that the UK should be more like Germany in its approach to the EU. However he said that he did not feel expert enough to discuss the topic in any detail.

10. Another thought that the Balance of Competence Review was "overly Anglo-Saxon in style", as it was "too evidence-based". A more "heartfelt" approach would be better, for example on "the meaning of Europe to UK citizens".

11. One attendee said that academics should be compensated financially for travelling to give evidence, even if government cutbacks meant that there was no longer a budget for these expenses. He gave some feedback for the Treasury, saying that of the many staff he had met there, only one was familiar enough with the EU legislative process. He also suggested that the European Parliament should have a second chamber based in Barnsley.

12. One attendee said that because there were several possible definitions of subsidiarity, it wasn't possible to give an answer to any of the questions. But overall he felt that there should be more scrutiny of EU matters and their impact on the UK.

13. Two attendees said that the UK should have more staff in the EEAS.

Group composition:

Professor Charles Lee, University of Bath (hosting the event)

Dr Ozlem Uglen, Birmingham City University

Dr Luke McDonagh, University of Cardiff

Dr Nathaniel Copsey, University of Aston

Dr Theodoros Papadopoulos, University of Bath

Dr Phil Syrpis, University of Bristol

Dr Leone Niglia, University of Exeter

Dr Susannah Montgomery, FCO (note-taker)