

# Annual reports 2015-2016 on subsidiarity and proportionality

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**PURPOSE:** to present the 23rd annual report on the application of the principles of subsidiarity and proportionality in EU law making in 2015.

**CONTENT:** the report looks at how the European Union's institutions and bodies implemented these two principles in 2015 and how the practice has evolved in comparison with previous years. It also provides an analysis of the Commission proposals that were the subject of reasoned opinions during the year.

**Better Regulation:** 2015 was the first full year under the new Commission, which had committed itself to **putting subsidiarity at the heart of the European democratic process**. In line with this approach, the Commission's 2015 work programme presented a limited number of new initiatives focusing on **ten policy priorities** and announced the withdrawal of a large number of pending proposals.

To fulfil the commitment made, the Commission:

- **adopted a new Better Regulation package:** the new Better Regulation framework also allows the Commission to apply the principles of subsidiarity and proportionality in a more integrated and comprehensive way than before.
- The new Better Regulation framework helps ensure that when developing new policies, the Commission assesses their compliance with the principles of subsidiarity and proportionality. This assessment now takes place at different stages of the decision-making cycle. At the early stage of the policy planning process, roadmaps or inception impact assessments are published for all major new initiatives;
- **introduced new consultation and feedback mechanisms for new policy initiatives.** Member States and stakeholders – such as regional and local authorities, businesses, organisations and members of the general public – can give their views on how the Commission is developing specific proposals;
- launched the website 'Lighten the load – Have your say', as well as the Regulatory Fitness and Performance (**REFIT**) **Platform**, they enable the Commission to communicate on possible excessive charges or inefficiencies arising from existing regulatory measures.

**Impact assessments:** in 2015, the Impact Assessment Board and subsequently the Regulatory Scrutiny Board assessed **30 impact assessments**. Seven of these (23 %) were judged as needing improvements on either subsidiarity or proportionality, or both. The following cases from 2015 are particularly noteworthy:

- the [proposal for a Directive](#) on accessibility requirements for products and services;
- the [draft Commission Regulation](#) establishing a network code on rules on interoperability and data exchange in gas transmissions;
- the [proposal for a Regulation](#) to ensure the cross-border portability of online content services.

**Evaluations and fitness checks:** subsidiarity and proportionality were also key for retrospective evaluations and fitness checks carried out in 2015. The Commission normally produces between **100 and 120 evaluations every year** (122 in 2015).

The 2015 evaluations led the Commission to:

- confirm the strong European added value of the 2013 [Fiscalis](#) and [Customs](#) programmes;
- propose a range of measures to simplify requirements in order to enable Member States to **make procurement more efficient** and strategic;
- adopt a revised proposal for the [Prospectus Directive](#) in order to reduce the administrative burden on businesses (especially SMEs).

**Follow-up of the reasoned opinions of the national parliaments:** 2015 saw the **lowest number** of reasoned opinions sent by national parliaments since the introduction of the subsidiarity control mechanism by the Lisbon Treaty in 2009. In 2015, the Commission received eight reasoned opinions from national parliaments on the principle of subsidiarity, which represented a 62% reduction in the number of opinions received during 2014.

The eight reasoned opinions issued in 2015 covered three Commission proposals, namely:

- the [proposal for a Regulation](#) establishing a crisis relocation mechanism;
- the [proposal](#) amending Regulation (EC) No 1829/2003 as regards the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory;
- the [proposal](#) amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation.

Despite the small number of reasoned opinions submitted in 2015, a number of chambers continued their call for the subsidiarity control mechanism to be strengthened.

**The European Parliament:** Parliament has continued to address issues of subsidiarity and proportionality in the context of its work on legislative proposals. In 2015, the European Parliament prepared **13 initial appraisals, one impact assessment of substantive parliamentary amendments and six ex post impact assessments**.

In addition, it prepared a reports on the [cost of non-Europe](#), mapping the gains of actions at European level proposed by the European Parliament.

Lastly, the **Committee of the Regions** continued its work on subsidiarity issues, notably by adopting and implementing its third subsidiarity programme and organising the seventh subsidiarity conference.