

HERE, THERE AND EVERYWHERE



New
Direction

the foundation for european reform

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Ruža TOMAŠIĆ
**NEW TERRITORIAL
DEVELOPMENT
TOOLS**

Andrew LEWER
**POLITICIAN'S
PROGRESS**

Morten MESSERSCHMIDT
**NECESSARY
CHANGE OF FOCUS
IN EU POLITICS**



Wawel Royal Castle



Tomasz Poręba is a Member of the European Parliament and President of New Direction – The Foundation for European Reform.

“Decisions taken as closely as possible to the people” is the meaning of the subsidiarity principle once created by Saint Thomas Aquinas and consolidated in modern times by the social doctrine of the Catholic Church. Today, the biased definitions of subsidiarity in the EU Treaty and the introduction of the creative principle of binding targets incarnate permanent challenges to national, regional and local authorities. Those provisions are merely a flexible basis for legitimising the exercise of a new EU power detrimental to decentralisation or devolution. Strengthening the capacity of political delivery of local and regional councillors by advancing a true understanding of subsidiarity and localism are firm parts of the New Direction reform agenda. As Tobias Teuscher points out, localism is far from being an EU invention. It has at least one root in the 1815 Vienna Congress and started once with a very local challenge: the management of the Rhine River traffic.

This edition of the New Direction flagship magazine reflects the advancement of the Joint Policy Group on Subsidiarity and Localism which has been established in March 2015 as a joint venture between the ECR groups in the EU Parliament and in the EU Committee of the Regions. Correspondent parliamentary groups are represented in the Council of Europe Parliamentary Assembly and the Congress of Local and Regional Authorities. In doing so, the Conservatives and Reformists working in four supra-national decision making and consultative institutions in Europe set up their own standing platform for exchange of best



practices, and develop their own toolbox for close cooperation in parliamentary business on ongoing policy challenges of common interest. This is part of the larger EU Reform strategy which New Direction supports through its analysis and advice on small government, private property, free enterprise, lower taxes, family values, individual freedom, strong defence and a Europe of nation states. It is so far a unique tool in the Brussels EU institutional landscape: a standing inside-outside-coalition of the Conservatives and Reformist political family to pool the experience and resources of local and regional mandate holders with the daily work of Members of the EU Parliament. Our New Direction Vice-president and guest editor Andrew Lewer MBE MEP represents that ideal of linking the experiences of different political and decision making levels. Having served in local government for many years, including as English County Council Leader and as a Vice-President of the Local Government Association for England, Andrew ensures today as chairman of the Joint Policy Group that the activities of MEPs appear as relevant and inclusive as possible for many mandate holders who remain at the front line of political delivery in local and regional government.

With all views and analysis included in the New Direction magazine, I hope this publication will be a helpful tool in raising awareness of the need to improve the functioning of subsidiarity to advance further decentralisation and empowerment of local and regional government. As US Speaker of the House Tip O’Neill famously put it: “All politics is local”. ■



Queen Elizabeth's Grammar School in Ashbourne



Andrew Lewer MBE MEP is the ECR Coordinator for the CULT & REGI Committees and the Conservative Spokesman for Culture, Education and Regional Development.

The essential condition of localism is difference, diversity if you will. Conservatism and right of centre thinkers – exemplified by the European Conservatives and Reformists’ family and its friends – also value difference and diversity. Similar opinions but different ways of expressing and realising them: This is the hallmark of the ECR Group. We value our openness and our differences, rather than seeing them as showing vulnerability and thus seeking to dampen them down. This distinguishes us – in both sense of the word – from the other political groups in the European Parliament.

Unsurprising, therefore, that within the pages of this magazine are to be found a wide range of views. We also offer an equally wide range of treatments of the subject from philosophical discourses to very practical examples of subsidiarity in action (or as is not uncommon in the EU, not in action).

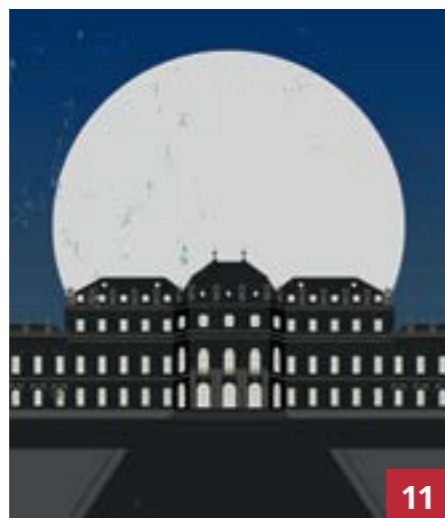
As our President Syed Kamall has been known to say on occasion, we seek “a Europe to meet the challenges of the 2050s, not the problems of the 1950s”. For the ECR and friends to achieve that effectively we need to be thought leaders in Europe and in the European Parliament in particular. A key part of the theoretical underpinnings of European Conservatives is the Reykjavik Declaration. We “favour the exercise of power at the lowest practicable level – by the individual where possible, by local or national authorities in preference to supranational bodies.” Therefore at its heart this elegant blending of the meanings of subsidiarity and of localism also defines Conservatism.

My political mission and the political mission of the contributors to this magazine, with our thorough appreciation of the value of local politics is: To be alert to the dangers of over-regulation. To be alive to opportunities to achieve reform that takes power down to the local level. To be aware that, as the Irish orator John Philpot Curran put it in 1790, “It is the common fate of the indolent to see their rights become a prey to the active. The condition upon which God hath given liberty to man is eternal vigilance.” ■



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Michigan Senate

Is Politics truly the **ART OF COMPROMISE?**

Kenneth HORN

I've spent twenty-two years in elected office in various positions; and while I ascribe to the theory that two heads are better than one when problem solving, compromise often has little to do with final outcomes. Well, at least with the really important stuff.

I share a story with political science students that goes to the heart of what compromise means to me. In 2010, the previous governor of the state of Michigan signed a resolution calling for the people of Michigan to give up meat for a day. A relatively innocuous request meant to appease her left-leaning supporters.

However, the resolution was signed on "Agriculture Day," a day when Michigan farmers came to Lansing to celebrate the significance of farming in Michigan. The Capitol grounds were literally ringed with tractors and farm equipment. In

other words, it was a horrible day to sign this particular resolution.

In response, I threw a big meat-party, grilling every type of meat I could purchase on the barbeque and invited everyone I knew to do the same thing. Because I made this invitation on a major Detroit radio station, I attracted the attention of angry vegetarians across the state. Some of them had comments such as, "I hope your meat BURNS on the grill!!!"

One very polite lady wrote to me, "Dear Representative, I hope you reconsider your position on meat." First, what does that mean to reconsider my position on meat? Second, could the two of us ever reach a compromise where we would both be happy? I have my doubts considering that compromise is defined as an agreement or settlement reached

by each side making concessions, or to settle a dispute by mutual concessions. So, what would be the mutual concession; if I agree to eat less, what will this nice lady agree to? Eating some meat?

Some positions simply cannot be compromised. For instance, if I believe that the human soul enters the body at conception, how could I ever believe that abortion is a viable solution? Is there any compromise that could have prevented the attacks in Paris? When concessions cannot be made by either side, one side or the other must simply prevail.

Success in politics comes more from learning from each other, and by the power of persuasion. In its simplest terms, it's about counting votes. For instance, as a member of a fifteen member board of county commissioners, I learned quickly

IF GERMANY WANTS FARMERS TO ADAPT TO CLIMATE CHANGES AND GROW CROPS FOR HUMAN AND ANIMAL CONSUMPTION, THEN INCENTIVIZE THEM BY THE BUSHEL RATHER THAN BY THE KILOWATT-HOUR OF CLEAN ENERGY. BELIEVE ME, THEY'LL GROW THE HECK OUT OF ANY CROP YOU DESIRE.



that I needed eight votes to bring an idea into reality. Think of any governing body as a ship. The elected members have their hands on the tiller, each determined to steer the ship in their desired direction. To accomplish anything, it's important for me to teach and persuade a majority of colleagues to stand on my side of the tiller.

I recently returned from Berlin, where I was invited by the German government to study the nation's "Energiewende," or their transition into renewable energy. I was grateful for the opportunity because here in Michigan, we are redesigning our state's energy laws. There is much to learn from the decades of German commitment to energy reform. However, there are things that could be improved if we put our minds together.

One of the few flaws with the German "Energiewende" is, in my opinion, the groundless distress over organic elements such as carbon and nitrogen. My position on climate change is similar to that of former German Chancellor Helmut Schmidt, in thinking that there is much too much worry over this topic. I've often said that I have no fear of Co2. In fact, I kind of like the way that it makes my soda fizzy. I was admittedly a bit skeptical

during my visit to a center for agricultural research just east of Berlin. This experimental farming station receives state and private funding for research with the strict mandate to teach farmers how to adapt to "perspective problems" that might arise from climate change. The soil conditions vary from sandy with a clay base, to wetlands, to peat moss, and rainy conditions coming in the non-growing winter season. A land probably best suited to growing trees or farming livestock.

However, a single-minded, collective fear of global climate change has led to man-made rules that severely handcuff farmers as they try to deal with these very local conditions. Considering that because of bureaucratic soil erosion rules farmers can't plow the hard-packed clay, they can't use mineral fertilizers such as nitrogen, and because of the hard-packed clay, they can't grow crops that organically add nitrogen to the soil, I think the outcomes are fairly predictable; lower per hectare yields.

In addition, the extraordinary subsidies given to providers of biofuel energy has Brandenburg farmers competing with each other for limited agricultural land space. What would a mutual concession,

or compromise, look like in the case of this man-made crop shortage?

It is not my intent to disparage believers of global warming. My point is that government laws, even with the best of intentions and with the keenest concessions, cannot change the laws of nature. It is simply common-sense to allow farmers to apply their trade properly. If Germany wants farmers to adapt to climate changes and grow crops for human and animal consumption, then incentivize them by the bushel rather than by the kilowatt-hour of clean energy. Believe me, they'll grow the heck out of any crop you desire.

Let's teach each other; let's convince each other of good policy. There's little need to compromise if we agree on sensible solutions. ■



Kenneth B. Horn is a member of the Michigan Senate and former member of the Michigan House of Representatives for the 94th District, USA.

Tobias TEUSCHER

ONCE UPON TIME A TIME VIENNA ...WHEN LOCALISM WAS BORN



Don't believe that the EU Brussels Bubble was the first supranational institution getting involved and interested in localism on the continent. It wasn't. The first - and still existing - inter-national institution dealing with local business was born at the Vienna Congress in 1815: the Central Commission for the Navigation of the Rhine (Zentralkommission für die Rheinschifffahrt, Commission centrale pour la Navigation du Rhin). After the Blue Danube, the Rhine is the second-longest river in Central and Western Europe with about 1,230 km passing through 5 States: Switzerland, France, Germany, The Netherlands and Liechtenstein. Around 175 bridges cross the Rhine, the two internationally best known being the Ludendorffbridge in Remagen (Germany) and the Bridge in Arnhem (Netherlands) which become famous in the Hollywood movies *The Bridge at Remagen* (1967) and *A Bridge Too Far* (1977). The Rhine is of inter-national concern which remains very local at the same time.

THE FIRST - AND STILL EXISTING - INTER-NATIONAL INSTITUTION DEALING WITH LOCAL BUSINESS WAS BORN AT THE VIENNA CONGRESS IN 1815: THE CENTRAL COMMISSION FOR THE NAVIGATION OF THE RHINE (ZENTRAKKOMMISSION FÜR DIE RHEINSCHIFFFAHRT, COMMISSION CENTRALE POUR LA NAVIGATION DU RHIN)



Until 1789 or 1815, there exists not a single efficient institution or practicable mechanism for limiting, regulating or coordinating the large number of tolls and claims placed by local sovereigns or cities on the Rhine river traffic. The anarchy of the Rhine River was a permanent source of sadness: the lack of successful application of existing international treaties, imperial orders or private deals among local rulers were multiplied by spontaneous extra fees imposed by local potentates and city cartels, or special favours for the boatman's unions. Any river commerce was just unpredictable and capricious. In 1798, the

French asked the imperial authorities to review their practices, but the negotiations with the German princes and the Dutch representatives ended without concrete results. However the French hold a geo-strategic interest in the Rhine River economy. In 1804 the French Empire and the Holy Roman Empire of the German Nation concluded a treaty governing the toll collected for using the Rhine, abolishing the existing various tolls and taxes in favour of the institution of one single Rhine toll. To implement the treaty, the first international administration with responsibility for consolidating the tolls levied on Rhine vessels

was created so that these could be used to improve navigability and the state of the towpaths. The Central Commission was decisively created by the Final Document of the Congress of Vienna (Annexe 16 B of 24 March 1815). The commission brought together seven sovereign States which hold Rhine territory: France, Netherlands, Prussia, Nassau, Hessen, Bavaria and Baden. This Vienna memorandum enshrined the principle of the freedom of navigation on the Rhine and made the Central Commission responsible for drawing up a convention specifically intended to implement this principle. After hundred years of existence,

the Central Commission still works inter-nationally on a very local issue and pursuit two main objectives. It constitutes a standing diplomatic inter-national conference to discuss any matter involving navigation on the Rhine from Graubünden in the south-eastern Swiss Alps to the North Sea in the Netherlands. The Central Commission also constitutes an international organisation in charge of the adoption of common regulations necessary for the safety of navigation on the Rhine, the investigation of complaints of failure to comply with the legal grounds, and decision-making when court judgments involving

navigation on the Rhine are appealed.

The headquarter, "Le Palais du Rhine", is established in Strasbourg, a former Roman military outpost, just a few steps from the famous Île aux Épices at the Rhine between Strasbourg and Kehl where, on the 7th of May 1770, Archduchess Maria Antonia of Austria was officially handed over to her new lady in waiting, in charge of accompanying the bride to her future husband Louis-Auguste, heir to the throne of France.

However there is no evidence at all for any link between the Central Commission for the Navigation of the

Rhine and any of the EU's structures today. But the Central Commission for the Rhine shows that localism always existed and that the Rhine River was the very first local issue to be dealt with on inter-national level. ■



Tobias Teuscher is an administrator in the ECR group secretariat at the EU Parliament and secretary of the joint policy group on subsidiarity and localism of the AECR.



Anthea MCINTYRE

CUTTING RED TAPE AND ITS IMPACT AT THE LOCAL LEVEL

SOCIAL AND EMPLOYMENT LEGISLATION: THE CASE FOR LESS EUROPE

Trying to make a go of a small business is not for the faint hearted. Doing the work of the business is hard enough - requiring long hours, hard work and much worry. "Are we going to have enough to pay the wages at the end of the week, are our customers going to pay in time, will the bank extend our borrowing?" Add to that: "Have we completed all the forms that we are required to, have we filled them in correctly and have we submitted them in time?"

All this additional burden deters people from ever starting a business and especially from employing anyone. In addition to the day job, the small

business owner also has to be the Health and Safety officer, the Legal department, the Accounts department and the HR expert. A large business can afford to carry these functions, but a small one can't.

When it comes to form filling, the question asked by small business owners is "WHY? Can someone please explain the reason and the purpose of the many and frequent forms that have to be completed?" The answer is usually long and complicated and begins with "Europe..."

Social and employment legislation has often been a one size fits all tool, which has protected the un-



competitive and, far too often, side-stepped subsidiarity. Now is the time for reform.

The European Commission seems to get the point and has made encouraging noises about Better Regulation. It has reduced the number of new proposals coming forward and is reviewing existing legislation, such as the 24 Health and Safety Directives, to improve it. But do we really need this legislation at all at an EU level? In many cases the answer is no.

So, we must stand resolutely against EU legislation when the matter can best be dealt with at a national or local level and push as hard as possible for simple, clear and proportionate EU legislation where it is really necessary and where it adds value. A red card to give national parliaments the power to stop unwanted Commission proposals would be welcome.

Commentators have suggested that the EU is at one of its many

crossroads. They are right. The ECR Group has used its position in the European Parliament to generate ideas for reforming the EU to make it fit for the modern world and able to cope with the challenges of the 2050s not the 1950s. Competitiveness and Sovereignty are also central themes behind the British re-negotiation.

The case for a reform has been put and early reaction from European statesmen suggests many of our concerns are shared elsewhere in the EU. 27 ministers from 19 member states, including Britain, recently wrote to Commission Vice President Timmermans demanding “real change”, stressing the importance of the ‘Think Small First’ principle and supporting “the introduction of burden reduction targets”.

Negotiation rarely has a ‘winner takes all’ conclusion. Most of what is done at EU level is the result of some sort of compromise. Decades of anomaly to correct anomaly have led us to this cumbersome, and often contradictory, body of

law. It is also the very reason why it is now timely to review these EU legal stalagmites and reform what the EU does and how it does it.

One area that needs reform is social and employment legislation and localism has a huge part to play in that reform process.

The naysayers argue that the status quo is set in stone and non-negotiable. They claim that removing EU competences on social and employment law would undermine the single market. But is that really true? Is it not just a convenient argument for the protectionists?

The original European treaties never contained a social chapter. The idea that EU employment legislation is the other side of the coin to the single market harks back to a deal reached in the mid-80s.

By 1992, the political map of Europe was already changing at a rate unimaginable only five or six years earlier. The Maastricht

Treaty introduced a Social Chapter, however John Major negotiated an opt-out for the UK. Roll forward to 1997 and the Amsterdam Treaty... and Tony Blair signed away our opt-out from social and employment laws, thus ushering-in measures such as the 1994 Works Council Directive.

Social and employment policy now reside in titles ix, x and xi of the Lisbon Treaty. So, the question is simple, why not go for a new British opt out? Leave these titles, or the problematic articles within them, and return to a genuine minimum level of legislation required for the practical functioning of the single market. Let us show the way to other Member States that the market can function without those cumbersome micro-managing laws and, together, we can prosper without them.

Too often, employment legislation (including health and safety) at EU level has been used as a protectionist tool. More to do

with featherbedding inefficient, union-dominated, sectors against the competition provided by the single market than actually seeking to give workers the best possible conditions.

This fig-leaf protectionism is unfair, particularly to the former communist countries that radically liberalised their economies in the ‘90s. This also holds us all back from realising our potential in succeeding in the global race. This new global reality would have been un-imaginable to EEC leaders when they first began to agree the single market, but just as conditions change, so do treaties – nothing is set in stone forever.

Proposals now coming from the Commission for a Social Pillar present both a threat and an opportunity. The suggestion is that increased social legislation such as the right to minimum pay, working time protection and unemployment provisions be dictated by the EU – this is the threat. The suggestion is that it applies initially to the

Eurozone countries – this is the opportunity.

If some countries wish to harmonise their laws in a one-size fits all approach and increase the level of regulatory burden, so be it. Others must be allowed to do the opposite.

To return to our small business owners, with localism central to the ethos of a reformed EU, explaining the need for a particular measure, should rest with their own national or local government. They will then draw the obvious conclusions at election time. That is localism, that is reform, that is democracy. ■



Anthea MCINTYRE MEP is Conservative Representative for the West Midlands Region



Mairie de Sainte Ménéhould

USE OF SUBSIDIARITY IN THE EU A PLACEBO FOR POST-DEMOCRACY

Christophe BEAUDOUIN

Inherited from Saint Thomas Aquinas and the social doctrine of the Church, the principle of subsidiarity advocates the ‘subsidiary’ nature of action by a higher authority, and a general preference for power to be delegated to the unit closest to the human individual. During the Maastricht negotiations in 1992, the British Government and German Länder proposed introducing this principle, which was regarded, together with the principle of conferral, as an antidote to the centrifugal force of the EU. Notwithstanding a slight rewording under the Lisbon Treaty, Article 5 of the Treaty on European Union provides a biased definition of subsidiarity, and EU practice is based more on the canon law concept of *subsidium*, which is defined as the intervention that

the central power can ‘offer’ the peripheral levels. As such, the EU principle of subsidiarity is therefore merely a flexible basis for legitimising the exercise of a new EU power.

First, the principle of subsidiarity does not apply to the entirety of EU law since the ‘exclusive competences’ of the Union are exempt. This restriction prevents any questioning of an essential part of the Union’s competences, and means that the principle of subsidiarity is redundant as regards entire areas of competence. Furthermore, Declaration No 17 and the Opinion of the Council Legal Service concerning primacy, which are annexed to the Final Act of the Treaty of Lisbon, provide that subsidiarity must comply with the principles – absolute primacy

of EU law, even secondary, over national law, even constitutional ; direct effect of EU law – developed by the Court of Justice, concerning the Community/EU *acquis* : around 15 000 consolidated legal acts in force, some 10 000 acts with interpretive value, and more than 9 000 judgments of the CJEU.

Article 5 suggests that determining a level of competence in accordance with the principle of subsidiarity is purely a technical, non-political operation. One can, of course, seek to determine theoretically the most technically efficient level at which a competence should be exercised. To do so is to solve only part of the equation, however. The next step is to ascertain, logically, whether the exercise of the competence in question can be democratically



SINCE 1963 THE CJEU IN LUXEMBOURG HAS DEVELOPED THE REPUTATION OF BEING A PIVOTAL INSTITUTION WITHIN A SUPRANATIONAL PROCESS WHICH SEES ITSELF AS THE ENGINE OF INTEGRATION, AND CONSEQUENTLY HAS NEVER SOUGHT TO ENSURE THE EFFECTIVE AND OBJECTIVE APPLICATION OF THE PRINCIPLE OF SUBSIDIARITY IN FAVOUR OF THE MEMBER STATES.

European Court of Justice

controlled as effectively at this level of action – the EU level, for example – as it could be at national level. Identifying the right technical level at which to conduct a policy is one thing, but if the policy cannot be subjected to democratic control, then one has to doubt whether this is the most appropriate level, and even whether the policy can actually be effective without being legitimised by the sovereign authority.

The delimitation remains vague, competences are often said to be ‘shared’ with the Member States (a friendly legal wording meaning that they can be unilaterally pre-empted by the Union), and the Union’s institutions actually tend to act in the fields they choose, on the basis of existing law or the amazingly numerous, broad and vague ‘objectives of the Treaties’, using general competence clauses. The first paragraph of Article 3 on the promotion of ‘peace’, ‘values’ and the ‘well-being of peoples’ is in itself quite all-encompassing. But it is followed by a rosary of unlimited and wonderful charities of all kinds. The Union indeed ‘offers’ an area of freedom, security and justice without internal borders, and an internal market. It ‘works for’ sustainable development, balanced economic growth and price stability, a highly competitive social market economy aiming at full employment and social progress, a high level of protection of the environment and improvement of the quality thereof, and scientific and technological progress. It ‘combats’ social exclusion and discrimination, and ‘promotes’ social justice and protection, equality between women and men, solidarity between generations, protection of the rights of the child, economic, social and territorial cohesion, and solidarity among Member States. In its relations with the rest of the world, it ‘upholds and promotes’ its values and interests, and ‘contributes’ to peace, security, the sustainable development of the

Earth, solidarity and mutual respect among peoples, free and fair trade, the eradication of poverty and the protection of human rights, in particular the rights of the child, and to the strict observance and the development of international law, including respect for the principles of the Charter of the United Nations. Given these objectives and the Commission and CJEU’s methods of interpretation, it is clear that unlimited EU centralisation could be achieved on this basis.

Protocol No 2 on the application of the principles of subsidiarity and proportionality sets out only a very watered-down new right: the right of national parliaments to send the EU institutions a ‘reasoned opinion’ if they consider that a draft EU legislative act does not comply with the principle of subsidiarity. The institutions are under no obligation to do anything in response, and the Commission is not required to amend its text. Lastly, where it exists, arbitration in the matter appears to be biased: how can we fail to see the CJEU as both judge and interested party when it has to decide which competences belong to the Union – of which it is an institution – and which remain with the Member States? Since 1963 the CJEU in Luxembourg has developed the reputation of being a pivotal institution within a supranational process which sees itself as the engine of integration, and consequently has never sought to ensure the effective and objective application of the principle of subsidiarity in favour of the Member States. Community and EU case law has always been committed to steadily increasing the competences and powers of the EU institutions, not even hesitating to accredit them with implicit powers judged necessary for the realisation of objectives laid down by the Treaties, even implicit objectives, in the name of which the supreme EU court has been able to justify, without being contradicted by the Member States,

EU interventions in matters which the Treaties themselves never even envisaged; on the contrary, those Treaties have consistently done their utmost to validate a posteriori all the shifts in case-law policy on the sovereignty of the Member States by incorporating each of these contra legem federalist leaps.

Given that our nations are the source of the Union’s powers, each should remain master of its decisions to delegate competences to the Union or to remove them. Every national parliament should therefore have a veto on such issues. One could envisage a mechanism for the repatriation of competences to the Member States, where this warranted by the circumstances and by the principle of subsidiarity, through a committee of national parliament representatives (as requested by the United Kingdom) empowered to propose a revision of the Treaties. Consideration could also be given to a sunset clause every 5 or 10 years for certain regulations, or a revision review system. Finally, each country should consider the current negotiations with the UK to be a historic windfall, in particular as regards granting the Member States the right of withdrawal from certain policies and restoring the primacy of their constitutions, i.e. the primacy of democracy over the European construction.¹ Europe of the future will be flexible and ‘à la carte’ or not at all. ■



Christophe Beaudouin, PhD is the author of ‘Putting democracy to the test of European integration’ (‘La démocratie à l’épreuve de l’intégration européenne’), LGDJ, 2014 and ‘Sous les pavés, la République !’ Le Manuscrit, 2002.

¹. Christophe Beaudouin, ‘France expects its own David Cameron’, Le Figaro, 17 August 2015.



YES^{TO} LOCALISM

The EU's tendency to use binding targets to tackle environmental issues, including waste management, is deeply concerning for local and regional authorities. While setting concrete measurable targets to help achieve progress may sound great on paper, it is often counter-productive in reality. No two regions are the same and the budgets of local and regional authorities across the EU vary significantly. Instead of pushing binding targets that in reality mean that local and regional authorities have to divert money to one area at the expense of another which is equally important, the EU needs to move towards a more bottom-up localism approach. Give us - as local and regional authorities across Europe - guidance and targets but do not take away our right to decide how best

to deliver results. To do so is counterproductive and not in line with the principle of subsidiarity.

The principle of subsidiarity, encoded in the EU Treaties, outlines that decisions should be taken at the EU level only when necessary and when EU action has greater added-value than taking the decision at a national or local level. It applies to the areas where the EU member states share their competences with the EU. Waste management falls into this category. Yet, we must not forget that waste management is the competence of local and regional authorities. This is why it is so important that the EU looks at how its proposals in this area are impacting on local and regional authorities and that it listens to what local and regional authorities have to say.

One way for the EU to measure the local and regional impact of

its proposals is through impact assessments. In 2013, the European Union had an extensive set of 63 binding and 68 non-binding targets, with the majority to be achieved by 2015 and 2020. More continue to come our way, yet the Commission is still not conducting impact assessments which look at the local and regional impact of binding targets on waste management.

The lack of accurate impact analysis is one of the main reasons in my view as to why local and regional authorities across the EU are force fed a one-size-fits-all approach. Local authorities should not be put into circumstances where they lose the ability to adjust their budgets to local needs. Through my own experiences in local government in the UK as Cabinet Member in Essex County Council and through my experiences in the CoR discussing waste management issues with



NO TO EU BINDING TARGETS ON WASTE MANAGEMENT

Kay TWITCHEN

local and regional politicians from across the EU, I have seen clearly the huge variation in local and regional authorities – and more importantly, the huge diversity in environmental conditions which impact on the way waste can safely be dealt with.

We need to adopt a more bottom-up approach whereby local and regional authorities are provided with guidance and the room to adapt the tools at their disposal to their specific needs. For example, while the share of recycled or composted municipal waste has increased significantly in the last ten years in Europe, differences between EU countries are very significant. The level of municipal waste in Denmark is 747 kilograms, which is 475 kilograms more than in Romania. Recycling and composting are widely used in Germany, Sweden and Austria, but many countries

are approach things differently because their demographics, climate, and market forces are different. Local and regional authorities should be given indicative targets and should be trusted to use their understanding of local circumstances in achieving them. We recognise the need to look for ways to turn waste into a valuable resource and the need to be ambitious in this regard. But Europe needs solutions that are proportionate and do not undermine jobs and growth.

As the Committee of the Regions, we have consulted our Subsidiarity Network that brings together politicians and experts from regions with legislative powers, local and regional authorities and local government associations and have had subsidiarity concerns raised. The Czech Senate, for example, underlined that binding targets on waste management did

not comply with the principle of subsidiarity and that the proposal affected the competences of municipalities and may interfere in their long-term investments as well as the functioning of the sorted waste collection system.

WE NEED EU WASTE MANAGEMENT PROPOSALS TO BE PUT UNDER SERIOUS SCRUTINY AS PART OF THE EUS REGULATORY FITNESS PROCESS SO THAT UNHELPFUL TARGETS ALREADY IN PLACE CAN BE REMOVED AND FUTURE DAMAGING MEASURES CAN BE AVOIDED.

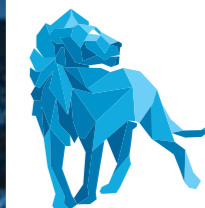
Concerns were also raised that the EU intervention was exceeding the level of intervention needed at the EU level to achieve the necessary objectives. These are serious concerns that as the European Conservatives and Reformists Group in the Committee of the Regions, we feel the EU cannot ignore.

We need EU waste management proposals to be put under serious scrutiny as part of the EUs Regulatory Fitness process so that unhelpful targets already

legislation on national and sub-national government as well as business to be measured and taken into account when legislation is being proposed and amended.

The Commission's new proposal to create a "circular economy", where waste is minimized and resources are kept in use for as long as possible, should undergo an impact assessment looking at the local and regional impact of the proposals made and it should be subjected to serious subsidiarity scrutiny. The

policy based on promoting resource efficiency, voluntary agreements with the industry and incentives to reward positive practices. The Commission's proposal to amend several waste-related legislative acts must be fully aligned with the priorities of better regulation, and subsidiarity. EU countries, regions and municipalities, which will have responsibility for implementing the new measures, need to be able act in a way they consider most efficient both economically and environmentally. While binding



New Direction

the foundation for european reform



in place can be removed and future damaging measures can be avoided.

A new inter-institutional agreement on better law-making between the European Commission, Council of the EU and European Parliament is being negotiated and impact assessments remain a key aspect of those discussions. This is a key opportunity for securing strong wording on impact assessments so that the EU really does intervene only when it can show that its intervention will bring added value. We need the impact of EU

Commission already withdrew the proposal it had made in 2014 but unfortunately did so saying that it was going to "make it more ambitious". As local and regional authorities, we need the EU to be more realistic and localist. Local matters can be handled locally and local and regional authorities must be given the room to carry out their duties according to local circumstances.

For the circular economy proposal to be successful, it will have to move beyond binding targets. We should have waste-reduction

targets may sound great on paper, in reality they may impede progress. ■



Ms. Kay Twitchen serves as Chairman at Essex County Council and has represented Billericay and Burstead as an elected County Councillor since 1997.

NEW DIRECTION The Foundation for European Reform

is a Brussels-based free market, euro-realist think-tank and publisher, established in 2010 under the patronage of Baroness Thatcher.

We have satellite offices in London and Warsaw.



Gintas VILKELIS

THE PATH TO A LOCALISM REFORM IN THE EU



In this modern internet age, we have a serious dichotomy: while the technology and private industry are rapidly moving towards greater individualisation and personal empowerment, in most areas of public life the current trend is worryingly going in the opposite direction: towards ever greater leftist centralisation and disempowerment.

Why is this happening, especially given that so many politicians claim to be localists these days?

The reasons for this disconnect lie in the asymmetric design of the government system and in the human nature. They by design

favour the movement towards ever greater centralisation.

The most important of the reasons - asymmetry - is well summed-up in the social anthropologist Margaret Mead's famous quote "Never underestimate the power of a few committed people to change the world. Indeed, it is the only thing that ever has":

The central government, which is essentially a small group of bureaucrats and politicians, located in the country's capital or in Brussels, holds three advantages over the public they rule over: they are indeed "a few", they are highly organised and "committed" (it's their full-time job and often a

life-long career), and they have the power to make laws by the virtue of their position.

On the other side, we have the rest of the population, the vast majority of whom can afford to spend very little time on politics, and see even less of a point of doing so, as they correctly realise the futility of it, because they don't have the direct power to pass laws and instead have to convince that small group of people at the top to do it for them.

And if the people in the central government are being asked to give away some of their powers, that means they are basically being asked to voluntarily do something

they perceive to be against their self-interest. After all, few people will choose a career goal of making themselves less relevant and less important; and their career success is usually defined by how big of a kingdom they've grown and not by how much they've shrunk it.

To make matters even worse, this inability to affect the political system they live in, further infantilises the population, prompting them to ask the government even more to "fix what's wrong". Few people notice that the more the government is centralised, the more things "need fixing".

And the worse the things get economically under the central

rule, the more people become impoverished and insecure, and instead of realising that it was the government's actions that caused the problems in the first place, they instead clamour for the central government's help to reduce their pain, thus empowering the centrals even more.

So this dynamics both worsens the situation, and gives the governments even more centralised powers. It's a vicious cycle and a moral hazard.

Another often under-appreciated contributing reason for the continuing drift towards greater centralisation, is the vagueness of the desired alternative destination.

It's easy to drift off-course (whether unwittingly, or with "plausible deniability") when the destination is unclear and open to widely-varying interpretations.

Therefore it's likely that many of the politicians, who have labelled themselves "localists", are either paying lip service without meaning it, or even actually believe that they are "doing localism" within their definition of the word.

So how can we reverse this situation?

The upcoming Brexit referendum gives us a historically unprecedented opportunity to

THE LOCALISM PITCH I'VE DEVELOPED AND TESTED ON OVER 400 PEOPLE (FROM CONSERVATIVE MPS AND LORDS, ALL THE WAY DOWN TO THE ORDINARY BRITISH PEOPLE), WORKS LIKE CHARM: SO FAR IT HASN'T FAILED ONCE TO CONVERT THE LISTENERS, OFTEN EVOKING A LOT OF EXCITEMENT AND "PLEASE DON'T STOP WHAT YOU ARE DOING".



GLA building, London

achieve much more than would be possible during the normal times.

To succeed, we need to get right three things: **(1)** an effective organisation, **(2)** a clear and compelling commonly-shared vision, and **(3)** an effective strategy and plan of action.

As for the organisation, ECR is the best vehicle for this task, given its current position as one of the major forces in the European Parliament and the high level of motivation among its members. But to be able to affect change, it needs to become stronger.

For that, using the ECR's expertise and connections, we should: **(1)** identify, attract and mobilise as many allies as we can, **(2)** convert as many as possible of the current opponents, and find ways to bypass or neutralize the rest.

One of the most important potential allies is David Cameron. While quite few of us are currently disappointed by the modesty of his EU renegotiation demands, I'm under a distinct impression that his heart is in the right place. He has already shown more courage to fight the EU bureaucracy than a leader of any other EU country, and I believe that he would like for the EU to be reformed much more than what's on his current list, but he felt he had to dial down his list of demands, because it would look very bad for him domestically not to get what he's asking.

I don't think he's wrong in his assessment of the situation: the odds for success are against him, because the other side is better organised and more entrenched. He also presumably knows how hard it's likely to be for him to try to sell the outcome of the renegotiations to the British public as a major achievement if he were to aim too low: given the high stakes, a lot of well-informed and highly-motivated people will

be watching him closely and will not hesitate to challenge him vociferously if they see anything amiss.

I therefore see him as one of the most important potential allies, who needs our help, just as we need his to swing the balance of power in the opposite direction. Together, we'll be able to achieve much more.

And as far as the clarity of objective and vision are concerned... For reasons detailed above, the pull towards ever greater centralisation is powerful and insidious. To counter-act it, we need an alternative "centre of gravity" that is even more powerful. This alternative vision needs to be a clear and exciting contrast to the status quo, with major and easy-to-explain benefits it would bring to everybody's lives.

For the last 2.5 years I've been working on the topics "How should localism be implemented, so that it achieves its full potential?" and "How to make it the law of the land?" The Localism pitch I've developed and tested on over 400 people (from Conservative MPs and Lords, all the way down to the ordinary British people), works like charm: so far it hasn't failed once to convert the listeners, often evoking a lot of excitement and "please don't stop what you are doing". It's a new and fresh politics that excites people. If this were to be unveiled on a large scale, it would cause major shifts in the balance of power in Europe and the UK.

An example of a pitch, designed for the general public and focusing on "how localism would make everybody's life better", can be found on www.localism2now.com; and the semi-hidden www.localism2now.com/c version contains extra bits, for the eyes of the Conservative politicians and supporters, with the focus

on how Localism can be used to significantly enhance the Conservatives' future electoral prospects.

The messages in the above websites are currently optimised for the British audience, but they can be easily optimised for other EU countries and audiences. It could then be given to our allies in those countries, made into politicians' speeches, videos (which are much more effective than text these days), etc., and hence could be rolled out EU-wide very quickly, targeting both the population, as well as the key decision-makers, whose support would be crucial.

The benefits to all allied parties would be two-fold: **(1)** all ECR member parties and politicians will be empowered to move the EU agenda in the direction we want (which was the reason for joining ECR), and **(2)** they would dramatically increase their popularity and electoral success in their home countries.

I hope this article will be the catalyst, jump-starting the organised effort to bring common sense back and make Localism the law of the land in the EU, before the over-centralisation gets even worse, possibly reaching the point of no return. If we move fast, this could also have a huge impact on the EU renegotiations and the Brexit referendum. ■



Gintas Vilkelis, PhD is the founder & creator of Localism 2.0™ Plan to Revitalize Great Britain www.localism2now.com/c and of The Terraform Project™ - www.localism2now.com/terraform.



Turku shipyard

Ilpo HAALISTO

PLEDGE FOR GREATER LOCALISM IN EU TRANSPORT POLICIES

The EU has launched a new transport initiative to modernise and better connect the transport systems that exist across the EU. The initiative to move from a patchwork of connections to a more efficient system is to be commended. However, where the EU has gone wrong is in proposing something that has such a strong local and regional component to it without constructing it in partnership with local and regional authorities.

The EU's Trans-European Transport Network (TEN-T) launched in January 2014 has nine core networks and is due to be expanded this and completed with a full core network by 2030. So far, the Northern parts of the Nordic countries have been missed out. This is far from helpful in addressing the challenges that these regions face and in ensuring the EUs overall social, economic and territorial cohesion.

Despite EU Treaty goals to build cohesion in all regions in the EU, we are seeing that capital cities or the largest metropolitan centres are systematically prioritised. Given that most citizens live in small and medium sized cities, prioritising large urban areas is not only concerning for those being left behind, but it also shows a lack of "localist" thinking.

The EU has an overarching objective of harmonious development, which is clearly stated in the Treaties. Article 174 of the Treaty on the Functioning

of the EU states that, in order to achieve harmonious development, the Union shall develop and pursue its actions leading to the strengthening of its economic, social and territorial cohesion. The same article also states that particular attention shall be paid to certain areas, one of which are the Northern-most regions with very low population density.

As a local politician in the Finnish port city of Turku, I know first-hand the importance of transport connections for our local economies. Turku is the largest city in the Etelä-Suomi region in the South-West of Finland and owes much of its economic success to its transport connections that have enabled it to be a major trade city for over 1,000 years. In Turku, we rely on the connections to enable our port industry to thrive. These transport connections also benefit Finland and Europe overall by facilitating trade.

To ensure that Turku's potential is fully capitalised on and our Northern-most regions, which suffer from very low population density, are better connected to the rest of Europe, I have been championing for the TEN-T network to include a Turku (Finland) - Oulu (Finland) - Kirkenes (Norway) connection taking into account the Stockholm (Sweden) to Turku sea connection. Through such a connection, the European market can also have access to the Arctic and through the Arctic, to China. Currently, sending goods to China takes about a month. Through the Barents Sea in Arctic, this would take only

about two weeks. We would thus be creating a 'sea silk road' with huge economic potential.

TEN-T has a budget of €26 billion up to 2020 and, in combination with funds from other EU sources and the European Investment Bank (EIB), it is expected to significantly stimulate investments and ensure a successful implementation of the new infrastructure policy. It is not too late to ensure the money is spent in a way that it can have greater local and regional impact.

The ECR Group in the Committee of the Regions met in Turku, Finland on 19-20 November to discuss how we could achieve a stronger bottom-up approach to EU Transport policy to help deliver jobs and growth to our local and regional communities. The first step would be to involve local and regional authorities more in the design of policies. Creating a new Turku-Oulu-Kirkenes TEN-T connection taking into account the Stockholm-Turku sea route, would represent an important step in showing greater "bottom-up" EU localist thinking. ■



Ilpo Haalisto is a Local Councillor of Nousiainen, Finland and a Member of the Committee of Regions for the ECR Group.

Adrian PAPAHAGI

CENTRALISM, CORRUPTION AND UNDERDEVELOPMENT

ROMANIA'S WAY OUT

**UNA CONGREGATIO VEL
COMMUNITAS INCLUDIT ALIAM.
ONE CONGREGATION OR
COMMUNITY INCLUDES ANOTHER.**

- Thomas Aquinas,
Sententia libri Politicorum
IV.24.3.2.3

Fortified church in Hosman, Transylvania

Centralism seems to be encoded in Romania's political DNA. Communist centralism was engrafted upon an earlier tradition inspired by nineteenth-century France, so that the unholy trinity centralism, étatism, dirigisme became an article of faith of the Romanian state. Against this background, crony capitalism and state-induced corruption have been common currency since the collapse of communism.

Centralism has a double articulation in Romania. It is historically inherited and geographically replicated. The centralism of Bucharest is reproduced in the forty-one counties, each ruled rather feudally by a president of the county council, aptly nicknamed 'local baron' in contemporary folklore. The 'decentralisation' effected by post-communist governments has mostly meant just the reinforcement of a secondary level of centralism. The flow of public money went from the central government down to the barons, and from these to their feudal clients, the mayors. The more influential a baron within the governing party, the more financing he received from the central government; the more compliant a mayor, the more eligible his infrastructure projects. This system provided a convenient way of blackmailing mayors, who often switched parties in order to get their projects funded, and thus to ensure their own re-election. This pseudo-decentralised scheme has predictably generated corruption and stagnation. The lasting political and economic power of barons suffocated the counties, and hindered any attempt at regional reform. Each baron was jealous of his own fiefdom, and seldom cooperated regionally with other barons in order to develop much needed services, such as regional hospitals or transportation.

Few decentralisation initiatives taken by the central government over the past decades had in mind the common good, or the sound values of localism and subsidiarity. Prerogatives were devolved to local authorities that had no money to cope with them, and thus kept depending on subsidies from the government. Big cities managed to get along, but small towns and the all too numerous rural communities entered a prolonged state of indigence, or even bankruptcy.

Fake decentralisation also meant the creation of so-called 'deconcentrated' authorities, suspended in a limbo between local and ministerial control, and ruled by the unwritten rules of political influence and corruption. The agencies governing water, forests, energy or transportation generated great fortunes for a few well-connected businessmen. Under the disguise of decentralisation, the socialist government led by Victor Ponta (May 2012-November 2015) attempted to transfer the ports of Galați (on the Danube river) and

Constanța (at the Black Sea) to local authorities controlled by socialist barons. Instead of being privatised, many state-owned agencies and enterprises functioned as piggy banks for the barons and the parties in power.

The way out of this state of things involves two apparently contrary measures. On the one hand, real subsidiarity should free the local communities from their feudal overlords, the barons and the ministers. The greatest share of money should be spent where it is produced, which would allow more areas to become sustainable. Wealth is contagious, and competition among regions will further stimulate economic growth through innovation, low taxation and business-friendly regulations. On the other hand, unsustainable rural communities should merge and become viable administrative units, with integrated transportation and better public services.

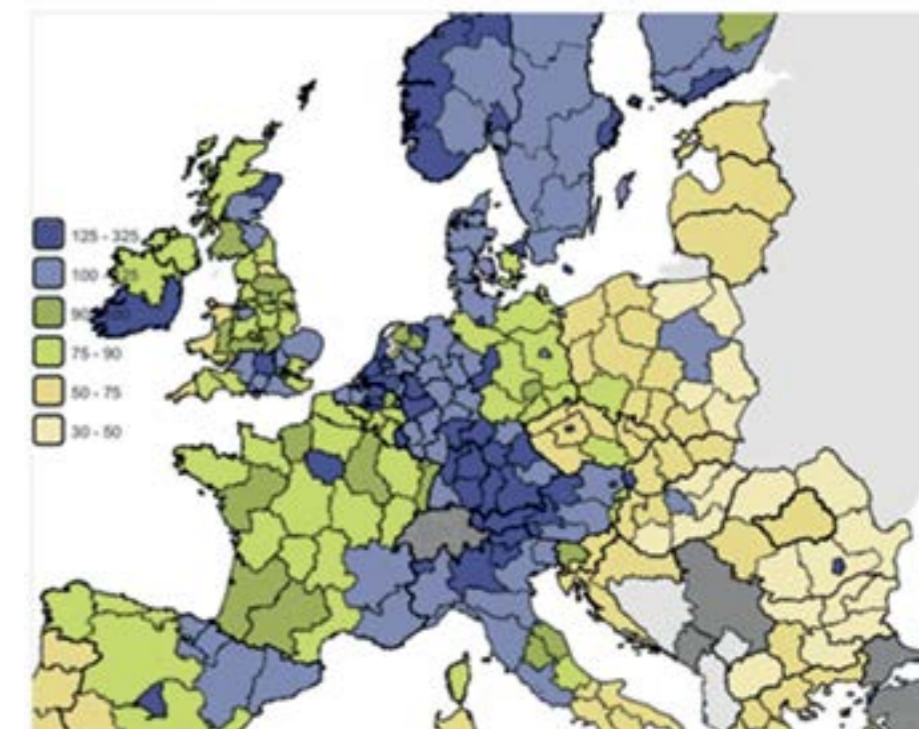
To quote just an example, Cluj, Romania's second largest city

(over 320,000 inhabitants) is one of the welfare poles in the country due to the presence of important universities and innovative industries. As a result, the population of former villages around Cluj has boomed. With 7,000 to 20,000 inhabitants each, these populous outskirts lack proper schooling, medical or transportation infrastructure. The solution is to integrate these communities into a metropolitan area, rather than to expect overcrowded yet undermanaged entities to build the much-needed roads, schools and hospitals by themselves, or through the good will of barons and the government.

Zooming out of Romania, now, a glimpse at the Eurostat map presenting the GDP per inhabitant in purchasing power standard by NUTS 2 regions in 2013 discloses the undeniable effects of centralism.

In federal or decentralised countries, the discrepancies between the capital city and the richest regions tend to be lower

Gross domestic product (GDP) per inhabitant, in purchasing power standard (PPS), by NUTS 2 regions, 2013 (% of the EU average, EU = 100)



than in countries with a centralist tradition. For historical reasons, countries like Italy, Austria and Germany are the best examples, and their wealthiest regions can be richer than the capital city. In the new EU member states, only the regions around the capital cities have managed to exceed the EU average of relative wealth; interestingly, this also concerns East Germany. In Romania, the gap between the richest and the poorest region is particularly high: the Bucharest region reached 131% of the EU average in 2013 (higher than Lisbon, and comparable to Lombardy and Madrid), whereas the Northeast region is struggling to reach one third of the EU average.

A long tradition, inscribed in the Maastricht Treaty, but going back, through the Quadragesimo Anno Encyclical, to Thomas Aquinas' commentaries on Aristotle's Politics, stresses the commonsensical truth that bigger communities include smaller ones, all the way down to the basic community – the family. Unlike most modern nation states, the European Union was

born subsidiary. It would be a shame if centralism rather than subsidiarity were allowed to dominate the common philosophy and political practice of the Union. Countries like Romania, still struggling with the nefarious effects of communism, would not benefit by the addition of a further layer of centralism to the already existing ones. In joining the Union, Romanians hoped to find a bulwark against the corrupt practices of centralised national power, and to obtain the enfranchisement of local communities. This expectation remains plausible if the Union does not abdicate its original design. ■



Adrian Papahagi, PhD is Associate Professor of Mediaeval Studies at the University of Cluj, Romania and a founding member of the M10 Party, which has recently applied to join the AECR.



CENTRALISM HAS A DOUBLE ARTICULATION IN ROMANIA. IT IS HISTORICALLY INHERITED AND GEOGRAPHICALLY REPLICATED.



Frederiksund Town Hall

Morten MESSERSCHMIDT

NECESSARY CHANGE OF FOCUS IN EU POLITICS

Right from the beginning when I joined Danish politics, I started to notice that the EU on a frequent basis takes great pride in the so-called principle of subsidiarity. The principle revolves around the notion that the EU should not interfere in affairs which should be solved locally - and as close to the citizens as possible.

But the problem is that the EU legislation has already had a profound effect on each member state's own legislation so that the individual member states, in practice, is no longer in any control of other EU citizens' access to, for example, welfare services in another member country than their own.

This clearly implies that subsidiarity today is rather fiction than reality. It sounds great when the EU celebrates itself with a toast to the European Union, but for the individual citizen in the Member States, it has no meaning. It's nothing, but an empty shell.

Another great idea is to ensure the influence of the ordinary EU citizens through the collection of signatures. One million EU citizens can thus - at least in principle - move the European Commission towards specific legislation. But the problem is the many exceptions in the scheme. For instance, a

proposal must not "be contrary to the spirit of the EU".

It still remains for us to get a precise definition of this "spirit of the EU", otherwise we get an impression of a system which can be bent and stretched at the sole discretion of the European Commission.

Neither the European Commission nor the European Court of Justice would ever accept a proposal which is aiming at a reduction of the influence of the EU. It would simply not be in their interest.

Thus we are left with the sad remains of the autonomy of the individual member state. And what the EU is not able to implement, is too often implemented by eager governments in member states who always seem to be in a hurry to please the EU in every possible manner and thus often implement EU legislation with the consequence that the country's own industry and agriculture are presented with a disadvantage in their ability to compete with foreign countries.

A good example is my own country, where successive governments have been busy with the implementation of EU legislation so that Danish agriculture has a hard time competing with their counterparts in other EU countries.

As a Eurosceptic and reformist, I wish a European Union with less influence. A wide range of decisions must be returned to the individual member states ensuring that only genuinely elected politicians can take decisions that are in line with the wishes of a majority of the population. It is "genuine" local politics. It is true democracy.

The EU's credibility suffers from an inability to an understanding of the decisions taken, while the EU is not able to handle the real challenges to the continent in an effective way. One of the reasons can certainly be found in an obvious lack of ability to prioritize tasks properly.

Instead of detailed regulation, the EU should only take care of the real cross-border problems. The abundance of problems is overwhelming, and the EU has until yet not been able to solve them.



Morten Messerschmidt is Danish MEP and the Vice-Chair of the ECR Group in the European Parliament.



European Court of Justice

Pieter CLEPPE

AN EU SUBSIDIARITY COURT AS A MEANS TO KEEP THE ECJ IN CHECK

The European Court of Justice (ECJ) in Luxembourg is the final arbiter when it comes to interpreting the EU Treaties. This Court has done many good things for the cause of removing barriers between European countries, as for example condemning Germany for not allowing a French liquor, Cassis de Dijon, onto its market. At the same time, The Court has been accused of violating the principle of subsidiarity, which it is supposed to protect. As former German President Roman Herzog has pointed out:

“Judicial decision-making in Europe is in deep trouble. The reason is to be found in the European Court of Justice (ECJ), whose justifications for depriving Member States of their very own fundamental competences and interfering heavily in their legal systems are becoming increasingly astonishing. In so doing, it has squandered away a large part of the trust it used to enjoy.

After having reviewed some of the ECJ’s decisions, Herzog has concluded that “the ECJ undermines the competences of the Member States even in the core fields of national powers”. Furthermore, he noted that “the ECJ deliberately and systematically ignores fundamental principles of the Western interpretation of law, its decisions are based on sloppy argumentation, it ignores the will of the legislator, or even turns it into its opposite, and invents legal principles serving as grounds for later judgments.” Also the former President of the Belgian

Constitutional Court, Marc Bossuyt, has lamented that the ECJ has been extending its competences, creating a serious threat of a “government by judges”.

That the ECJ has occasionally served as a motor on the EU machine, instead of as a check, should perhaps not even be personally blamed on ECJ judges. In history, also other Constitutional Courts in federal states, like the US Supreme Court, have tended to favour centralisation over time. Moreover, the preamble of the EU Treaties instructs the ECJ to help realise “ever closer union”. While it’s disputed what the actual legal significance of this is, the ECJ’s current President, Koen Lenaerts, has himself admitted the ECJ uses the preamble as a guide. He also said that vague text in the EU Treaties has often been inserted “quite deliberate” when politicians can’t agree, so it is left to the ECJ to fill in the gaps when problems arise.

From 2010 on, the Lisbon Treaty has expanded the powers of the ECJ, allowing it to wade into the area of EU justice and home affairs cooperation, for example, and enabling it to use the EU’s Charter of Fundamental Rights as a basis to judge national legislation, ever increasing the scope of the EU’s influence.

An example of the ECJ overreaching was its “Mangold”-ruling from 2005, whereby it banned a German measure which temporarily allowed 52 year-olds to conclude temporary employment contracts without restrictions, in order to help them to find a job. Previously, one needed to be at least 58 year old. The ECJ didn’t even invoke a directive which would have been violated, but claimed that a “general principle of community law”, a ban age discrimination, hadn’t been respected. One can only guess what this – otherwise laudable principle - has to do with the EU’s core mission to remove barriers between countries. The German Constitutional Court ruled in 2010 on the issue. While it agreed with the content of the ECJ’s assessment, it more importantly recalled explicitly that it is its job to check whether the balance of competences between the EU and its member states has been respected.

This brings us to how the ECJ can be kept in check. One of the proposals which we’ve made with Open Europe is to create an EU Subsidiarity Court, through changing the EU Treaties, taking advantage of the increasing support across Europe for EU reform. This institution would be composed of the presidents of the Constitutional Courts of the member states. One would be able to file appeal against any ECJ decision on the grounds of “subsidiarity” or distribution of competences. Apart from that,

unrelated to a specific case, member states would be able to drag the EU Commission, not much more innocent than the ECJ in this regard, before the Subsidiarity Court, through a so-called “reverse infringement procedure”, to force it to change EU legislation where the EU violated national sovereignty. Much like in the Belgian and French legal order the “Court of Cassation” only reviews whether the legal procedure has been respected, without delving into the specific facts of any case, such an EU Subsidiarity Court would only be able to overrule the ECJ if ECJ judges would once again have abused their mandate to subject policy areas to EU control, for example by making up a “general principle of community law” in order to justify declaring specific national laws invalid.

Naturally, national Constitutional Courts would need to hire more staff and those member states without a national Constitutional Court would need to create a new independent judicial body specialized in the distribution of competences between the EU and its member states. The fact that the Subsidiarity Court would be independent and superior to the EU machinery while remaining an integral part of the national legal order would make it into a proper intergovernmental nanny for the ECJ. ■



Pieter Cleppe represents independent think tank Open Europe in Brussel - www.openeurope.org.uk.



Porec, (Istria) town hall

Ruža TOMAŠIĆ

NEW TERRITORIAL DEVELOPMENT TOOLS IN COHESION POLICY 2014-2020

INTEGRATED TERRITORIAL INVESTMENT (ITI) AND COMMUNITY-LED LOCAL DEVELOPMENT (CLLD)

Territorial cohesion was recognised as a fundamental objective of the EU and enshrined in the Lisbon Treaty. Against this backdrop, the new generation of cohesion policy for the 2014-2020 programming period puts greater emphasis on the use of integrated and place-based oriented approaches to foster economic, social and territorial cohesion. The new ERDF regulations stipulate a ring-fenced budget of 5% of expenditure for sustainable urban development.

Under the framework of the European Structural and Investment Funds two new instruments have been introduced in the 2014-2020 programming period in order to achieve the territorial cohesion objective: Community-Led Local Development (CLLD) and Integrated Territorial Investments (ITI).

CLLD (Articles 32-35 of the Common Provisions Regulation

(CPR)) is a new tool for use at sub-regional level. It is based on the LEADER experience of community-led local development and is based on a bottom-up approach: it aims to strengthen synergies between local actors, both public and private. ITI (Article 36 of the CPR) will help implement integrated territorial

ONE OF MAIN CHALLENGES IS RELATED TO CONTROL AND ACCOUNTABILITY. LOCAL GROUPS ARE IMPLEMENTING POLICIES USING PUBLIC FUNDS, WHILST THEY ARE NOT ELECTED REPRESENTATIVES.

strategies as it allows bundling of funding from several priority axes of one or more operational programmes. ITIs can be used for delivering the sustainable urban development objective, but can be also aimed at other types of territory.

The Member States had to indicate in their Partnership Agreements how ITI and CLLD will be used by Member States and the types of areas and challenges that these mechanisms will address.

It is difficult to evaluate ITI and CLLD for the 2014-2020 programming period but some challenges have already been identified by the EU institutions, researchers, managing authorities, and local actors. This can be summarised as follows I believe that the bottom-up approach and participation of local actors is essential for achieving the objectives of cohesion policy. Yet, in a number of Member States a lack of trust can be observed between the different levels of governance when it comes to the implementation of CLLD and ITI. This is an important issue to solve as it can seriously hamper the realisation of the territorial approach.

Furthermore, local actors unfortunately often lack the capacity to develop and implement development strategies that concern their territory. They are in need of support from both the national and EU levels in order for these tools to bring the desired effect. This is particularly important for smaller localities and disadvantaged areas such as islands, mountains and rural areas. Targeted activities are necessary in order to bring these tools closer to local actors and to build their capacity so that they can successfully participate in strategies aimed at their territory. Using the existing resources and platforms will be key in these efforts.

The youth is often left aside in discussions around public policies. It is essential to include young people in territorial development tools, especially CLLD. A staggering number of 14 million young people are not in employment, education

THE YOUTH IS OFTEN LEFT ASIDE IN DISCUSSIONS AROUND PUBLIC POLICIES. IT IS ESSENTIAL TO INCLUDE YOUNG PEOPLE IN TERRITORIAL DEVELOPMENT TOOLS, ESPECIALLY CLLD.

or training (NEET), while the youth unemployment rates have risen above 50% in certain Member States. CLLD with an emphasis on youth can be a binding factor between generations within communities and can develop new paths to employment.

One of main challenges is related to control and accountability. Local groups are implementing policies using public funds, whilst they are not elected representatives. The local partnership brings together the public sector, private enterprises and civil society, and makes decisions on the allocation of the funds available to projects that can be brought forward by any strand at local society. A key issue is therefore to ensure that local authorities do not overtake the delivery system in the name of accountability. This can be achieved by ensuring transparency of the decision-making, demonstrating that the partners made decisions on an objective basis, free from conflict of interests. This should be supported by an effective monitoring system, providing evidence of sound management of funds but also data allowing and assessment of the added value of this approach.

However, the right balance has to be created between control and accountability and performance.

Moreover, additional and often unnecessary requirements and hurdles are created at national and regional levels (so called “gold-plating” practices) which add further complexity and

deter from using tools such as CLLD and ITI. Considerable simplification is necessary to reduce this hefty administrative burden and complexity. There are high expectations in this regard from the new High Level Group of Independent Experts on Monitoring Simplification for Beneficiaries of the European Structural and Investment Funds and the Commission’s efforts in the field of Better Regulation. It is very important to find common ground when making recommendations, as simplification in one Member State might lead to complication in another.

Furthermore, the multi-fund possibilities afforded in the new regulations should be exploited to the extent possible so as to achieve a truly integrated/holistic approach to cohesion policy interventions. At the moment, there are still wide differences in the way the ESI Funds are to be implemented.

I would like to see tools such as ITI and CLLD having a more prominent role in the future discussions on cohesion policy, with a greater and more formal emphasis on the bottom-up approach. The Commission will be in a position to evaluate the implementation of these tools in the 2014-2020 period as well as to develop scenarios and provide recommendations for the post-2020 period. ■



Ruža Tomašić MEP is the ECR Group rapporteur on the own-initiative report “New territorial development tools in cohesion policy 2014-2020: Integrated Territorial Investment (ITI) and Community-Led Local Development (CLLD)”.



Sajjad KARIM

SUBSIDIARITY BRINGING OUR WORK CLOSER TO CITIZENS



I often find myself having to convince my colleagues in the European Parliament (EP) that the word ‘subsidiarity’ should not be feared, that it does not undermine our work in the EU institutions.

I remind them that it is a key element of bringing our work closer to citizens’ daily lives. Now more than ever the issue of subsidiarity is particularly relevant, with the Prime Minister’s reform agenda, including his recent letter to Donald Tusk, President of the European Council, calling for commitments to subsidiarity by EU institutions to be ‘fully implemented’.

Even the President of the Italian Republic, Sergio Mattarella - who addressed MEPs at the last plenary session in Strasbourg - spoke about the principle of subsidiarity, saying new relations with member states are required.

To start, this can be done by ensuring that national parliaments participate more actively in the legislative process.

David Cameron has outlined the important role that national parliaments play and has stated that he would even like to see the role of national parliaments enhanced

where “groups of national parliaments, acting together, can stop unwanted legislative proposals.”

This is an objective I have been working towards in my role and while it is not the most popular idea within the EP, there is definitely scope for a system to be established.

However, these details would need to be fleshed out. Calling this a ‘veto’ right or a ‘red card’ for national parliaments would be very difficult to sell to my parliamentary colleagues from the federalist groups.



Westerkerk, Amsterdam

Before continuing, I would like to reiterate what the Lisbon Treaty states in Article 5:

“ The principle of subsidiarity aims at determining the level of intervention that is most relevant in the areas of competences shared between the EU and the EU countries. This may concern action at European, national or local levels. In all cases, the EU may only intervene if it is able to act more effectively than EU countries at their respective national or local levels.

It is crucial to remember this idea when deciding whether action should or should not be taken at an EU level.

The Dutch government embodied this notion perfectly in a recent subsidiarity review (2013), proclaiming the “time of an ‘ever closer union’ in every possible policy area is behind us” and saying “European where necessary, national where possible”.

They are also keen to play a key role in promoting this agenda through their incoming Dutch EU Presidency during the first half of 2016, which incidentally could work well for the Prime Minister and his reform agenda.

My work as rapporteur on the Annual Subsidiarity and Proportionality reports also helps to promote David Cameron’s reform agenda and some of the conclusions drawn from my 2012-13 report are optimistic, which I will outline below.

The number of reasoned opinions from national parliaments regarding subsidiarity has increased compared to 2010 and 2011, a positive development since it means national parliaments are more engaged.

However, there is more that could be done because opinions are generally limited to a few chambers, so others should be encouraged to be more active. Furthermore, there seems to be differing interpretations of the principle of subsidiarity among national parliaments.

It was also decided that the yellow card procedure should be easily implementable for national parliaments, as there are several circumstances where difficulties have been reported.

The yellow card allows a third or more of national parliaments, acting together, to vet and temporarily block draft laws proposed by the Commission. For legislation in the sensitive area of justice and home affairs, the threshold is lower at a quarter.

Several parliaments have also expressed their interest in a green card mechanism. This would aim to enhance political dialogue with national parliaments and would give them the opportunity to suggest constructive proposals for the Commission’s consideration. This could include ideas for legislative proposals, but also proposals for withdrawals and amendments to existing legislation.

The left are particularly sceptical of this idea though, as the EP does not

have this right and consequently are keen to protect the Commission’s ‘right of initiative’.

However, I am aware that in the course of the current Inter-Institutional Agreement negotiations, the EP negotiator, Guy Verhofstadt, is calling for the Commission to respond to the EP’s non-legislative reports within three months to inform the EP how it intends to react. As a result, there is definitely scope for the green card.

It’s also important that we encourage national parliaments to contribute to legislation at an earlier stage in the process. Including the perspectives of national parliaments in the course of preparatory work, such as green or white papers produced by the Commission will

help to enhance political dialogue and reduce the democratic deficit. When objections or concerns are raised by national parliaments, these should be thoroughly evaluated and not disregarded.

Next year I will be continuing my work as subsidiarity rapporteur, this time on the 2014 report. I am keen to build on what was achieved in the last report and add new elements, such as fleshing out the details for the green card.

Another priority is to address the idea of the previously mentioned ‘red card’ and how this would work in practice. Calling it a ‘red card’ or ‘veto’ is unpopular in the EP, so renaming it or perhaps incorporating it into the Green card may be the way forward.

I will also propose to look at how we can include national parliaments more in our work from a practical perspective and more initiatives that could be considered to coordinate the reasoned opinions from national parliaments.

With the incoming Dutch EU Presidency and Prime Minister David Cameron’s reform agenda swinging into full gear, 2016 looks to be an interesting year for subsidiarity. We could be on the verge of real and positive change in the EU. ■



Sajjad Karim MEP has been the Conservative Legal Affairs Spokesperson since 2009 and the Rapporteur of the Annual Reports on Subsidiarity and Proportionality between 2011 and 2014.

Sander LOONES

SHOULD SMES CARE ABOUT SUBSIDIARITY?

The European Union stands at a crossroad in its evolution. Almost everyone agrees that the EU needs reform to be more effective. On the 10th of November, The UK's prime minister David Cameron set out his European reform agenda. The N-VA, the party I belong to, is just as convinced as the British Conservatives that the EU is in serious need of fundamental change. Change in which the principle of subsidiarity plays a key role.

The "British momentum" must be seized to reform the EU. This would not only benefit the United Kingdom, but also the other member states. Mr. Cameron's agenda focusses on economic governance, migration, subsidiarity and growth. The EU should become more flexible, more competitive, and act only where necessary, leaving the member states in charge where possible.

The EU's single market, its flagship project, was an important factor in Europe's economic growth during the 20th Century. To create the single market, hundreds of technical, legal and bureaucratic barriers to free trade and free movement of workers between the EU's

member countries have been abolished. The world envied our 500 million consumers having access to European businesses all over Europe. The EU was very attractive to foreign investors.

In the last decade or so, the EU has lost a lot of its image as a positive economic factor. The EU is no longer associated with doing business, economic growth or helping consumers. The Eurozone crisis brought unemployment and economic despair. If you ask people about the EU, they all too often think of bureaucratic, centralistic and administrative burdens on our economies.

SUBSIDIARITY AND THE SINGLE MARKET: FRIENDS OR ENEMIES?

So what can the EU do to return to be a positive economic factor? It can complete the single market. Unlocking a digital single market can provide 3.8 million jobs. A single capital market provides our startups a helping hand so they do not have to move to the US if they want to scale up. It also needs to conclude more trade agreements - such as the free trade agreement with the US - because they can offer many benefits to our consumers and companies.

However, completing the Single market does not equal ever more European regulation. All too often, the Commission uses harmonization where it's not necessary. All too often European rules are custom written for (and by) multinationals. The single market needs to focus on opening competition, not on restricting it. Also in the single market subsidiarity is key. Less and better legislation will benefit primarily SMEs.

Completing the single market should therefore be done the right way. Sometimes you need European harmonization, sometimes it's better to break down barriers to entry and scraping protectionist elements of national regulations. When European standardization is necessary, it's important that the European regulation is correctly implemented by the Member States. It's twice as problematic if you have European regulation and at the same time fragmentation of the single market. Gold plating and/or weak implementation make it very hard to do business all over Europe.

But we also need to look at the cumulative effect of European regulation. The EU needs to reduce the existing regulatory burden on the economy. The EU has

IF WE WANT TO MAKE OUR ECONOMIES READY FOR THE 21ST CENTURY, WE NEED TO WRITE COMPETITIVENESS INTO THE DNA OF THE WHOLE EUROPEAN UNION. THE BRITISH REFORMS ARE ONLY A FIRST STEP IN THIS EXERCISE, BUT IF WE DO IT RIGHT, IT CAN BE AN IMPORTANT ONE.



Sander Loones is a Flemish MEP and Vice-Chair of his party, N-VA.

launched this legislature the better regulation agenda, spearheaded by Commissioner Frans Timmermans, and it is definitely a step in the right direction. The Dutchman is coordinating the work on better regulation within the Commission and tries to ensure that every proposal respects the principles of subsidiarity and proportionality.

More is needed. Work needs to go further. The Commission must go with an ax through the forest of regulation in the EU and not only focus on better regulation but actuality deregulate. The EU can learn from what its Member States have been doing. Germany set up the federal "Bureaucracy Reduction and Better Regulation" programme. The UK has since 2011 a "One-in, Two-out, rule", preventing government policymakers from creating new regulations that increase costs for business and voluntary organisations. This has reduced the yearly cost for entrepreneurs with almost £2.2 billion.

If we want to make our economies ready for the 21st century, we need to write competitiveness into the DNA of the whole European Union. The British reforms are only a first step in this exercise, but if we do it right, it can be an important one. ■

Flanders: Antwerp Town hall



Gordon KEYMER

ADVANCING DEVOLUTION AND EMPOWERING LOCAL COMMUNITIES

CONSERVATIVES AND REFORMISTS IN EUROPE AND THEIR POLICY GROUP ON SUBSIDIARITY AND LOCALISM

The ECR Group's in the European Committee of the Regions (CR) and the European Parliament (EP) set-up a Policy Group on subsidiarity and localism in March 2015. The Policy Group aims to ensure that decisions are taken at the lowest practicable level. It looks at the cost and impact of centralising decisions in Brussels, provides recommendations on inter-institutional planning and aims to contribute to the EU's legislative agenda.

We need subsidiarity to be respected and localism to be pursued in the EU decision-making process and the Subsidiarity and Localism Policy Group is an excellent way for the different levels of government to work together in achieving this. Greater localism in the EU is important because local and regional authorities across the EU are impacted by around 70% of EU legislation. A stronger bottom-up localism approach will enable decisions to be taken closer to our citizens who are impacted by

them and will enable our citizens' liberties to be safeguarded.

Currently, the ECR Group is represented in all EU institutions and is the fastest growing force calling for reform. With the 2014 EU elections, the ECR Group became the third largest political group in the EP (2014-2019) with a clear agenda of driving reform in Europe. The Committee of the Regions European Conservatives and Reformists Group was officially announced during the 100th Committee plenary session in April 2013 and has been growing since. A Joint Policy Group on Subsidiarity and Localism was formed as part of the EU reform strategy of the ECR family. It is a unique tool in the EU, pooling the political experience and resources of local and regional politicians with the daily work of Members of the EP.

DELIVERING EUROPEAN REFORM

The current policies and structures of the EU, largely designed for the needs of the 1950s, make the EU unfit to meet the present and future

challenges. Europe needs a new direction if it is to respect the rights of its Member States and fulfil the hopes of their citizens. It needs a fresh approach that is not stuck in the past but embraces the changes needed to build a better future. It needs new policies to modernise the economy so that its industries and business can be competitive in the global marketplace and it needs reform so it is able to generate jobs and prosperity in the century ahead. These need to be done in a bottom-up transparent and democratic manner.

Our political family is at the forefront of generating forward-looking policy proposals for an improved EU that can offer its Member States added-value in achieving shared goals. Unconstrained by the outdated conventional wisdoms of the past, we are seeking to develop new ideas that can change Europe for the better. To this end, the ECR Group's in the EU Parliament and the EU Committee of the Regions established a Policy Group chaired by Andrew Lewer I. and myself.

Chairman Andrew I. Lewer MBE began his mandate as MEP for the East Midlands (UK) and his role as ECR spokesman in the committee for regional development with a large personal and political experience in local government since 2003, being Leader of Derbyshire County Council in 2009, Deputy Chairman of the Local Government Association (LGA, UK) in 2011 and currently serves as a Vice President of the LGA. Also, prior to being elected to the European Parliament in 2014, he was a member of the Committee of the Regions

DELIVERING A MORE BOTTOM-UP SYSTEM OF GOVERNANCE IN THE EU

The Policy Group is an important platform that enabled our political family to collectively pursue its priorities of a bottom-up system to EU policy-making led by the principles of localism and subsidiarity. The priorities of our European family (AEER) are embodied in a document called the Reykjavik Declaration, in which our political family calls

THE POLICY GROUP AIMS TO HELP SHAPE THE EU AGENDA BY CREATING A PLATFORM FOR EARLY CONSULTATION TO TAKE PLACE AMONG POLITICIANS INVOLVED IN THE DIFFERENT STAGES OF THE DECISION-MAKING PROCESS. IT AIMS TO USE THE HANDS-ON EXPERIENCES OF LOCAL AND REGIONAL GOVERNMENT TO SHAPE AN EU AGENDA WHERE ACTION IS ONLY TAKEN AT THE EU LEVEL WHEN IT HAS ADDED-VALUE AND ONLY TO THE DEGREE THAT IS NECESSARY.

for the exercise of power at the lowest practicable level by the individual where possible, by local or national authorities in preference to supranational bodies, and further acknowledges the unique democratic legitimacy of the nation-state. These principles are repeated in the priorities and principles of the ECR Group's in the EU Parliament and Committee of the Regions. The Prague Declaration of the ECR Group in the EP outlines its founding principles of the promotion of the sovereign integrity of the nation state, opposition to EU federalism and a renewed respect for true subsidiarity. The Priorities document of the ECR Group in the CoR also outlines the principle of subsidiarity and localism upon which the Group is founded. It outlines that greater localism in the EU decision-making process will be pursued through advocating the exercise of power at the lowest practicable level - by the individual where possible and by local or national authorities in preference to supranational bodies and advocating that EU decisions do not exceed the level of intervention necessary.

The policy group brings together ECR politicians in the EU and ECR political representatives in the different levels of government who work on subsidiarity. This pooling of our work is important because the EU Treaties give national parliaments and local and regional authorities a role in monitoring subsidiarity. The Treaties invite national parliaments to participate in the EU legislative process and enable local and regional authorities through the Committee of the Regions to advise EU institutions on the local and regional aspect of EU decisions. The treaties also allow national parliaments and the CoR to monitor compliance with the principles of subsidiarity, giving them the power to challenge EU legislation at the Court of Justice of the EU if this principle is not upheld.



We are also working with European institutions that are wider than just the European Union, such as the Council of Europe Parliamentary Assembly and the Council of Europe Congress of Local and Regional Authorities, to exchange best practices and cooperate in addressing ongoing European challenges that are not solely constrained to EU Member States.

SHAPING THE EU AGENDA

The Policy Group aims to help shape the EU agenda by creating a platform for early consultation to take place among politicians involved in the different stages of the decision-making process. It aims to use the hands-on experiences of local and regional government to shape an EU agenda where action is only taken at the EU level when it has added-value and only to the degree that is necessary.

It is important to remember that local and regional authorities represent the level of governance that is closest to our citizens and know first-hand the impact that decisions have on their communities. Driving reform is about ensuring that powers come back to the Member States and are exercised as close to our citizens as possible. This means not only bringing competences back to our national parliaments but also devolving them further down to local authorities.

A bottom-up approach will be crucial in the current legislative mandate. Existing EU legislation already covers a large number of policy fields and these legislative acts usually contain review clauses, which allows for their impact and effects to be monitored. The review clauses present an opportunity for the legislation to be fine-tuned and elements to create unwanted

consequences, such as potential red-tape, to be removed. In the current legislative mandate, we are thankfully seeing that greater emphasis is being placed on quality rather than quantity. This means that Members of the EU Parliament will increasingly have to amend existing legislation rather than creating new laws. This "legislative fine-tuning" will take place through a scrutiny process. Moreover, our ECR Group in the EP, as the third largest Group in a decision-making institution, influence the complete EU legislative cycle. This includes consultation, agenda-setting, decision-making, and implementation check/scrutiny. Our ECR Members of Parliament naturally have a strong interest in knowing the effects and concrete results on the ground of the legislation they adopted. This is why the Policy Group is developing its own "subsidiarity score board".

So far, meetings have taken place on the better regulation package and the EU energy union with the participation of local, national and EU politicians. The Policy Group also presented its progress at the Conservative Party Conference in the UK and organised a special workshop at the ECR Autumn University in London in November 2015. All meetings have been well attended and with Andrew, we will be working on organising meetings in 2016 to address key areas where greater localism is needed and subsidiarity questions remain. ■

Want to join?

If you are a local or regional councillor or interested in devolution of EU competencies and upholding the principles of subsidiarity and localism, or if you want to participate in the subsidiarity scoreboard procedure, please contact the secretariat (Tobias Teuscher, mobile phone +32 4 98 98 47 07, tobias.teuscher@europarl.europa.eu)




Cllr Gordon Keymer CBE is the Leader of Tandridge District Council and the UK/ President of the ECR Group in the Committee of the Regions.

Andrew LEWER

POLITICIAN'S PROGRESS

THIS MIRY SLOUGH IS SUCH A PLACE AS CANNOT BE MENDED... IT IS CALLED THE SLOUGH OF DESPOND... THERE ARISETH... MANY FEARS, DOUBTS, AND DISCOURAGING APPREHENSIONS.

- Pilgrim's Progress, John Bunyan, 1678.



It would be all too easy to descend into the slough of despond (whose inspiration is a treacherous bog in Bedfordshire, England) when one reflects upon the lack of ability to do other than parrot 1950s EU platitudes demonstrated by so many in the European institutions. MEPs from outside the ECR seem to be particularly afflicted by this malaise. And deeper still into the slough can one sink via the subject matter and their treatment in the two European Parliament Committees I work on, CULT (the Culture and Education Committee) and REGI (the Regional Development Committee).

CULT informs the culture of EU discourse as well as simply looking

at cultural affairs. Furthermore, it gets involved in areas that are sensitive and indeed sacrosanct to those who require the EU to take subsidiarity seriously. REGI oversees the spending of c.35% of the EU's total budget and as most of that is – or should be – on local projects, the opportunities to embed subsidiarity and localism principles into the EU's work should be more firmly on display here than anywhere else. I say 'should be' deliberately because, alas, the slough beckons here too!

One of the most frustrating and anti-subsidiarity experiences that it has been my misfortune to endure took place around the CULT Committee's paper on "Learning EU in Schools". The horrible

grammar in the title is the least of this proposal's sins! To my dismay I found myself as virtually a lone voice in pointing out its folly, whereas most other MEPs present seized upon it with federalistic glee. From a discussion of sharing best educational practice (which I would have found acceptable), we were soon beyond even how to tell schools to teach about the EU and into how "important" it was to ensure schools taught only positive things about the EU because that way young people would better understand its true and special meaning. Scepticism, nationalism, xenophobia and racism would be banished! Resentment at seeing the lazy left lump the healthy vigour of scepticism and the positive force for good that national pride can

be in together with xenophobia and racism led to me making this statement: “Apparently it is bad to be a nationalist in the sense of believing in your own country, but it is a good thing to believe in another, fictional, entity trying to become a country called the European Union. So why is one sort of nationalism a good nationalism and another sort a bad nationalism?” It was not well received. The dash to federalism continued with colleagues on the Committee moving on suggest that perhaps the European taxpayer could pay to teach about the glories of the EU in the schools of countries who are not even Member States! Now much of this is not only beyond the competence of the Committee, the Parliament but even of the treaties of the EU. Consequently those seeking to believe – in the face of all the evidence – that “Europe is coming our way” and that subsidiarity is being taken seriously could perhaps dismiss the above subject and say “it will never happen”, but the fact that it was still seriously discussed serves to underline how lacking in perspective, how wedded to the 1950s EU ‘project’ and how therefore un-open to real reform the European political class can sometimes be.

It has long been a goal of the British Government to make more efficient use of EU regional development funds. The principal vehicle for achieving this would be via the “net contributor” principle, where countries that pay more money into regional development funds than they receive back would simply pay over to the European Commission the net amount. The pointless money-go-round of Member States getting a percentage of their own money back, but being told how they can spend it would cease. Those countries who are in net receipt of funds would still receive the same amount. Additionally, the expertise of the Commission could then focus on added value.

This excellent idea, where the only losers are the power brokers in the Commission and those who seek to promote the cause of the EU by bribing people with their own money, would be a huge step forward in EU reform and in advancing the cause of subsidiarity. It must be time for the slough of despond!

Even in the midst of EU reform negotiations with the UK Government. Even with the most careful worded question: Wondering whether (and only after 2020, mind you) would some sort of reform of regional development funding that had some element of the ‘net contributor’ within it could at least be looked at. Even then, the answer to me from the Commissioner recently, insofar as the question was understood at all, was ‘no’. Just the most memorable – and yet least convincing – of the explanations offered by the Commissioner for why regional development funding must stay exactly the way it is was that some English local authorities like getting money from Europe. Clearly absurd reasoning, but it also suggests that goodwill from people who think the EU is being generous in giving them some of their own money back will trump administrative efficiency or subsidiarity principles every time.

However, and to be fair, one cannot help but feel that insufficient pressure is being brought to bear upon the EU institutions by ECR Member national governments over these principles too. Certainly the cautious and modest nature of the David Cameron reform proposals to Donald Tusk, though making a passing reference to subsidiarity, do not refer to redesigning regional development funding and getting rid of Creative Europe, Europe for Citizens and other such anti-localist schemes. There has to be a concern that if only modest results are achieved via the UK ‘renegotiation’ (far too grand a title for what it amounts



Andrew Lewer MBE MEP is the ECR Coordinator for the CULT & REGI Committees and the Conservative Spokesman for Culture, Education and Regional Development.

to) then the impetus for on-going reforms will be lost.

Notwithstanding this outlook and the consequent temptation to descend into the slough of despond, it is right to hold onto hope, to see that the challenge in reforming the EU is a great one, a hard one, but a worthwhile one. Although organised reform would have been preferable, it may come in a less organised way, via a combination of events (such as mass migration) and the contradictions inherent in the EU’s mechanisms (such as the Euro). The ECR needs to stand ready to fill the thought gaps in EU institutions, through publications like this, and provide the evidence base, such as through the ‘subsidiarity scoreboard’ we are developing at present. That way we will be ready with the right way to go, when the wrong, though superficially easy routes, currently being taken end in woe. ■

THIS HILL, THOUGH HIGH, I COVET TO ASCEND; THE DIFFICULTY WILL NOT ME OFFEND... BETTER, THOUGH DIFFICULT, THE RIGHT WAY TO GO, THAN WRONG, THOUGH EASY, WHERE THE END IS WOE

- Pilgrim’s Progress, John Bunyan, 1678.

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