

REPORT 10/2016 OF 14 DECEMBER 2016 FROM THE JOINT COMMITTEE ON EUROPEAN UNION AFFAIRS: APPLICATION OF THE SUBSIDIARITY PRINCIPLE IN THE PROPOSAL FOR A DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ON THE PARTICIPATION OF THE UNION IN THE PARTNERSHIP FOR RESEARCH AND INNOVATION IN THE MEDITERRANEAN AREA (PRIMA) JOINTLY UNDERTAKEN BY SEVERAL MEMBER STATES [COM(2016) 662 FINAL] [2016/0325 (COD)] {SWD(2016) 331 FINAL} {SWD(2016) 332 FINAL}

BACKGROUND

A. The Protocol on the application of the principles of subsidiarity and proportionality annexed to the 2007 Lisbon Treaty, which has been in force since 1 December 2009, introduced a control procedure whereby national parliaments check whether draft EU legislation complies with the principle of subsidiarity. Spain implemented this Protocol by amending Law 8/1994 of 19 May 1994 through Law 24/2009 of 22 December 2009. More specifically, the legal basis for this report can be found in Articles 3(j), 5 and 6, introduced to Law 8/1994 by said amendment.

B. The European Commission has approved this Proposal for a Decision of the European Parliament and of the Council on the participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States and forwarded it to the national parliaments, which have eight weeks — until 20 December 2016 — to conduct the subsidiarity check.

C. On 29 November 2016 the officers and spokespersons of the Joint Committee on European Union Affairs agreed to examine the draft EU legislation, appointing the MP Rubén Moreno Palanques as rapporteur, and asked the government to draw up the report referred to in Article 3(j) of Law 8/1994.

D. This report has now been received from the government, which concludes that the Proposal respects the principle of subsidiarity because its aims cannot be sufficiently achieved by the Member States on a stand-alone basis and require intervention at EU level. Correspondence — stating that the matter had been closed, that no reasoned opinion was being issued, or acknowledging receipt of the Proposal — was also received from the regional parliaments of La Rioja, Catalonia, Cantabria and Galicia.

E. At its meeting on 14 December 2016, the Joint Committee on the European Union approved the following

REPORT:

1. Article 5(1) of the Treaty on European Union states that ‘the use of Union competences is governed by the principles of subsidiarity and proportionality’. According to Article 5(3) of the same Treaty, ‘under the principle of subsidiarity [...] the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level’.

2. This Proposal is based on Articles 185 and 188.2 of the Treaty on the Functioning of the European Union (TFEU), which read as follows:

Article 185

In implementing the multiannual framework programme, the Union may make provision, in agreement with the Member States concerned, for participation in research and development programmes undertaken by several Member States, including participation in the structures created for the execution of those programmes.

Article 188

The Council, on a proposal from the Commission and after consulting the European Parliament and the Economic and Social Committee, shall adopt the provisions referred to in Article 187.

The European Parliament and the Council, acting in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee, shall adopt the provisions referred to in Articles 183, 184 and 185. Adoption of the supplementary programmes shall require the agreement of the Member States concerned.

3. There has been an interest in establishing an Article 185 initiative for the Mediterranean for some time now. The Commission encouraged the Mediterranean countries to prepare such an initiative at the Euro-Mediterranean Conference on Research and Innovation held in Barcelona in April 2012. The participating countries finally submitted their formal proposal for a joint programme in December 2014 in the form of a letter from the Italian Minister for Research and Development to the Commissioner for Research, Science and Innovation.

4. This Proposal for a Decision is justified by the substantial water stress to which the Mediterranean region is subject. This stress, exacerbated by climate change, manifests itself as a scarcity of water, mainly for irrigation purposes, with the consequent impact on harvests and on affordable access to food. The negative impact of these circumstances on nutrition, health, livelihoods and living standards and wellbeing creates economic and social pressure that leads to instability and migration — both internal and external and particularly towards Europe.

5. Possible solutions are hindered by the fact that the size of the challenge is out of proportion to the investment made at regional level. Differences in the level of investment between countries, a lack of focus on the water and food problem, the private sector's limited capacity to address the problem and the fragmentation of R&I collaboration efforts between EU Member States and southern and eastern Mediterranean countries (mostly under bilateral agreements) also prevent any significant impact.

6. The Partnership in Research and Innovation in the Mediterranean Area (PRIMA) joint programme initiative, led by EU Member States and southern Mediterranean countries, was established in the context of the need to strengthen EU cooperation with southern Mediterranean countries in the key areas of water resources, food systems and related fields.

7. The programme's strategic objective is to develop the common innovative solutions for water provision and food systems. Research and innovation could help to solve bigger problems in relation to nutrition, health and social wellbeing, and can be leveraged to the maximum to tackle the challenge of mass migration, in line with the Communication from the Commission on establishing a new Partnership Framework with third countries under the European Agenda on Migration (COM(2016)385 final) for enhanced financial collaboration with Member States and other partners.

8. The PRIMA Joint Programme involves 19 countries. Eleven are EU Member States (Croatia, Cyprus, the Czech Republic, France, Greece, Italy, Luxembourg, Malta, Portugal, Slovenia and Spain) and eight are non-EU countries (Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Tunisia and Turkey). Of these participants, 14 have agreed to carry out the PRIMA initiative and committed to making financial contributions: the EU Member States Cyprus, the Czech Republic, France, Greece, Italy, Luxembourg, Malta, Portugal and Spain; the Horizon 2020 countries Israel and Tunisia; and the non-Horizon 2020 countries Egypt, Lebanon and Morocco. The Horizon 2020 programme aims at achieving a greater impact on research and innovation by contributing to the strengthening of public-public partnerships, including through Union participation in programmes undertaken by several Member States. It is notable that non-Mediterranean countries, such as Germany and Luxembourg, are also involved in the programme.

9. The European Union's involvement in the PRIMA programme is in line with existing legal provisions in the aforementioned areas (water resources, food and related fields), and with other EU policies, in particular on the topic of migration. The Foreign Affairs Council Conclusions dated 12 October 2015 and 17-18 March 2016 acknowledge that the migration crisis within and beyond the EU neighbourhood is exacerbated by poverty, poor socioeconomic development and violations of human rights, and call for a strong EU external migration and asylum policy. The Council also renewed its commitment to mobilising all instruments and policies to address the root causes of migratory flows, mainly poor socioeconomic conditions and climate change.

10. PRIMA is a joint programme based on and composed of national programmes run and activities carried out by the participating Member States and Associated Countries, with the support and participation of the EU. The Proposal for the EU to take part in PRIMA on the basis of Article 185 TFEU is appropriate because it will enable the coordination of national research programmes and the EU's participation in the joint programme. Each country alone would hardly be able to cope with the complexity of the challenges posed.

11. The proposal does not go beyond the measures necessary to achieve its aims. The EU's participation in PRIMA will take place within the limits of the competence provided under the TFEU and will only facilitate and support, including financially, the fulfilment of PRIMA's objectives by the participating states. The participating states will have to work together to better coordinate, align and integrate the relevant national programmes or activities, and ultimately develop a common long-term strategic research agenda.

12. This is a long-term commitment (ten years). The maximum EU contribution will be EUR 200 million. The EU contribution will be made within the Horizon 2020 programme (the Framework Programme for Research and Innovation) and will receive financial backing from the Member States before the delegation agreement is signed. The EU contribution to each Annual Work Plan will not exceed the commitment of the participating states to it. This ensures that there is a balance with at least matching contributions of EU funding and participating states. This allows a mechanism to reduce the EU commitment if participating states fail to commit as expected. An interim and a final independent evaluation are envisaged.

13. In summary, this initiative brings important added value because the EU's involvement will enable the creation of a new legal framework in which EU and national funding can be combined in a common strategy that, moreover, entails an international assessment of projects, something that would not be feasible from a purely national perspective.

14. Spain has supported PRIMA since its initial conception in 2012, and we continue to do so. Furthermore, the proposing countries have agreed that the structure required to implement the initiative will be located in Barcelona under the auspices of the Union for the Mediterranean. An ad hoc legal structure — namely a foundation under Spanish law — will be set up to this end.

CONCLUSION

For the reasons explained above, the Joint Committee on European Union Affairs finds that the Proposal for a Decision of the European Parliament and of the Council on the Participation of the Union in the Partnership for Research and Innovation in the Mediterranean Area (PRIMA) jointly undertaken by several Member States is in accordance with the principle of subsidiarity as established in the Treaty on European Union.