Subsidiarity and proportionality
HLG on Simplification
Brussels 2017 Januari 24
Purpose of the presentation

- Feeding discussion on shared management/implementation with principles of subsidiarity and proportionality
Subsidiarity

- Is a principle which governs the choice of who should act, in situations where potentially more than one actor is able to act;
- In the EU context, it refers to the choice of whether to act at EU, national or sub-national levels, with a preference for the level closest to citizens.
- The Dutch Government review concluded that subsidiarity could be summed up as “Europe where necessary, national where possible”
- It is not a type of competence, but rather a principle that must be followed
Translated in ESIFunds

- Setting up the regulation in a close partnership between EU, national, regional and local authorities and civil society
- Programming at the appropriate level, national or regional with involvement of local authorities
- Implementation with clear responsibilities of every level in every step of the procedures (from call over selection, monitoring and control), including clear ex-ante agreements on co-financement of priorities/actions
Options

- Cfr note Malina Kroumova
- In the option of “One policy one fund”:
  - Include all relevant programmes in one fund (f. i. ESF with EGF and Easy and even parts of LLL)
  - Shared, indirect or direct management in one OP, varying with the priorities of the OP
  - Real partnership from all partners involved, including the EC
  - Clear division of responsibilities in all steps
  - Takes a very hands-on way of working
  - Should solve problems on state aid
Proportionality

- Originates from the criminal atmosphere
- Transposed to EU action it requires that:
  - action be no more than is needed to achieve the intended objective.
- Thus the need for action, and the costs and benefits that can be expressed must be examined.
Differentiation of applicable rules

- Cfr notes Malina Kroumova and Häkan Forsberg

- Budget
- Objectives
- Performance
- Co financing rates
  - MS/regions and contribute an even share or more to the total public budget
  - Trust should be given to the national/regional procedures
  - EC should limit itself to monitoring results and system auditing
Differentiation of applicable rules

- One Policy One Fund
  - Clear ex ante division of responsibilities,
  - Clear and effective partnership
  - Rules of different ways of managing the different priorities in an OP could vary from shared over indirect to direct management

- Historical management performance: historical consumption, results achieved and low error rate in the past should make room for far a simpler management, reporting and less audit and or application of only system audits with application of SISA