



Brussels, 14.11.2017
C(2017) 7810

DECISION OF THE PRESIDENT OF THE EUROPEAN COMMISSION

on the establishment of a Task Force on Subsidiarity, Proportionality and "Doing Less More Efficiently"

THE PRESIDENT OF THE EUROPEAN COMMISSION,

Having regard to the Treaty on European Union,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Treaty establishing the European Atomic Energy Community,

Whereas:

- (1) The Treaty of Lisbon marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as openly as possible and as closely as possible to citizens.
- (2) Actions of the Union must respect the principles of subsidiarity and proportionality enshrined in Article 5(1) of the Treaty on European Union.
- (3) The simplified revision procedure set out in Article 48 (6) of the Treaty on European Union allows for a return to the Member States of competences conferred to the Union.
- (4) The Political Guidelines of the President of the Commission¹ stated that the Commission agenda will focus on ten policy areas, and that beyond that, other policy areas will be left to the Member States where they are more legitimately and better equipped to give effective policy responses at national, regional or local level, in line with the principles of subsidiarity and proportionality.
- (5) The Commission's White Paper on the Future of Europe by 2025 included a scenario 4 "Doing less more efficiently" under which the European Union should step up its work in certain fields while stopping to act or doing less in domains where it is perceived as having more limited added value, or as being unable to deliver on its promises.
- (6) The President of the Commission announced in his State of the Union Address on 13 September 2017 that he would set up a Task Force on Subsidiarity, Proportionality and "Doing Less More Efficiently" to take a critical look at all policy areas to make sure the Union focuses and attributes its limited resources in areas where the EU adds value. The work of the Task Force should take into account the experience with Protocol No 2 of the Treaty on the Functioning of the European Union on the application of the principles of subsidiarity and proportionality.
- (7) The Task Force on Subsidiarity, Proportionality and "Doing Less More Efficiently" should make a report with recommendations to the President of the Commission on how the European Union could take better account of the principles of subsidiarity and proportionality, both with regard to the attribution and the exercise of its competences. The President of the Commission intends to take account of this report in the preparation of the 2018 State of the Union Address. In the Commission Work Programme for 2018², the Commission has announced that it will reflect seriously on

¹ Presented by President Juncker to the European Parliament on 15 July 2014.

² COM(2017)650 final of 24.10.2017, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions,

doing less more efficiently and giving back competences to Member States where it makes sense to do so. It will do so on the basis of the conclusions that the President of the Commission will draw from the work of the Task Force on Subsidiarity, Proportionality and "Doing Less More Efficiently".

HAS DECIDED AS FOLLOWS:

Article 1
Establishment

A Task Force on Subsidiarity, Proportionality and "Doing Less More Efficiently" ("the Task Force") is hereby established.

Article 2
Composition

1. The Chair of the Task Force shall be the First Vice-President, in charge of Better Regulation, Interinstitutional Relations, the Rule of Law and the Charter of Fundamental Rights.
2. The Task Force shall be composed of nine members and the Chair. Three members should be Members of the European Parliament, three members should come from national Parliaments of the Member States and three members should be Members of the Committee of the Regions.
3. The President of the Commission will request the Presidents of the European Parliament, of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC) and of the Committee of the Regions to nominate the respective members from their Institutions.
4. The members of the Task Force shall be appointed by the President of the Commission with effect on 1 January 2018.
5. Upon proposal by the Chair, the Task Force may decide to appoint up to three experts with relevant legal, social, economic and/or environmental expertise. These experts may be invited to the meetings of the Task Force without participating in its decision making.

Article 3
Tasks

The Task Force shall prepare a written report to the President of the Commission by 15 July 2018 with recommendations on:

- a. How to better apply the principles of subsidiarity and proportionality in the work of the Union's Institutions, notably regarding the preparation and implementation of Union legislation and policies.

Commission Work Programme 2018, "An Agenda for a more united, stronger and more democratic Europe".

- b. The identification of any policy areas where, over time, decision making and/or implementation could be redelegated in whole or in part or definitively returned to the Member States.
- c. The identification of ways to better involve regional and local authorities in the preparation and the follow up of Union policies.

Article 4

Engagement with civil society

The Task Force shall engage in an open, transparent and regular dialogue with representative associations and civil society. It may organise targeted consultations and hearings.

Article 5

Independence

In the performance of their tasks, the members of the Task Force shall act independently and in a personal capacity. They shall disclose any potential conflict of interest to the Chair. The Chair shall take any appropriate measure.

Article 6

Functioning

1. The Task Force, under the guidance of the Chair, shall establish its Working Methods and operate in accordance with those methods. It shall meet regularly and, at least, once per month.
2. The Task Force shall adopt its written report by consensus. If no consensus can be reached, it shall decide by a simple majority of its members present at the meeting including the Chair, abstentions not counting as a vote. In the event of a tie, the Chair shall have the casting vote.
3. On the invitation of the President of the Commission, the Chair shall report regularly to the Commission on the work of the Task Force.
4. The Chair shall keep the European Parliament, the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union, the Council, the European Economic and Social Committee and the Committee of the Regions informed about the work of Task Force as appropriate.
5. The Task Force shall be supported by a secretariat located in the Secretariat-General and comprising up to five members of staff from the Secretariat-General and/or relevant Commission services.
6. The Task Force, acting through its Chair, may call upon the secretariat for ad hoc advice, technical papers or other assistance as appropriate.
7. Travel and subsistence expenses incurred by Task Force members shall be reimbursed by the Commission in accordance with the provisions in force within the Commission.

Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for the allocation of resources.

Article 7
Transparency

The documents in the categories below which are presented and discussed by the Task Force shall be published on-line at a website dedicated to the work of the Task Force:

- a) the Working Methods;
- b) invitations to meetings;
- c) agendas and minutes of meetings;
- d) the Final Report of the Task Force;
- e) technical notes or fiches that the secretariat may produce for the Task Force.

Article 8

This decision takes effect on 1 January 2018.

Done at Brussels, on 14 November 2017.

The President
Jean-Claude Juncker