



Subsidiarity and  
European integration.  
Citizens and  
institutions and  
where to go from here?

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## Context

*The introductory thesis of the text on the subsidiarity relationship and European Union citizens is that subsidiarity is supposed to assist both the decision-making process at a level most relevant to the citizen, as well as contribute to the preservation and protection of the cultural and value diversity of the European population. For the individual this means that the preservation of own identity, anchored in the local circumstances of the native region, is just as important as the possibility of effective participation in decision-making.*

## Definition of the term subsidiarity

Subsidiarity (derived from the Latin *subsidiarius* – subsidy, supporting from *subsidium* – aid, assistance) refers to a political principle in accordance with which decision-making and responsibility in public affairs shall take place at the lowest level of public administration that is closest to the citizens. Higher levels of government shall only make the decision where the nature of the issue requires. The principle of subsidiarity is the deepening of the idea of democracy; it is the opposite of centralism and emphasizes decentralization and the role of self-government. Through the encyclical *Quadragesimo Anno* (1891/1931), it became part of both the social doctrine of the Catholic Church and the political program of Christian Democratic parties. It contributed substantially, for example, to the federalization of Germany, and after the Second World War, the principle of subsidiarity was incorporated into several national constitutions of European states. It was applied in the founding of the European Union and is one of the main principles of the 1992 Maastricht Treaty. It is explicitly mentioned in the Treaty of Lisbon and in other EU documents.

In the Lisbon Treaty of the European Union, the principle of subsidiarity is defined as the principle that the European Union is empowered to act only if the given objective cannot be achieved more effectively at a different, lower level. In particular, the first subparagraph of Article 5 (3), reads: “Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar 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”.

## Subsidiarity as a guarantor of preserving cultural and value diversity

### *Founding fathers*

*Although the second part of the introductory thesis on the need for subsidiarity as a guardian of cultural and historical identity and diversity could be many pages long, it can also be illustrated by the story of the so-called founding fathers.*

It is worth noting that all six foreign ministers who signed the Treaty of Paris, the Treaty establishing the European Coal and Steel Community in April 1951, were members of the Christian Democrats. The three leading politicians of the main member states – Alcide De Gasperi, Konrad Adenauer and Robert Schuman – came from the border regions of their countries. De Gasperi came from Trentino in North East Italy, Adenauer came from the Rhineland and Schuman came from Lorraine. When De Gasperi was born, Trentino was part of the Austro-Hungarian Empire, and he himself studied in Vienna. R. Schuman grew up in Lorraine, which was at the time part of the German Empire. Like Adenauer, he was a member of Catholic associations in his youth; indeed, these were the very associations, of which his colleague from the Rhineland was a member, ten years earlier. When the three men met their common language was German.

As for their Christian Democratic colleagues from bilingual Luxembourg, bilingual and bicultural Belgium and the Netherlands, the European cooperation project had not only an economic but also a cultural dimension. They legitimately saw it as a contribution to overcoming the crisis of civilization that had broken the cosmopolitan Europe of their youth. Because Schuman and his colleagues came from the border regions of their countries, the notion of a certain overlap of state sovereignty did not present any specific difficulties to them. All six ECSC member countries had seen their sovereignty trampled on during the war, which meant they only had a little sovereignty left to lose. And their shared Christian-democratic interest in social cohesion (solidarity) and collective responsibility had equipped them with the ability to positively adopt the idea of a supranational, top-level body that would decide on the welfare of all.

This story demonstrates **how sustaining the cultural, value and spiritual diversity in European regions is a prerequisite for accepting wider integration plans. It is only if citizens do not feel the threat of losing their regional or national identity and feel that the application of the principle of subsidiarity is there to help them, only then will they agree to European integration**



and its further development.

## Regional level and the spiritual dimension of subsidiarity

An important shift from the subsidiarity arrangement in previous European treaties is that the Lisbon Treaty, in addition to the national level, also mentions the regional level of governance. This division of power further clarifies the European Parliament resolution which encourages the involvement of national parliaments in subsidiarity controls together with regional parliaments, and even respecting the interests articulated at the local level as well. According to the European Parliament, parliamentary scrutiny of the application of the principle of subsidiarity should therefore ideally be carried out at all levels and the European institutions should be subject to it.

If one considers the Christian Democratic beliefs of the founding fathers, it is no surprise that the principle of subsidiarity, based on a moderate encyclical, was enforced in the EU in this **complex** form. Jiří Baroš from the Department of Political Science of the Faculty of Social Studies of Masaryk University pointed in an interesting manner to a certain contradiction between the liberal and the Christian-democratic conservative approach.

According to Baroš, subsidiarity is not a dead principle found only in church documents, but a living part of political experience. Thus, for instance, over the past twenty years it has formed the basis for the formulation and implementation of the various policies (social, educational and health) introduced in Lombardy, the richest region in Italy. At the core of subsidiarity lies a **different anthropology than that which characterizes an enlightened sovereign state**. Indeed, its basis is distrust and suspicion. In the Hobbes vision, which is a matrix for its modern, more liberal, more socialist variants, there are only two main players: property owned by individuals and a sovereign state. This, however, degrades human sociability as a constitutive element of the common good. Subsidiarity, on the other hand, wants to give individuals and social groups free range so that responses to human needs can be found as close as possible to human aspirations. Its starting point is positive anthropology, which recognizes the value of every individual and the importance of civil society.

Both classical liberalism and the statist model of the welfare state are among the legacy of the Hobbes vision of the political universe. At the core of classical liberalism is the idea of a selfish individual, primarily driven by economic motives.

The mechanism in place for redressing the evil caused by the behavior of individuals is a market that is mysteriously guided by providence (the invisible hand of the market). For advocates of the welfare state, this state is equally provident but, as is becoming more and more evident, it is no longer able to respond to the challenges of a complex postmodern society, nor to the needs of individual citizens.

In the liberal or statist concept of the state, incentives are not provided for **efficiency and innovation of services**; furthermore, this concept is based on a superficial understanding of human needs. This allows for a much better understanding of subsidiarity which can be attributed to the positive concept of **trust in the human being**. Subsidiarity also won the support of Pope Benedict XVI, who wrote in the *Deus Caritas Est* Encyclical that what we need today is a “state which, in accordance with the principle of subsidiarity, generously acknowledges and supports initiatives arising from the different social forces and combines spontaneity with closeness to those in need”.

In the Christian democratic tradition, a human being is not regarded with suspicion but perceived as someone who has a desire for good. The state is therefore to be based **on respect for the dignity of every individual and therefore must always act with a view to increasing the autonomous capacity of citizens**. In this respect, subsidiarity can be attractive for us too.

## Subsidiarity guaranteeing decision-making at the relevant level

### *Parliamentary scrutiny of subsidiarity and civic participation*

*The first part of the introductory thesis on subsidiarity as a decision-making model now turns its focus to the area of scrutiny and civic participation.*

One of the important new developments brought about by the Treaty of Lisbon was the **strengthening of the scrutiny** of the principle of subsidiarity **in national parliaments**. This is to prevent EU bodies from taking decisions in areas where national, regional or local decision-making is better and more effective and, in doing so, increase the legitimacy of their decision-making. The mechanism of this kind of scrutiny is based on the principle of ‘yellow’ and ‘orange’ cards. Subsidiarity checks are carried out as follows: the European Commission sends its proposals to the individual national parliaments which review and subsequently express their opinion on them within eight weeks. In the case of bicameral national parliaments where each chamber separately concludes that the proposal is contrary



to the principle of subsidiarity, they issue a reasoned opinion. If at least one third of the national parliaments of the EU or their respective chambers reach the opinion that subsidiarity has been violated, the European Commission must examine this proposal and decide whether to maintain, amend or withdraw the proposal and justify its position. Reasoned opinions delivered by the overwhelming majority of national parliaments give the European Commission an orange card. The procedure is then the same as for the yellow card, but if the Commission decides not to change its proposal and continues to push it through in its original form, it must justify this position, and the EU Council, together with the European Parliament, shall decide whether the proposal can continue through the legislative process. The fact that national parliaments are entrusted with the scrutiny strengthens the legitimacy of decision-making in the EU. The control measures evidently go against the **widespread myth of the ubiquitous “dictatorship” of the Brussels bureaucracy**. This satisfies the idea put forward in the introductory definition that the **principle of subsidiarity is to deepen the idea of democracy**.

However, the functioning of the principle of subsidiarity is **not without its problems**. Even the best legal provisions are open to different interpretations, reflecting the totally pragmatic interests of the various actors in the political decision-making process. National parliaments, for instance, often criticize the European Commission for understanding the principle of subsidiarity in its narrowest meaning. The relatively loose definition of subsidiarity contained in the Treaty of Lisbon does not help, nor does the practice of delaying sending to national parliaments the European Commission’s reactions to their reasoned opinions. Czech senators from the Committee on EU Affairs, for instance, have also joined in this criticism in the past, adding that they find the EC’s answers oftentimes vague.

The principle of subsidiarity as a deepening of the idea of democracy of course not only applies to the application of regulations at EU level. It also includes the regulations or “mere” customs of the individual member states. The **interaction between civil society and public administration** is relatively good in the Czech Republic, but this does not mean that it is without its problems. Participation takes place at several levels, ranging from information through feedback, consultation, partnership to handing over decision-making to citizens. The government establishes several advisory and working bodies and their individual committees where, in addition to civil servants, representatives of civil society sit at the table. In the area of decision-making, it is worth first pointing out **civic participation** at the local level.

Civic participation does not only involve communication between local authority representatives and citizens. This can often be formal. The objective of civic participation is to involve citizens in the preparation and implementation of municipal strategic plans. Part of this kind of participation is structured consultation between local authority representatives and citizens and, ideally, active partnership between citizens and local authorities. The support methodology for civic participation involves several phases, ranging from coming to an agreement with the mayor to identifying relevant topics of interest to citizens, organizing consultations, and subsequently organizing gatherings bringing together citizens and local authority representatives where priorities are selected, all the way to involving citizens in the implementation of local policies. Of course, we cannot rely on the automatic “care” of public administration in this respect. Civic participation is not an obligation for local authority representatives, but rather depends on the activity of the citizens themselves. The condition for effective civic participation is citizen awareness of what participation means in practice. It is therefore recommended that educational programs be held on this topic. In the Czech Republic, for example, AGORA organizes a training program dedicated to promoting active participation entitled “AGORA-CE in Schools”. a different method is advanced by another organization, D21, which has developed a specialized application through which citizens set the methodology of local participation on their own. As one might expect, working with the application is popular among the younger generations, which means that in the case of D21, educational events are also being carried out in schools.

By contrast, the method of “coaching” is applied in the case of local authority representatives. Its aim is to encourage local authorities to involve civil society as much as possible in decision-making processes. It is gratifying that “coaching” is carried out in the Czech Republic by specialized non-governmental organizations mostly on the basis of **demand by local authorities. This reflects a high level of awareness on the part of representatives regarding the potential benefits of civic participation, again confirming the above fact that subsidiarity assumes trust in the individual**.

Even here, as in the case of parliamentary scrutiny, it is possible to point to the specific risks of the practice of transferring the competences of the state to local administration. The advantage of local authorities is that they are a more closely administered entity than external and central government and should therefore be more effective in securing local or interest-based matters, in addition to being able to do so more cheaply. The performance of local government, as we all



suspect, is more determined by the will of the voters in this or that municipality than whatever form taken by the central regulations. But this can also be tricky. For instance, citizens cannot get rid of an “expensive” city or regional archive in local elections. Archives are incorporated into the state administration and are subject to the Ministry of the Interior. However, if a populist local government politician attracts voters by proclaiming that the closure of a city museum (unlike archives, museums do not fall within the jurisdiction of the state but of local authorities) will free up funds for a new playground or for building a carpark, nobody can stop him/her. **This leads us to conclude that the principle of subsidiarity, applied in this case to strengthening the competences of local authorities, is not self-sustaining.**

In pointing out the weaknesses, I would like to follow on from the end of the first chapter where I demonstrate the importance of the principle of subsidiarity based on positive anthropology. Recognizing the value of each individual and the importance of civil society is a Christian principle. In accordance with the initial thesis, the real implementation of subsidiarity in practice is certainly contingent on local customs. I cited the example of Lombardy, a traditional Catholic region. Human beings and trust in human beings must be central. **Trust is, of course, influenced by the values of the constituents and legislators. However, the individual must also win this trust.** This therefore demonstrates how civic participation which, in my opinion, is “subsidiarity in practice”, depends on the activities and single-mindedness of the citizens.

#### **Task force on subsidiarity**

*From the central level, i.e. in this case the provisions of the Treaty on the EU, only frameworks can be codified. However, nobody raises responsible citizens from the central level. Attempts to further refine or codify the principle of subsidiarity from the central level demonstrate somewhat embarrassing results.*

This has also been demonstrated by the work and conclusions of the Special Task Force on Subsidiarity and Proportionality, set up by Commission President Jean-Claude Juncker. Under the leadership of First Vice-President Frans Timmermans, the Commission’s objective was to review “very critically” all areas of EU action to ensure that the Union acts only in cases where it brings added value.

The Commission’s mandate was to prepare a written report to the President of the Commission by 15 July 2018, recommending “how the European Union should better take into account the principles of subsidiarity and proportionality, both

in respect of the allocation and exercise of power”. Specifically, the group was tasked with focusing on three issues: 1. how to better implement the principles of subsidiarity and proportionality in the work of the Union institutions, in particular as regards the preparation and implementation of Union legislation and Union policies; 2. identifying areas of governance in which, over time, political decision-making and/or decision implementation could be transferred in whole or in part to the member states or definitively returned to the member states; 3. identifying ways in which regional and local authorities could be better included in the development and implementation of EU policies. Members were appointed on 18 January 2018. In addition to President Timmermans, there were three representatives of national parliaments and three members of the Committee of the Regions, which made up an EU advisory body. Originally, an additional three representatives of the European Parliament were supposed to sit in the group, but they did not attend the nomination, leaving the working group with a total of seven members. Significantly, on the issue of restoring competences to the member states the commission noted: **“There is added value in all existing areas of EU action and therefore the task force has not identified any competences in the Treaty or policy areas that should be fully or partially retransferred to the member states.”**

In other respects, the Task Force report contains various recommendations on how to improve the application of subsidiarity in practice and how to involve regional and local authorities in decision-making. It may be practical to make a recommendation to **extend the time period for national parliaments to express their opinions on draft EU legislation from 8 to 12 weeks** in the next revision of the EU Treaty. The following formulation merits our attention: “We are pushing for a new way of working, which provides a stronger voice for local, regional and national authorities in shaping EU policy to improve the quality and effectiveness of legislation. This means full respect for the role of the various EU institutions, national, regional and local authorities and national parliaments. As a new approach, we propose “active subsidiarity” to ensure the value added of EU legislation and the benefit to citizens, leading to greater identification with EU decisions within the member states. “We have presented our report to President Juncker, who has assured us that he will cooperate with the other institutions so that our recommendations do not merely remain on paper”. But what is active subsidiarity? **In my opinion, it is nothing other than recognizing that trust must be entrusted primarily to human beings. From a central, bureaucratic level, evidently all that can be done is to assist in this goal.**



## Conclusion

In pointing to value systems, setting positive examples, but also to the limitations of the subsidiarity concept, I finally ended up back at the beginning of the text. **Europe's cultural diversity needs to be protected.** This is the breeding ground for the activity of human beings who have a relationship with their own natural habitat and respect for local traditions and values.

It is important to reject discourse which suggests that European values are the values of the urban liberal and are a kind of antithesis of the conservative, "traditional" values, or the values of the rural population. Yes, even for me, the urban, liberal way of life is in many ways more agreeable. Nonetheless, even the "traditional" values of the conservative population or the traditional values of the rural population are equally "European" or "Western" values, as we say in our part of the region.

In pointing to the limitations of central decision-making at the Brussels level, it can by no means be said that in the relationship between the lower versus the higher authority, the lower is inevitably smarter. Nor can it be said that it is automatically guided by purer intentions. Yes, one can admit that when Czech critics have in the past accused the European Commission of alibism, they may have been right, especially if these criticisms were based on concrete examples. For instance, the European Commission's attitude to the new Green Paper on Urban Transport (2007) came in for much criticism in the past. According to the EC, urban transport should be dealt with within the structures of the EU, despite being a decidedly local issue, and "subsidiarity should not be an obstacle". On the other hand, it is not entirely certain that the declarations made by Czech governments not to transfer more powers to Brussels (and, on the contrary, to get some European competences back) are always guided by noble intentions. On the contrary, what can be said is that nowadays the struggle for competence must be dealt with primarily in the context of negotiations on the various EU standards in the Council and the European Parliament. **It may be laborious, but there is no more reliable alternative.**

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## About Author



Martin Svárovský – Having graduated from history at Charles University and German and Austrian studies at the Faculty of Social Sciences of Charles University, he worked for a short time at the Office of the President of the Republic. In 1999, he entered the diplomatic service. He served as Deputy Head of Mission in Budapest (2002-2006), Deputy Head of Mission in Warsaw (2010-2014) and Deputy Director of the Central European Department and later the Department of Analytical and Planning at the Ministry of Foreign Affairs. The Czech-

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His work focuses on security policy, the functioning of transatlantic relations, Eastern Europe (especially the Eastern Partnership and Russia), the Visegrad Group and Germany.

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## About publication

The publication is on the occasion of the international conference „European Union: Challenges 2018“, which took place on October 17, 2018 at the Center of contemporary art DOX in Prague.

Leading European politicians and national experts debated the Christian-Democratic view on current European Union problems such as economic competitiveness, demography change or migration from three angles - from the point of view of solidarity, subsidiarity and family policy.

The conference was organized by the Institute for Christian Democracy, in cooperation with the Wilfried Martens Center for European Studies and the Hanns Seidel Stiftung.





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