

The principle of subsidiarity as an instrument of EU regional policy

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Abstract – The article highlights the current interpretation of the concept of "subsidiarity". It is considered the etymology, the nature and the importance of the principle of subsidiarity across the EU, in particular, in the implementation of the Community regional policy. It is performed the historical overview on regulatory consolidation principle in EU law that found its rightful place in the Maastricht Treaty, signed on 7 February 1992. It was found out its features as a tool of regional policy integration association and limits of its application in Ukraine as a candidate for EU membership.

Key words – subsidiarity, principle of subsidiarity, legal standard, political principle, the prerogative of the national government, the division of powers.

I. Introduction

The etymology and the meaning of “subsidiary” has long history, the origins of that can be found in the writings of philosophers, government and religious leaders back to 19- 20 centuries. The implementation of the subsidiarity principle in European politics is associated with the name of Jacques Delor, who is considered to be the founder. In particular, Zh. Delor tried to overcome the real contradictions about the future development of the European Union (EU), namely the position of Great Britain to explain European integration that the final goal is the creation of the federation. At present there is no single doctrine that would allow the Community to contribute to solving the problems that traditionally are the prerogative of the national government.

It should be noted that at present there is no definite interpretation of the nature of the principle of subsidiarity. Firstly, it is traditionally understood in the EU as a way of implementing powers. Secondly, it is the universal tool division of powers in European law to protect the interests of Member States, the regional and the local authorities. The third is that the feature of the subsidiarity principle is that it is used to interpret the prerogatives of the EU. And finally, it is the fact that the principle of subsidiarity is not limited to the EU level and the states - members but also regions that conduct a control over its compliance across the EU. The principle of subsidiarity is not interpreted as a legal rule. This is primarily a political principle, the use of that depends on a particular interpretation and the specific situation [1].

Therefore, we are more inclined to an integrated vision of this principle and understand that the right of the higher authorities of EU have the competence to solve the problems that are not able to solve the structure of the lower level. In other words, if the regional governments fail to solve these issues on their own, this task can

determine a higher authority. Similarly, if the state is unable to solve the problem, then the problem comes from supranational EU institutions (European Commission, European Court, etc.) [5].

II. Main part

The origin and the definition of the subsidiarity principle is related to the Catholic tradition, according to that the society should not interfere in the man's affairs only when the families of religious and regional communities are ineffective [2]. It shouldn't be omitted the fact that the principle of subsidiarity is one of the cornerstones of the EU and the dominant requirement of the European Charter of a local self-government. Resorting to the historical excursion it was become known the fact that the normative fixing of the subsidiarity principle in European law had occurred during the Maastricht agreement on 7 February 1992. Due to the complicated situation, the European Parliament, the Council and the Commission had concluded the interinstitutional agreement about the procedures of its implementation on October 25, 1993 [3].

First of all, the priority in the EU of the principle of subsidiarity has its origin in solving the regional problems. At the regional scale of the EU, the region is the fundamental component of the multilevel structure of the organization, as it is here are implemented the decision taken in one of the levels of power states. The development of nationality due to the practical application of the principle of subsidiarity, for the strengthening of regional economic allow to structure their space in the way of developing the institutional environment. The legal framework, the property rights, the education system and other institutions that exist at the regional level, one way or another reflect national, which, in its turn, are increasingly involved in supranational framework. National and sub-national boundaries, thus, become "more penetrated" for supranational policy decisions dealing with the borders that is “above” – from the EU side and “bottom” - from the regions side [4, p. 93].

First of all, the principle of subsidiarity is an essential tool that is used in various fields. Firstly, it is the formation of large-scale networks of various unions and associations of economic, political, trade union, cultural, scientific, sporting type, public organizations, etc. The limits of their competence or prohibition is excluded if their actions do not go beyond the law [4, p.93]. However, it is allowed for the Community to perform the new functions, to complement the activity of the national states, but taking into account the specific conditions.

Currently, the EU as a powerful integration association of 28 states demonstrate the effectiveness practically in all spheres of life of the Community. Mostly, the focus of the international community and the applicant countries for EU membership, is focused around socio-economic consequences of the integration. Because, the European Union today stands as one of the main engines of international relations, which explains the desire of the Ukrainian politicians and a number of other states to join the Union.

The political experts and the specialists in the field of European integration processes unanimously assert the need for practical implementation of the principle of subsidiarity in Ukraine in order to achieve the objectives of European integration. However, you must admit the fact that at the political level the term “subsidiarity” is operated mainly through forces that require the federalization of Ukraine. Therefore, we can deduce that this term becomes opportunistically political overtones and may become a victim of the struggle for the consolidation of Ukrainian society [2]. In this case the task is to overcome the mismatch between the objective value of the subsidiarity principle for Ukraine and its subjective perception of its political forces.

Conclusion

Taking into account the European aspirations of Ukraine it should be focused on determining the extent of European subsidiarity principle in our country. Firstly, the principle of subsidiarity shouldn't be applied strictly to the security sector of Ukraine. Secondly, the partial limitation of the powers of the President of Ukraine in the terms of wide implementation of the principle of subsidiarity should not touch his foreign policy functions. Third, the implementation of the principle of subsidiarity shouldn't facilitate the process of federalization of Ukraine. And the last is that fiscal subsidiarity should not be a consequence of inequality regions of Ukraine by the degree of human development.

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