



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Constitutional Affairs

2014/2252(INI)

24.3.2015

AMENDMENTS

1 - 34

Draft opinion
Kazimierz Michał Ujazdowski
(PE549.117v02-00)

on the annual reports 2012-2013 on subsidiarity and proportionality
(2014/2252(INI))

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PE552.061v01-00

EN

United in diversity

EN

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Amendment 1
Cristian Dan Preda

Draft opinion
Paragraph 1

Draft opinion

1. Welcomes the fact that the Commission verifies ex ante if its proposals are necessary and if the objectives of the action envisaged cannot be sufficiently achieved by the Member States, and that it justifies its action in relation to the principles of subsidiarity and proportionality, in accordance with Article 5 of the Protocol on the application of the principles of subsidiarity and proportionality;

Amendment

1. Welcomes ***in this respect*** the fact that the Commission verifies ex ante if its proposals are necessary and if the objectives of the action envisaged cannot be sufficiently achieved by the Member States, and that it justifies its action in relation to the principles of subsidiarity and proportionality, in accordance with Article 5 of the Protocol on the application of the principles of subsidiarity and proportionality; ***strongly underlines the importance of impact assessments for ensuring the respect of these same two principles in the preparation of legislative proposals; equally underlines that ensuring respect of principles of subsidiarity and proportionality should also be a priority for the European Commission when evaluating existing EU policies;***

Or. en

Amendment 2
Richard Corbett

Draft opinion
Paragraph 1 – point a (new)

Draft opinion

Amendment

(a) Recalls that subsidiarity is also protected by the fact that no European

legislation can be adopted without the approval of a large majority of national ministries (accountable to national parliaments) in the Council.

Or. en

Amendment 3
Richard Corbett

Draft opinion
Paragraph 1 – point b (new)

Draft opinion

Amendment

(b) Notes that subsidiarity is, in practice, only an issue in regard to a small minority of legislative proposals, as illustrated by the fact that the "orange card" procedure has never been triggered and the "yellow card" procedure has only been triggered twice in six years; considers that national parliaments are likely to be interested in the substance of proposals rather than only subsidiarity and notes that many national parliaments are strengthening their procedures enabling them to influence the position adopted by the Minister in the Council.

Or. en

Amendment 4
Paulo Rangel

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Notes that the principle of subsidiarity, as laid down in the Treaties, allows the Union, in areas which do not fall within its exclusive competence, to 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’; points out that subsidiarity, a neutral legal principle related to the concept of optimum level of action, can serve either, when the circumstances so require, to extend Union activities, albeit without exceeding its powers, or, conversely, to restrict or halt Union action when it is no longer justified;

Or. pt

Amendment 5
Cristian Dan Preda

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Emphasises that the use of the European Union's competences should be guided by the principles of subsidiarity and proportionality, as stated in the article 5 of the TEU; welcomes that in 2012 and 2013 the respect of these two principles was carefully scrutinized by the European Union's institutions, as well as by national parliaments;

Or. en

Amendment 6
Mercedes Bresso

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Appreciates the work of the impact assessment board on the issues concerning the subsidiarity and the proportionality of legal measures and appeals for a stronger cooperation with the Committee of the Regions and AFCO Committee already at this level of the procedure on the two related issues;

Or. en

Amendment 7
Mercedes Bresso

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

1b. Call for a generalization of the consultation of the local and regional Parliaments on a regular basis and not just on punctual issues;

Or. en

Amendment 8
Jo Leinen

Draft opinion
Paragraph 2

Draft opinion

Amendment

2. Underlines the noteworthy growth in information exchanged by national parliaments through the IPEX system, and ***welcomes*** the increase in the number of reasoned opinions issued by national parliaments (+ 9% in 2012, + 25% in 2013), ***insisting that the influence of***

2. Underlines the noteworthy growth in information exchanged by national parliaments through the IPEX system, and ***notes*** the increase in the number of reasoned opinions issued by national parliaments (+ 9% in 2012, + 25% in 2013);

national parliaments on European law should grow, especially as many national chambers express negative opinions on particular acts;

Or. de

Amendment 9
Paulo Rangel

Draft opinion
Paragraph 2

Draft opinion

2. Underlines the noteworthy growth in information exchanged by national parliaments through the IPEX system, and *welcomes* the increase in the number of reasoned opinions issued by national parliaments (+ 9% in 2012, + 25% in 2013), *insisting that the influence of national parliaments on European law should grow, especially as many national chambers express negative opinions on particular acts;*

Amendment

2. Underlines the noteworthy growth in information exchanged by national parliaments through the IPEX system, and *notes* the increase in the number of reasoned opinions issued by national parliaments (+ 9% in 2012, + 25% in 2013); *welcomes the closer involvement of the national parliaments in the European legislative process, particularly as regards scrutinising legislative proposals in the light of the principles of subsidiarity and proportionality;*

Or. pt

Amendment 10
Cristian Dan Preda

Draft opinion
Paragraph 2

Draft opinion

2. *Underlines the noteworthy* growth in information exchanged by national parliaments through the IPEX system, *and welcomes* the increase in the number of reasoned opinions issued by national parliaments (+ 9 % in 2012, + 25% in

Amendment

2. *Positively notes the* growth in information exchanged by national parliaments through the IPEX system *as well as* the increase in the number of reasoned opinions issued by national parliaments (+ 9 % in 2012, + 25% in

2013), *insisting that the influence of national parliaments on European law should grow, especially as many national chambers express negative opinions on particular acts;*

2013); *highlights that both in 2012 and 2013 national parliaments used the yellow card in the context of the subsidiarity control mechanism; considers therefore that national parliaments improved their capacity to use the prerogatives they have in the subsidiarity control mechanism; strongly encourages national parliaments to further develop the cooperation among them in order to make fully use of the role they are given by the existing treaties;*

Or. en

Amendment 11
Richard Corbett

Draft opinion
Paragraph 2 – point a (new)

Draft opinion

Amendment

(a) is aware that many national parliaments wish to influence the substance of legislation rather than simply comment on the relatively few cases where subsidiarity might be an issue; welcomes the contributions submitted to the Commission under the "Barroso initiative"; considers that the most effective way for national parliaments to exert such influence is by shaping the position taken by their countries minister ahead of Council meetings and that the 8 week period can also be used for this purpose.

Or. en

Amendment 12
Paulo Rangel

Draft opinion
Paragraph 2 a (new)

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Draft opinion

Amendment

2a. Maintains that the European institutions have to enable the national parliaments to scrutinise legislative proposals and that the Commission should accordingly provide detailed and comprehensive statements of reasons for its decisions concerning subsidiarity and proportionality;

Or. pt

**Amendment 13
Cristian Dan Preda**

**Draft opinion
Paragraph 2 a (new)**

Draft opinion

Amendment

2a. Underlines European Parliament's commitment to ensure the respect of the subsidiarity and proportionality principles through assessments of its own legislative own-initiative reports, ex-ante appraisals of Commission's impact assessments and the constant evaluation of the potential EU added value and of the "cost of non-Europe";

Or. en

**Amendment 14
Charles Goerens, Sylvie Goulard, Maite Pagazaurtundúa Ruiz**

**Draft opinion
Paragraph 2 a (new)**

Draft opinion

Amendment

2a. Notes, however, that a majority of opinions by national parliaments are

submitted by only a few national chambers, encourages the other chambers to become more involved in the European debate;

Or. en

Amendment 15
Cristian Dan Preda

Draft opinion
Paragraph 3

Draft opinion

3. Believes that *the eight-week period* given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality *should be extended significantly to allow national parliaments to participate to a greater extent; encourages national parliaments to become more involved in the European debate;*

Amendment

3. Believes that, *given their experience, national parliaments could bring significant contributions to the European debate and decision-making process; encourages therefore national parliaments to fully use the competences they were given by the existing treaties, including by further developing the cooperation among them; considers that a reflection on the number of weeks given to national parliaments to issue a reasoned opinion under **the** Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality could be fruitful, in order to identify possible improvements of the current legislative framework;*

Or. en

Amendment 16
Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion
Paragraph 3

Draft opinion

3. Believes that the eight-week period

Amendment

3. Believes that the eight-week period

given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality *should be extended significantly* to allow national parliaments to participate to a greater extent; *encourages national parliaments to become more involved in the European debate*;

given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality *is sufficient* to allow national parliaments to participate to a greater extent, *without delaying the adoption of relevant legislation*;

Or. en

Amendment 17
Richard Corbett

Draft opinion
Paragraph 3

Draft opinion

3. Believes that the eight-week period given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be *extended significantly* to allow national parliaments to participate to a greater extent; encourages national parliaments to become more involved in the European debate;

Amendment

3. Believes that the eight-week period given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be *interpreted flexibly* to allow national parliaments to participate to a greater extent; encourages national parliaments to become more involved in the European debate;

Or. en

Amendment 18
Mercedes Bresso

Draft opinion
Paragraph 3

Draft opinion

3. Believes that the eight-week period given to national parliaments to issue a

Amendment

3. Believes that the eight-week period given to national parliaments to issue a

reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be extended **significantly** to allow national parliaments to participate to a greater extent; encourages national parliaments to become more involved in the European debate;

reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be extended to allow national parliaments to participate to a greater extent; encourages national parliaments to become more involved in the European debate; **and appeals therefore the European Commission to pronounce itself on the question of the National Parliament "Greencard Initiative";**

Or. en

Amendment 19
Paulo Rangel

Draft opinion
Paragraph 3

Draft opinion

3. Believes that the eight-week period given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be extended **significantly** to allow national parliaments to participate to a greater extent; encourages national parliaments to become more involved in the European debate;

Amendment

3. Believes that the eight-week period given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be extended to allow national parliaments to participate to a greater extent; encourages national parliaments to become more involved in the European debate;

Or. pt

Amendment 20
Jo Leinen

Draft opinion
Paragraph 3

Draft opinion

3. Believes that the eight-week period

Amendment

3. Believes that the eight-week period

given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality *should* be extended *significantly* to *allow* national parliaments to participate to a greater extent; encourages national parliaments to *become more involved in the* European *debate*;

given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality *could* be extended to *make it easier for* national parliaments to participate to a greater extent *in European law-making*; encourages national parliaments to *increase the resources enabling them to contribute to* European *debates*;

Or. de

Amendment 21
Charles Goerens, Maite Pagazaurtundúa Ruiz

Draft opinion
Paragraph 3

Draft opinion

3. *Believes that* the eight-week period given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be extended *significantly* to allow national parliaments to participate to a greater extent; *encourages national parliaments to become more involved in the European debate*;

Amendment

3. *Considers that if* the eight-week period given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be extended to allow national parliaments to participate to a greater extent *this would imply Treaty change*;

Or. en

Amendment 22
Max Andersson
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 3

Draft opinion

3. Believes that the eight-week period given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be extended significantly to allow national parliaments to participate to a greater extent; encourages national parliaments to become more involved in the European debate;

Amendment

3. Believes that the eight-week period given to national parliaments to issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality should be extended significantly to allow national parliaments ***and, where appropriate, regional parliaments***, to participate to a greater extent; encourages national ***and regional*** parliaments to become more involved in the European debate;

Or. en

Amendment 23

Jo Leinen

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3a. Suggests that one new measure to consider might be a 'green card' procedure whereby national parliaments would be able to set the European legislative process in motion and in that way play a constructive role in European law-making; is of the opinion that such a procedure could be established through a voluntary undertaking by the Commission and would not require amendment of the Treaties;

Or. de

Amendment 24

Charles Goerens, Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3a. Points out that 2012 saw the first use of the so-called yellow card by national parliaments regarding the principle of subsidiarity in response to the Commission's proposal for a regulation on the exercise of the right to take collective action within the context of freedom of establishment and the freedom to provide services (Monti II); notes that although the Commission concluded that the principle of subsidiarity had not been breached it did withdraw the proposal due to lack of political support; remarks that a second so-called yellow card was triggered in 2013 on the Commission's proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (EPPO); notes that Commission concluded that the proposal complied with the principle of subsidiarity and decided to maintain it;

Or. en

Amendment 25

Charles Goerens, Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3a. Believes that an equivalent so-called yellow and red card system should be created for the European Parliament to allow it to react when Member States legislate in domains which are within the competencies of the Single Market, or alternatively if Member States do not correctly implement European directives, which fragments the Single Market and results in a lack of level playing field;

Amendment 26
Max Andersson, Sven Giegold
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. Underlines the huge potential impact of EU level decisions that the conclusion of international trade agreements such as TTIP and CETA may have on the capacity of regional and local self-government including decisions on services of general economic interest; calls on Commission and Council to fully take the principles of subsidiarity and proportionality into account when negotiating international trade agreements and to report about their potential effects on subsidiarity to the European Parliament;

Amendment 27
Cristian Dan Preda

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Regrets the deficit in material criteria for establishing the existence of a violation of the subsidiarity and proportionality principles; finds that this has led to a diversity of criteria applied by national parliaments in their evaluation of proposals, and calls for the adoption of

4. Notes that reasoned opinions issued by national parliaments point out the existence of various interpretations of the subsidiarity and proportionality principles; reminds in this context that the subsidiarity principle as formulated in the Treaties allows European Union to act in

guidelines to define the principles and methods for the examination of subsidiarity and proportionality issues in a better way;

areas which do not fall within its exclusive competence 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 the regional and local level, but can rather, by reason of scale or effects of the proposed action, be better achieved at the Union level; equally reminds that "under the principle of proportionality, the content and form of the Union action shall not exceed what is necessary to achieve the objective of the Treaties"; encourages national parliaments to be faithful to the letter of the TEU when evaluating the respect of the subsidiarity and proportionality principles; strongly recommends national parliaments and European institutions to engage into exchanges of views and practices of scrutinizing subsidiarity and proportionality;

Or. en

Amendment 28

Charles Goerens, Sylvie Goulard, Maite Pagazaurtundúa Ruiz

Draft opinion

Paragraph 4

Draft opinion

4. Regrets the deficit in material criteria for establishing the existence of a violation of the subsidiarity and proportionality principles; finds that this has led to a diversity of criteria applied by national parliaments in their evaluation of proposals, and calls for the adoption of guidelines to define the principles and methods for the examination of subsidiarity and proportionality *issues in a better way;*

Amendment

4. Regrets the deficit in material criteria for establishing the existence of a violation of the subsidiarity and proportionality principles; finds that this has led to a diversity of criteria applied by national parliaments in their evaluation of proposals, and calls for the adoption of guidelines to define the principles and methods for the examination of subsidiarity and proportionality *by drawing from the Commission's Impact Assessment Guidelines (SEC(2009)92), particularly*

points 5.2 and 7.2 respectively;

Or. en

Amendment 29
Cristian Dan Preda

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Believes that the Commission should perceive the European Citizens' Initiative more positively and without dogmatism as it is a substantial instrument for citizens to influence EU legislation.

deleted

Or. en

Amendment 30
Richard Corbett

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Believes that the Commission should perceive the European Citizens' Initiative more positively and without dogmatism as it is a substantial instrument for citizens to influence EU legislation.

deleted

Or. en

Amendment 31
Charles Goerens, Maite Pagazaurtundúa Ruiz, Sylvie Goulard

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Believes that the Commission should perceive the European Citizens' Initiative more positively and without dogmatism as it is a substantial instrument for citizens to influence EU legislation.

deleted

Or. en

Amendment 32
Mercedes Bresso

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Believes that the Commission should *perceive* the European Citizens' Initiative *more positively and without dogmatism as it is a substantial* instrument for citizens to influence *EU* legislation.

5. Believes that the Commission should ***work on*** the European Citizens' Initiative ***in order to perceive it more positively as an*** instrument for citizens to influence ***European*** legislation ***and therefore should try to facilitate the constitution of such initiatives.***

Or. en

Amendment 33
Siôn Simon

Draft opinion
Paragraph 5

Draft opinion

Amendment

5. Believes that the Commission should perceive the European Citizens' Initiative more positively and without dogmatism as it is a substantial instrument for citizens to influence EU legislation.

5. Believes that the Commission should perceive the European Citizens' Initiative more positively and without dogmatism ***by reviewing the procedure*** as it is a substantial instrument for citizens to influence EU legislation. ***At the very minimum an ECI should prompt the***

*Commission to start a dialogue and
engagement process with citizens.*

Or. en

Amendment 34
Kostas Chrysogonos

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

*5a. Regrets the fact that the Commission,
acting within the "troika", has not
observed the principle of subsidiarity as
regards the measures imposed to Member-
States within the context of Financial
Adjustment Programmes.*

Or. en