



2015/2283(INI)

01.6.2016

AMENDMENTS

1 - 53

Draft opinion
Mireille D'Ornano
(PE576.942v01-00)

on the Annual Report 2014 on subsidiarity and proportionality
(COM(2015)0315 – 2015/2283(INI))

Amendment 1
Bas Eickhout
on behalf of the Verts/ALE Group

Draft opinion
Recital A a (new)

Draft opinion

Amendment

Aa. *whereas Member States are major stakeholders of any EU decision via the Council and Standing Committees;*

Or. en

Amendment 2
Mireille D'Ornano

Draft opinion
Recital A a (new)

Draft opinion

Amendment

Aa. *having regard to Article 290 of the TFEU, which lays down provisions governing delegated acts;*

Or. fr

Amendment 3
Bas Eickhout
on behalf of the Verts/ALE Group

Draft opinion
Recital A b (new)

Draft opinion

Amendment

Ab. *whereas transparency at all levels of the decision making process is key for building public trust in democracy;*

Or. en

Amendment 4

Nils Torvalds, José Inácio Faria, Ulrike Müller, Jasenko Selimovic, Anneli Jäätteenmäki, Fredrick Federley, Frédérique Ries

Draft opinion

Recital B

Draft opinion

B. whereas subsidiarity concerns areas of shared competence, **and one** vitally important ***such area is that of the environment***, and whereas issues such as air quality, biodiversity and the climate require action at local and national level to be coordinated with EU policies in a balanced way;

Amendment

B. whereas subsidiarity concerns areas of shared competence, **including the** vitally important ***areas of the environment, food safety and public health matters as defined in Article 168.4 TFEU***, and whereas issues such as air quality, biodiversity and the climate require action at local and national level to be coordinated with EU policies in a balanced way;

Or. en

Amendment 5

Mark Demesmaeker

Draft opinion

Recital B

Draft opinion

B. whereas subsidiarity concerns areas of shared competence, and one vitally important such area is that of the environment, and whereas issues such as air quality, biodiversity and the climate require action at local and national level to be coordinated with EU policies in a balanced way;

Amendment

B. whereas subsidiarity concerns areas of shared competence, and one vitally important such area is that of the environment, and whereas issues such as air quality, biodiversity, ***circular economy*** and the climate require action at local and national level to be coordinated with EU policies in a balanced way;

Or. en

Amendment 6

Aldo Patriciello

Draft opinion
Recital B a (new)

Draft opinion

Amendment

Ba. whereas the subsidiarity principle has a double aspect: it seeks to protect the capacity of the Member States to take decisions when an issue can be dealt with effectively at national or local level, but it also justifies the EU intervention in exercising its powers when Member States are unable to achieve the objectives of a proposed action satisfactorily;

Or. en

Amendment 7
Mireille D'Ornano

Draft opinion
Recital B a (new)

Draft opinion

Amendment

Ba. whereas a positive approach to monitoring the subsidiarity and proportionality of EU legislative and implementing acts is essential for effective, broad-based participation in EU law-making;

Or. fr

Amendment 8
Mark Demesmaeker

Draft opinion
Recital B a (new)

Draft opinion

Amendment

Ba. whereas in some Member States, regional authorities are fully competent

for the implementation of environmental policies;

Or. en

Amendment 9
Aldo Patriciello

Draft opinion
Paragraph -1 (new)

Draft opinion

Amendment

-1. Takes the view that subsidiarity should not be merely understood only as a defence against the EU intervention on matters which do not fall within the Union's exclusive competence; stresses the significant added value which can be provided if the action is carried out at EU level when the objectives of an action cannot be sufficiently achieved at national level;

Or. en

Amendment 10
Bas Eickhout
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 1

Draft opinion

Amendment

1. Notes that, essentially, the reason fewer reasoned opinions have been issued is that the Commission has ***not brought forward many*** legislative proposals, ***but*** among the five proposals that gave rise to the largest number of reasoned opinions in 2014, two fell within the ENVI Committee's areas of responsibility¹ ;

1. Notes that, essentially, the reason fewer reasoned opinions have been issued is that the Commission has ***failed to deliver all the necessary*** legislative proposals ***addressing both current and emerging risks***; among the five proposals that gave rise to the largest number of reasoned opinions in 2014, two fell within the ENVI Committee's areas of responsibility;

¹ COM(2014)0397 and COM(2013)0894.

¹ COM(2014)0397 and COM(2013)0894.

Or. en

Amendment 11
Nils Torvalds, Fredrick Federley, Frédérique Ries

Draft opinion
Paragraph 1

Draft opinion

1. Notes that, essentially, the reason fewer reasoned opinions have been issued is that the Commission has not brought forward many legislative proposals, but among the five proposals that gave rise to the largest number of reasoned opinions in 2014, two fell within the ENVI Committee's areas of responsibility¹ ;

Amendment

1. Notes that, essentially, the reason fewer reasoned opinions have been issued is that the Commission has not brought forward many legislative proposals, but among the five proposals that gave rise to the largest number of reasoned opinions in 2014, two fell within the ENVI Committee's areas of responsibility¹ ; ***emphasises, in this regard, that the volume of reasoned opinions received in 2014 remained unchanged in proportion to Commission proposals; this trend suggests that there is no systemic disrespect of the subsidiarity principle; highlights that while the number of reasoned opinions in 2014 decreased the number of contributions from national parliaments to the European Parliament increased;***

¹ COM(2014)0397 and COM(2013)0894.

¹ COM(2014)0397 and COM(2013)0894.

Or. en

Amendment 12
Nils Torvalds, Fredrick Federley, Frédérique Ries

Draft opinion
Paragraph 1 a (new)

Draft opinion

Amendment

1a. Notes that the Commission received 13 opinions from national parliaments of which 3 reasoned on its 2014 proposal for a review of waste policy and legislation, and 7 opinions of which 2 reasoned on its 2015 proposal; this decrease may suggest that many of the concerns were adequately addressed in the framework of the political dialogue;

Or. en

**Amendment 13
Nicola Caputo**

**Draft opinion
Paragraph 1 a (new)**

Draft opinion

Amendment

1a. Urges national parliaments to deliver reasoned opinions not just on Commission legislative documents, but also on non-legislative documents preceding EU legislation, since in so doing they will be able to influence future EU initiatives and legislation more effectively;

Or. it

**Amendment 14
Mark Demesmaeker**

**Draft opinion
Paragraph 1 a (new)**

Draft opinion

Amendment

1a. Welcomes the reports submitted by the Danish Folketing, the Dutch Tweede Kamer and the UK House of Lords on

*how to strengthen the role of national
Parliaments in the decision-making
process;*

Or. en

Amendment 15
Mark Demesmaeker

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

*1b. Welcomes the closer participation
and stronger involvement of national
parliaments in the European legislative
process; notes, however, that further work
still needs to be done in this area;*

Or. en

Amendment 16
Nicola Caputo

Draft opinion
Paragraph 1 b (new)

Draft opinion

Amendment

*1b. Notes that the reasoned opinions
produced by national parliaments vary
greatly as regards the kinds of reasoning
put forward and in terms of form, and
that standard models therefore need to be
adopted for the national parliaments'
contributions;*

Or. it

Amendment 17
**Nils Torvalds, José Inácio Faria, Ulrike Müller, Jasenko Selimovic, Anneli
Jäätteenmäki, Frédérique Ries, Fredrick Federley**

Draft opinion
Paragraph 2

Draft opinion

2. *Emphasises that local and regional authorities are closely involved in implementing environmental policies and that as a result the Committee of the Regions and its subsidiarity monitoring mechanism are vitally important;*

Amendment

2. *Notes that environmental legislation is often transposed and implemented in a highly decentralised manner in the Member States; emphasises that the opinion of the Committee of the Regions is important to the co-legislators when defining environmental policies*

Or. en

Amendment 18
Mark Demesmaeker

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises that local and regional authorities *are closely involved* in implementing environmental policies and that as a result the Committee of the Regions and its subsidiarity monitoring mechanism are vitally important;

Amendment

2. Emphasises that local and regional authorities *have a real competence* in implementing environmental policies and that as a result the Committee of the Regions and its subsidiarity monitoring mechanism are vitally important;

Or. en

Amendment 19
Aldo Patriciello

Draft opinion
Paragraph 2

Draft opinion

2. Emphasises that local and regional authorities are closely involved in implementing environmental policies and that as a result the Committee of *the*

Amendment

2. Emphasises that local and regional authorities are closely involved in implementing environmental policies and that as a result the Committee of Regions

Regions and its subsidiarity monitoring mechanism are vitally important;

and its subsidiarity monitoring mechanism are vitally important; ***stresses that an even stricter cooperation between national authorities and the European Commission would contribute to a better implementation of the environmental policies;***

Or. en

Amendment 20
Nils Torvalds, José Inácio Faria

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Further highlights that since the entry into force of Regulation (EC) 1829/2003, a qualified majority in favour or against a draft Commission decision authorizing a GMO has never been obtained; in this case, the Commission must decide on the authorization alone; underlines the issue of subsidiarity and proportionality in this respect and stresses the need for a well- functioning authorisation regime;

Or. en

Amendment 21
Annie Schreijer-Pierik

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Deplores the fact that, in the case of policies on the environment and nature conservation, in which the European co-legislators have taken full account of the requirements of subsidiarity and have

accordingly entrusted their implementation to Member States and provincial and local authorities, these implementing authorities still too frequently exercise their powers in a way which contravenes the guidelines for European best practice and does not comply with the principle of a level European playing field;

Or. nl

Amendment 22
Mark Demesmaeker

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Calls for a greater involvement of regional parliaments in the EU interinstitutional context;

Or. en

Amendment 23
Bas Eickhout
on behalf of the Verts/ALE Group

Draft opinion
Paragraph 2 a (new)

Draft opinion

Amendment

2a. Notes that the Subsidiarity Control Mechanism, including the yellow procedure, has been put in place to ensure that decisions are taken at the most relevant possible governmental level and should not be misused by national parliaments to avoid the creation of legislation because of disagreement with the content;

Amendment 24
Annie Schreijer-Pierik

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Deplores in particular the fact that the widely varying implementation by Member States and local authorities of the Birds and Habitat Directives and the Natura 2000 network, which are based on the principle of subsidiarity, continues to constantly lead to significant socioeconomic problems and regrettable public aversion to this European source legislation;

Or. nl

Amendment 25
Mark Demesmaeker

Draft opinion
Paragraph 2 b (new)

Draft opinion

Amendment

2b. Welcomes the work of the Committee of Regions on subsidiarity issues and on issues related to the implementation of the subsidiarity control mechanism.

Or. en

Amendment 26
Nils Torvalds, Ulrike Müller, Jasenko Selimovic, Anneli Jäätteenmäki, Fredrick Federley, José Inácio Faria, Frédérique Ries

Draft opinion
Paragraph 3

Draft opinion

3. Calls on the Commission to *take into account to a greater extent the efforts the Member States have already made as regards environmental policies, to ensure it proposes suitable tools and proportionate objectives;*

Amendment

3. Calls on the Commission to *carry out thorough impact assessments to accompany legislative proposals, and to take stock of the efficiency of the actions already implemented on Member State level in the policy area of environment, public health and food safety;*

Or. en

Amendment 27

Bas Eickhout

on behalf of the Verts/ALE Group

Draft opinion
Paragraph 3

Draft opinion

3. Calls on the Commission to take *into account to a greater extent* the efforts the Member States *have already made* as regards environmental policies, to ensure it proposes *suitable* tools *and proportionate objectives;*

Amendment

3. Calls on the Commission to take *note of* the efforts the Member States *are making* as regards environmental policies *and* to ensure it proposes *measures and* tools *that take into account and address the diversity of local situations; also urges the Commission to be more proactive on infringement procedures where breach of EU law puts the health or the environment at risk;*

Or. en

Amendment 28

Aldo Patriciello

Draft opinion
Paragraph 3

Draft opinion

3. Calls on the Commission to take into account to a greater extent the efforts the Member States have already made as regards environmental policies, to ensure it proposes suitable tools and proportionate objectives;

Amendment

3. Calls on the Commission to take into account to a greater extent the efforts the Member States ***and regionals authorities*** have already made as regards environmental policies, to ensure it proposes suitable tools and proportionate objectives; ***acknowledges that the level of environmental protection across Europe has improved measurably as a tangible result of the comprehensive EU environmental legislation;***

Or. en

Amendment 29

Ivan Jakovčić

Draft opinion

Paragraph 3

Draft opinion

3. Calls on the Commission to take into account to a greater extent the efforts the Member States have already made as regards environmental policies, to ensure it proposes suitable tools and proportionate objectives;

Amendment

3. Calls on the Commission to take into account to a greater extent the efforts the Member States ***and regional and local communities*** have already made as regards environmental policies, to ensure it proposes suitable tools and proportionate objectives;

Or. hr

Amendment 30

Annie Schreijer-Pierik

Draft opinion

Paragraph 3 a (new)

Draft opinion

Amendment

3a. Calls on the Commission, in the context of 'Better Law-making', to combat the persistent practice of national 'gold-

plating' of European directives on the environment and nature conservation, which imposes additional burdens, so that the application of the subsidiarity principle in the Union is not undermined by national measures which distort competition and by regional, provincial and local measures and burdens based on them;

Or. nl

Amendment 31
Mark Demesmaeker

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. *Calls on the Commission to maintain and strengthen its goals related to EU legislation such as: minimum cost, benefits for citizens, businesses and workers and avoidance of unnecessary regulatory burdens;*

Or. en

Amendment 32
Mireille D'Ornano

Draft opinion
Paragraph 3 a (new)

Draft opinion

Amendment

3a. *Calls on the Commission to provide more detailed evidence of the European added value of proposals and to conduct broader-based consultations at the pre-legislative stage;*

Or. fr

Amendment 33
Mireille D'Ornano

Draft opinion
Paragraph 3 b (new)

Draft opinion

Amendment

3b. Points out that the use of delegated acts is warranted only where they are necessary in order to supplement or amend certain non-essential elements of the legislative acts, and calls accordingly on the Commission to reduce the number and restrict the scope of enabling clauses relating to delegated acts, in order to make environmental policies more flexible;

Or. fr

Amendment 34
Mireille D'Ornano

Draft opinion
Paragraph 3 c (new)

Draft opinion

Amendment

3c. Believes that the setting of environmental objectives over and above those already laid down in existing legislation should be left to the Member States, with due regard for their economic position;

Or. fr

Amendment 35
Mireille D'Ornano

Draft opinion
Paragraph 3 d (new)

Draft opinion

Amendment

3d. *Calls on the Commission to ensure that impact assessments are translated into all the official languages of the EU;*

Or. fr

Amendment 36
Annie Schreijer-Pierik

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. *Takes the view that the transfer of powers under the subsidiarity principle is based on trust, and that the national parliaments are right to take the view that conferring tasks on agencies in which conflicts of interest are not managed in a satisfactory manner runs counter to the subsidiarity principle in terms of the effectiveness of action to protect citizens;*

deleted

Or. nl

Amendment 37
Mark Demesmaeker

Draft opinion
Paragraph 4

Draft opinion

Amendment

4. Takes the view that the transfer of powers under the subsidiarity principle is based on trust, and that *the national parliaments are right to take the view that conferring tasks on agencies in which conflicts of interest are not managed in a satisfactory manner runs counter to the subsidiarity principle in terms of the effectiveness of action to protect citizens;*

4. Takes the view that the transfer of powers under the subsidiarity principle is based on trust, and that *transparency and prevention of conflict of interests are key;*

Amendment 38

Nils Torvalds, Ulrike Müller, Jasenko Selimovic, Fredrick Federley, Anneli Jäätteenmäki, Frédérique Ries, José Inácio Faria

Draft opinion Paragraph 4

Draft opinion

4. Takes the view that the transfer of powers under the subsidiarity principle is based on trust, ***and that the national parliaments are right to take the view that conferring tasks on agencies in which conflicts of interest are not managed in a satisfactory manner runs counter to the subsidiarity principle in terms of the effectiveness of action to protect citizens;***

Amendment

4. Takes the view that the transfer of powers under the subsidiarity principle is based on trust; ***emphasises, in this regard, the importance of safeguarding the independence of agencies as well as analysing their funding from the EU budget in order to ensure that funding is appropriately and efficiently targeted;***

Amendment 39 Aldo Patriciello

Draft opinion Paragraph 4

Draft opinion

4. Takes the view that the transfer of powers under the subsidiarity principle is based on trust, and that the national parliaments ***are right to take the view that conferring tasks on agencies in which conflicts of interest are not managed in a satisfactory manner runs counter to the subsidiarity principle in terms of the effectiveness of action to protect citizens;***

Amendment

4. Takes the view that the transfer of powers under the subsidiarity principle is based on trust, and that ***it is essential for the Member States, the national parliaments and the general public to be provided with assurances as to the integrity of agencies, the transparency of their activities and the fact that those activities are conducted in keeping with EU rules, in order to ensure compliance with the subsidiarity principle in terms of the effectiveness of action to protect citizens;***

Amendment 40

Nicola Caputo

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. 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; notes, however, that, in the main, opinions of national parliaments come from only a handful of Member States, and urges the other parliaments to participate more actively in the European debate;

Or. it

Amendment 41

Bas Eickhout

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 4 a (new)

Draft opinion

Amendment

4a. Notes with concern that, while the European Parliament, the Council and the national and local parliaments are key players of designing and/or implementing EU law, the Commission is increasingly violating the subsidiarity principle by unilaterally pushing for equivalences of sanitary and phyto-sanitary measures with third countries in the framework of free-trade agreements;

Amendment 42
Nils Torvalds, Fredrick Federley, Frédérique Ries

Draft opinion
Paragraph 5

Draft opinion

5. Welcomes the ‘green card’ plan suggested by a number of national parliaments with a view to ensuring that they can play a proactive role in EU decision-making.

Amendment

deleted

Amendment 43
Aldo Patriciello

Draft opinion
Paragraph 5

Draft opinion

5. Welcomes the ‘green card’ plan suggested by a number of national parliaments with a view to ensuring that they can play a proactive role in EU decision-making.

Amendment

5. Points out that Article 12 of the Treaty on European Union and Protocol (No 1) on the role of national parliaments in the European Union are fundamental to the monitoring of the subsidiarity principle and help national parliaments to play a proactive role in EU decision-making.

Amendment 44
Mark Demesmaeker

Draft opinion
Paragraph 5

Draft opinion

5. Welcomes the 'green card' plan suggested by a number of national parliaments with a view to ensuring that they can play a proactive role in EU decision-making.

Amendment

5. Welcomes the 'green card' plan suggested by a number of national parliaments with a view to ensuring that they can play a proactive role in EU decision-making; ***furthermore underlines the importance of the 'red card' so as to enable national parliaments to reject a legislative proposal when it is not in accordance with the principle of subsidiarity, provided a certain quorum is reached;***

Or. en

Amendment 45

Nils Torvalds, Fredrick Federley, José Inácio Faria, Anneli Jäätteenmäki

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Welcomes the constructive approach of the Commission to the opinions of national parliaments; emphasises the important role of the European Parliament as co-legislator and the Commission's obligation to act as mandated by the co-legislators to adopt permanent criteria for endocrine disruptors (Case T-521/14, Sweden v Commission);

Or. en

Amendment 46

Aldo Patriciello

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Welcomes the reference in the Annual Report 2014 to the European Parliament initiative concerning the "Cost of Non-Europe" report, which is aimed at assessing the added values and economic benefits of undertaking action at EU level;

Or. en

Amendment 47

Bas Eickhout

on behalf of the Verts/ALE Group

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Emphasises that EU environmental policy sets minimal standards, Member States can always go further in their national policies in order to green their economies, protect the ecosystems, health and quality of life .

Or. en

Amendment 48

Mireille D'Ornano

Draft opinion

Paragraph 5 a (new)

Draft opinion

Amendment

5a. Calls, furthermore, on national parliaments to become more closely involved at the pre-legislative stage, including by carrying out public consultations and submitting detailed comments on strategy papers.

Amendment 49
Mark Demesmaeker

Draft opinion
Paragraph 5 a (new)

Draft opinion

Amendment

5a. Welcomes that the European Union does not interfere in the internal treaty procedures of the Member States;

Or. en

Amendment 50
Aldo Patriciello

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Notes that the prioritization of the short-term and national considerations over long-term and collective goals often undermines the possibility to successfully tackle the environmental global challenges; stresses that acting at EU level is essential to play a key role in the context of the international efforts aimed at promoting sustainable development globally;

Or. en

Amendment 51
Mark Demesmaeker

Draft opinion
Paragraph 5 b (new)

Draft opinion

Amendment

5b. Notes that regional parliaments are fully competent to carry out a subsidiarity check if the concerned legislative proposal falls within their field of competence;

Or. en

Amendment 52
Mark Demesmaeker

Draft opinion
Paragraph 5 c (new)

Draft opinion

Amendment

5c. Notes that, in accordance with Declaration 51 annexed to the Lisbon Treaty, the Belgian regional parliaments are considered to be chambers of the Belgian national parliament;

Or. en

Amendment 53
Mark Demesmaeker

Draft opinion
Paragraph 5 d (new)

Draft opinion

Amendment

5d. Recalls that, where applicable, the powers granted to the national parliaments by the European treaties are exercised by the federal and/or regional parliaments in line with the internal division of powers;

Or. en