



2014/2252(INI)

3.6.2015

AMENDMENTS

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Draft report
Sajjad Karim
(PE557.127v01-00)

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

Amendment 1
Tadeusz Zwiefka

Motion for a resolution
Recital L a (new)

Motion for a resolution

Amendment

La. whereas the subsidiarity and proportionality check as well as an impact assessment are done only at the beginning of the legislative process

Or. en

Amendment 2
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 1

Motion for a resolution

Amendment

1. ***Welcomes continued consideration of the principles of subsidiarity and proportionality, which are guiding principles for the European Union when it chooses to act;***

1. ***Observes that*** the principles of subsidiarity and proportionality are ***fundamental*** principles for the European Union;

Or. de

Amendment 3
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 2

Motion for a resolution

Amendment

2. ***Believes*** that the principles of subsidiarity and proportionality represent the starting point for policy formulation; considers that ***it is not always the case that European action can achieve the policy***

2. ***Observes furthermore*** that the principles of subsidiarity and proportionality represent the starting point for policy formulation; considers that policy objectives ***can be achieved better at***

objectives better than national or regional initiatives ***may do, or even global efforts*** where the will for joint action exists;

European level than ***by means of*** national or regional initiatives where the will for joint action exists;

Or. de

Amendment 4
Daniel Buda

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

Amendment

2a. Stresses the need for the European institutions to respect the principles of subsidiarity and proportionality in the legislative process;

Or. ro

Amendment 5
António Marinho e Pinto

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution

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 6
Daniel Buda

Motion for a resolution
Paragraph 2 b (new)

Motion for a resolution

Amendment

2b. Stresses the need for the European institutions to respect the principles of subsidiarity and proportionality embodied in Article 5 of the Treaty on European Union and Protocol No 2 to the Treaty on the Functioning of the European Union, which are of a general nature and binding on the institutions exercising the powers of the Union, except for those areas which fall within the exclusive remit of the Union, where the subsidiarity principle does not apply;

Or. ro

Amendment 7

Daniel Buda

Motion for a resolution

Paragraph 2 c (new)

Motion for a resolution

Amendment

2c. Considers that the mechanism for verification of the subsidiarity principle is of major importance for collaboration between European and national institutions;

Or. ro

Amendment 8

Sylvia-Yvonne Kaufmann

Motion for a resolution

Paragraph 3

Motion for a resolution

Amendment

3. Regrets therefore that the annual reports prepared by the Commission are somewhat perfunctory, and often do not

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delve into a more detailed consideration of how subsidiarity and, in particular, proportionality are observed in EU policy-making;

Or. de

Amendment 9
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution

Amendment

3a. Notes that the Commission's annual reports are on an appropriate scale and that the aim of reporting on the application of the principles of subsidiarity and proportionality is suitably achieved;

Or. de

Amendment 10
Tadeusz Zwiefka

Motion for a resolution
Paragraph 4

Motion for a resolution

Amendment

4. Questions *some* of the *assumptions made* in the 2012 and 2013 *Annual* reports, *such as that of classifying* reasoned opinions submitted by national parliaments on a package of proposals as only one reasoned opinion, rather than a reasoned opinion on each of the individual proposals; *believes that this is an inappropriate assumption, as objections raised on a package should be considered as an objection on each legislative proposal;*

4. Questions *the methodology* of the *Commission* in the 2012 and 2013 reports, *which in its statistics classifies* reasoned opinions submitted by national parliaments on a package of proposals as only one reasoned opinion rather than a reasoned opinion on each *one* of the individual proposals;

Amendment 11
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 4

Motion for a resolution

4. *Questions some of* the assumptions made in the 2012 and 2013 Annual reports, such as that of classifying reasoned opinions submitted by national parliaments on a package of proposals as only one reasoned opinion, rather than a reasoned opinion on each of the individual proposals; ***believes that this is an inappropriate assumption, as objections raised on a package should be considered as an objection on each legislative proposal;***

Amendment

4. *Notes* the assumptions made in the 2012 and 2013 Annual reports, such as that of classifying reasoned opinions submitted by national parliaments on a package of proposals as only one reasoned opinion, rather than a reasoned opinion on each of the individual proposals;

Or. de

Amendment 12
Tadeusz Zwiefka

Motion for a resolution
Paragraph 5

Motion for a resolution

5. Considers that, when taken as a whole, the proportion of reasoned opinions has increased significantly as a percentage of total submissions when compared to 2010 and 2011; notes that in 2012 reasoned opinions represented 25 % of all submissions, while in 2013 they accounted for 30 % of submissions from national parliaments under the Protocol 2 process; ***expresses concern that an increasing proportion of the submissions made by national parliaments are raising strong***

Amendment

5. Considers that, when taken as a whole, the proportion of reasoned opinions has increased significantly as a percentage of total submissions when compared to 2010 and 2011; notes that in 2012 reasoned opinions represented 25 % of all submissions, while in 2013 they accounted for 30 % of submissions from national parliaments under the Protocol 2 process; ***notice in this view the greater inclusion of the national parliaments in the legislative process;***

reservations about compliance with subsidiarity;

Or. en

Amendment 13
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 5

Motion for a resolution

5. **Considers** that, when taken as a whole, the proportion of reasoned opinions has increased **significantly** as a percentage of total submissions when compared to 2010 and 2011; notes that in 2012 reasoned opinions represented 25 % of all submissions, while in 2013 they accounted for 30 % of submissions from national parliaments under the Protocol 2 process; **expresses concern that an increasing proportion of the submissions made by national parliaments are raising strong reservations about compliance with subsidiarity;**

Amendment

5. **Notes** that, when taken as a whole, the proportion of reasoned opinions has increased as a percentage of total submissions when compared to 2010 and 2011; notes that in 2012 reasoned opinions represented 25 % of all submissions, while in 2013 they accounted for 30 % of submissions from national parliaments under the Protocol 2 process;

Or. de

Amendment 14
António Marinho e Pinto

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

5a. 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

Amendment

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 15
Mady Delvaux

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution

Amendment

5a. Notes that the reasoned opinions submitted by national parliaments considerably vary with regard to the form and the types of arguments raised; regrets the absence of common "patterns" which makes it more difficult to evaluate on which basis national parliaments intervene;

Believes therefore that it is necessary to establish more precise "criteria" to better understand how national parliaments apply and interpret the principles on subsidiarity and proportionality;

Or. en

Amendment 16
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 6

Motion for a resolution

6. Recalls concerns raised in previous European Parliament reports regarding instances where subsidiarity had not been adequately addressed in impact assessments (IAs) prepared by the Commission; further recalls that the Annual Reports of the Impact Assessment Board (IAB) have raised this issue; **expresses concern** that the IAB considered more than 30 % of IAs reviewed by them in 2012 and 2013 to have included an unsatisfactory analysis of the principle of subsidiarity; **expresses serious concern** that this number rose to 50 % in 2014, and urges the Commission in its revision of the guidelines applying to IAs to address this issue **and reverse this trend**;

Amendment

6. Recalls concerns raised in previous European Parliament reports regarding instances where subsidiarity had not been adequately addressed in impact assessments (IAs) prepared by the Commission; further recalls that the Annual Reports of the Impact Assessment Board (IAB) have raised this issue; **notes** that the IAB considered more than 30 % of IAs reviewed by them in 2012 and 2013 to have included an unsatisfactory analysis of the principle of subsidiarity; **notes** that this number rose to 50 % in 2014, and urges the Commission in its revision of the guidelines applying to IAs to address this issue;

Or. de

Amendment 17
Daniel Buda

Motion for a resolution
Paragraph 6 a (new)

Motion for a resolution

6a. Notes the importance of impact assessments as decision-making aids in the legislative process and stresses the need, in this connection, to give due consideration to issues relating to subsidiarity and proportionality;

Or. ro

Amendment 18
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 7

Motion for a resolution

7. **Stresses** that *thorough* impact assessments which *thoroughly* evaluate subsidiarity compliance are *essential* to improve the trust of citizens, who often consider the subsidiarity principle a key aspect of the democratic process; **highlights, therefore, that enhanced subsidiarity checks could be considered an important tool for reducing the so-called ‘democratic deficit’;**

Amendment

7. **Notes** that impact assessments which *inter alia* evaluate subsidiarity compliance are *a procedure* to improve the trust of citizens, who often consider the subsidiarity principle a key aspect of the democratic process;

Or. de

Amendment 19
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 8

Motion for a resolution

8. **Expresses disappointment at the response of the Commission to national parliaments in instances where yellow cards have been issued; believes** that it *is necessary for* the Commission *to* respond *comprehensively* to *any* concerns raised by national parliaments, and on an individual basis as part of a dialogue in addition to any published opinion; **considers that it is also necessary for the Commission to appear before the relevant committee or committees of the Parliament to explain its position in detail;**

Amendment

8. **Considers** that the Commission *could* respond to concerns raised by national parliaments, and on an individual basis as part of a dialogue in addition to any published opinion;

Or. de

Amendment 20
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 9

Motion for a resolution

9. Believes that political dialogue is ***increasingly*** important in ensuring that subsidiarity is respected; considers that political dialogue should be improved not only in instances of a yellow or orange card, but as a general rule; welcomes in this regard the Juncker Commission's undertaking to appear before more national parliaments, ***and calls for the Parliament to consider undertaking similar initiatives; believes that rapporteurs could be encouraged to engage more often with national parliaments, particularly as video-conferencing and other methods of online engagement are made easier and more effective;***

Amendment

9. Believes that political dialogue is important in ensuring that subsidiarity is respected; considers that political dialogue should be improved not only in instances of a yellow or orange card, but as a general rule; welcomes in this regard the Juncker Commission's undertaking to appear before more national parliaments;

Or. de

Amendment 21
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

9a. Stresses that the adoption of legal acts requires the agreement of a large majority within the Council, comprising the national ministers of all EU Member States, who are politically accountable to their national parliaments, and thus in that way too the principle of subsidiarity is fully respected;

Amendment

Or. de

Amendment 22
António Marinho e Pinto

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution

Amendment

9a. 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 is sufficient to allow national parliaments to participate to a greater extent, without delaying the adoption of relevant legislation;

Or. en

Amendment 23
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 9 b (new)

Motion for a resolution

Amendment

9b. Stresses that, since the entry into force of the Lisbon Treaty, the ‘yellow card’ procedure has been used in two cases and the ‘orange card’ procedure not at all when national parliaments have examined the compliance of proposals with the subsidiarity principle; considers that what is of prime interest is rather the substance of proposals than the subsidiarity aspect; observes that many national parliaments are making greater use of the available scope for influencing the positions of the respective ministers within the Council;

Or. de

Amendment 24
António Marinho e Pinto

Motion for a resolution
Paragraph 9 b (new)

Motion for a resolution

Amendment

9b. 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 a Treaty change;

Or. en

Amendment 25
Daniel Buda

Motion for a resolution
Paragraph 10

Motion for a resolution

Amendment

10. Stresses that the European institutions and the national parliaments still have much to do to create a ‘subsidiarity culture’ across the European Union; recommends two particular initiatives which **would** aid better consideration of subsidiarity in the legislative process at present, namely facilitating greater inclusion of positions, perspectives or other suggestions made by national parliaments in the political dialogue, in particular in the course of preparatory work such as Green Papers or White Papers produced by the Commission, and undertaking to extend the period for consultation of national parliaments under the subsidiarity check contained in Protocol 2; considers that this could be achieved through a political undertaking agreed by the institutions and the national parliaments, in advance of any change to the Protocol itself;

10. Stresses that the European institutions and the national parliaments still have much to do to create a ‘subsidiarity culture’ across the European Union; recommends two particular initiatives which **will** aid better consideration of subsidiarity in the legislative process at present, namely facilitating greater inclusion of positions, perspectives or other suggestions made by national parliaments in the political dialogue, in particular in the course of preparatory work such as Green Papers or White Papers produced by the Commission, and undertaking to extend the period for consultation of national parliaments under the subsidiarity check contained in Protocol 2; considers that this could be achieved through a political undertaking agreed by the institutions and the national parliaments, in advance of any change to the Protocol itself;

Amendment 26
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 10

Motion for a resolution

10. Stresses that the European institutions and the national parliaments ***still have much to do to create*** a ‘subsidiarity culture’ across the European Union; recommends ***two*** particular ***initiatives*** which would aid better consideration of subsidiarity in the legislative process at present, namely facilitating greater inclusion of positions, perspectives or other suggestions made by national parliaments in the political dialogue, in particular in the course of preparatory work such as Green Papers or White Papers produced by the Commission, ***and undertaking to extend the period for consultation of national parliaments under the subsidiarity check contained in Protocol 2; considers that this could be achieved through a political undertaking agreed by the institutions and the national parliaments, in advance of any change to the Protocol itself;***

Amendment

10. Stresses that the European institutions and the national parliaments ***should continue to work to promote*** a ‘subsidiarity culture’ across the European Union; recommends ***a*** particular ***initiative*** which would aid better consideration of subsidiarity in the legislative process at present, namely facilitating greater inclusion of positions, perspectives or other suggestions made by national parliaments in the political dialogue, in particular in the course of preparatory work such as Green Papers or White Papers produced by the Commission;

Or. de

Amendment 27
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution

Amendment

10a. Considers that the eight-week time limit for the delivery of a reasoned opinion by national parliaments has

essentially proven justified;

Or. de

Amendment 28
Tadeusz Zwiefka

Motion for a resolution
Paragraph 11

Motion for a resolution

Amendment

11. Believes that a stronger approach is needed to fully recognise the principle of subsidiarity; considers therefore that the introduction of a stronger 'red card' procedure could be a positive first step; suggests that consideration should be given to what the appropriate number of national parliament responses should be in order to trigger such a procedure, whether it should be limited to subsidiarity alone or include proportionality grounds, and what its effect should be; views such a discussion as a useful stage in the evolution of the power given to national parliaments, aligning incentives to exercise scrutiny with effects at European level;

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Or. en

Amendment 29
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 11

Motion for a resolution

Amendment

11. Believes that *a stronger* approach is *needed* to fully recognise the principle of subsidiarity; *considers therefore that the introduction of a stronger 'red card' procedure could be a positive first step;*

11. Believes that *the* approach *adopted to date* is *sufficient* to fully recognise the principle of subsidiarity;

suggests that consideration should be given to what the appropriate number of national parliament responses should be in order to trigger such a procedure, whether it should be limited to subsidiarity alone or include proportionality grounds, and what its effect should be; views such a discussion as a useful stage in the evolution of the power given to national parliaments, aligning incentives to exercise scrutiny with effects at European level;

Or. de

Amendment 30
Max Andersson

Motion for a resolution
Paragraph 11 a (new)

Motion for a resolution

Amendment

11a. Considers that the "yellow card"-procedure ought to be made easier for parliaments to use; points out that it is worth considering whether the threshold should to be decreased and the time-period in which parliaments can use the procedure should be lengthened;

Or. en

Amendment 31
Tadeusz Zwiefka

Motion for a resolution
Paragraph 12

Motion for a resolution

Amendment

12. Considers that the introduction of a 'green card' could also be considered, which would afford national parliaments the opportunity to propose the

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introduction, amendment or repeal of Union legislation; suggests that similar consideration would be required on the number of responses required to trigger such a procedure, and the extent of its impact;

Or. en

Amendment 32
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 12

Motion for a resolution

Amendment

12. Considers that the introduction of a ‘green card’ could also be considered, which would afford national parliaments the opportunity to propose the introduction, amendment or repeal of Union legislation; suggests that similar consideration would be required on the number of responses required to trigger such a procedure, and the extent of its impact;

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Or. de

Amendment 33
Ivan Jakovčić

Motion for a resolution
Paragraph 13

Motion for a resolution

Amendment

13. *Notes* that legislative proposals may change dramatically *in* the lead-up to adoption by the institutions; recalls that a check on compliance with the principle of subsidiarity is only undertaken at the outset and not at the conclusion of the legislative process; further recalls that impact

13. *Stresses that there is a great danger of incoherence to the extent* that legislative proposals may change dramatically *during* the lead-up to adoption by the institutions; recalls that a check on compliance with the principle of subsidiarity is only undertaken at the outset and not at the conclusion of

assessments more generally are only prepared for the initial rather than the final stages of the legislative process;

the legislative process; further recalls that impact assessments more generally are only prepared for the initial rather than the final stages of the legislative process;

Or. hr

Amendment 34
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Notes that legislative proposals may change dramatically in the lead-up to adoption by the institutions; recalls that a check on compliance with the principle of subsidiarity is *only* undertaken at the outset *and not at the conclusion* of the legislative process; *further recalls that impact assessments more generally are only prepared for the initial rather than the final stages of the legislative process;*

Amendment

13. Notes that legislative proposals may change dramatically in the lead-up to adoption by the institutions; recalls that a check on compliance with the principle of subsidiarity is undertaken at the outset of the legislative process, *thus enabling national parliaments to become involved at an early stage;*

Or. de

Amendment 35
Daniel Buda

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Notes that legislative proposals may change dramatically in the lead-up to adoption by the institutions; recalls that a check on compliance with the principle of subsidiarity is only undertaken at the outset and not at the conclusion of the legislative process; further recalls that impact assessments more generally are only prepared for the initial rather than the final stages of the legislative process;

Amendment

13. Notes that legislative proposals may change dramatically in the lead-up to adoption by the institutions; recalls that a check on compliance with the principle of subsidiarity is only undertaken at the outset and not at the conclusion of the legislative process; further recalls that impact assessments more generally are only prepared for the initial rather than the final stages of the legislative process; *stresses*

the need for a mid-term evaluation after the opening of the adoption procedure, and at the end of the legislative process, making it possible in certain cases to issue a warning to Member States failing to respect the principle of subsidiarity;

Or. ro

Amendment 36
Max Andersson

Motion for a resolution
Paragraph 13

Motion for a resolution

13. Notes that legislative proposals may change *dramatically* in the lead-up to adoption *by the institutions*; *recalls* that a check on compliance with the principle of subsidiarity *is only* undertaken *at the outset and not at the conclusion of the legislative process*; *further recalls that impact assessments more generally are only prepared for the initial rather than the final stages of the legislative process*;

Amendment

13. Notes that legislative proposals may change in the lead-up to adoption *and* that a check on compliance with the principle of subsidiarity *might be* undertaken; *recalls nevertheless there should be no obligation on the legislator to perform an impact assessment on compliance with the principle of subsidiarity of an agreement reached on a legislative act prior to the final adoption of an agreement*;

Or. en

Amendment 37
Max Andersson

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Calls therefore for a further subsidiarity check and full impact assessment to be undertaken at the conclusion of the legislative negotiations and in advance of the adoption of a final text, in order that compliance with subsidiarity can be guaranteed and that assessments including proportionality can

Amendment

deleted

be made; believes that such a ‘cooling off’ period would help policy-makers in assessing whether legislation complies with the principles of the Union, and would increase transparency about the results of periods of often rather intense negotiation;

Or. en

Amendment 38
Sylvia-Yvonne Kaufmann

Motion for a resolution
Paragraph 14

Motion for a resolution

14. Calls therefore for a further subsidiarity check and full impact assessment to be undertaken at the conclusion of the legislative negotiations and in advance of the adoption of a final text, in order that compliance with subsidiarity can be guaranteed and that assessments including proportionality can be made; believes that such a ‘cooling off’ period would help policy-makers in assessing whether legislation complies with the principles of the Union, and would increase transparency about the results of periods of often rather intense negotiation;

Amendment

14. Recalls that the subsidiarity check by the Commission is absolutely essential in order to guarantee compliance with subsidiarity and proportionality before a legislative initiative is launched;

Or. de