



**2015/2283(INI)**

21.4.2016

# **OPINION**

of the Committee on Constitutional Affairs

for the Committee on Legal Affairs

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

Rapporteur: Kazimierz Michał Ujazdowski

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## SUGGESTIONS

The Committee on Constitutional Affairs calls on the Committee on Legal Affairs, as the committee responsible, to incorporate the following suggestions into its motion for a resolution:

1. Welcomes the package of Better Regulation measures adopted on 19 May 2015 with the aim of ensuring that EU legislation better serves the interests of citizens; also welcomes the inclusion in the Better Regulation package of a more thorough explanation of how the legislative proposal meets the legal obligations of subsidiarity and proportionality; believes, however, that material and simplified criteria are necessary for carrying out a consistent preventive examination of the subsidiarity and proportionality of EU legislation and for establishing the existence of a violation of the subsidiarity or proportionality principles;
2. Supports a stronger, more efficient EU; stresses, however, that the package of Better Regulation measures must be used to create robust European legislation concerning issues in respect of which real progress and added value can be best achieved at the European level, and must not result in inaction at the European level;
3. Recalls that every Commission proposal is accompanied by an explanatory statement setting out, *inter alia*, how the initiative complies with the principles of subsidiarity and proportionality;
4. Strongly emphasises that impact assessments are a key instrument for ensuring respect for the subsidiarity and proportionality principles and promoting accountability; encourages the Commission to have a greater focus on subsidiarity and proportionality when conducting its impact assessments in the framework of the Better Regulation guidelines;
5. Stresses that the adoption of legal acts requires the agreement of a large majority within the Council, comprising the national ministers of all the Member States, who are politically accountable to their national parliaments, and that this is another way in which the principle of subsidiarity is fully respected;
6. Observes the decrease in the number of reasoned opinions received from national parliaments in 2014; takes note of the Commission's view that, far from reflecting a decrease in interest on their part, this may be a result of the declining number of legislative proposals from the Commission (as the volume of reasoned opinions remained unchanged in proportion to the number of Commission proposals), but may also reflect the fact that a failure to respect subsidiarity is rarely a problem; encourages national parliaments, nevertheless, to play a more active part in the European debate and to cooperate even more closely with each other; calls on the Commission to improve the quality of its explanatory statements on subsidiarity and its engagement with reasoned opinions;
7. Notes, also, that only 15 chambers issued reasoned opinions in 2014 and that this represents a decrease of approximately 50 % in the level of participation among all 41 chambers compared with 2013;

8. Welcomes the fact that in 2014 all the EU institutions played an active role in ensuring control of the principle of subsidiarity and proportionality in accordance with Article 5 of the Treaty on European Union; welcomes the fact that the political dialogue between the Commission and the national parliaments was enhanced, including through the various visits by Commissioners to national parliaments;
9. Notes, however, that a majority of the opinions submitted by national parliaments come from only a few national chambers; encourages the other chambers to become more involved in the European debate;
10. Believes, nevertheless, that it is important to support national and regional parliaments through tools permitting information exchange, such as the creation of an IT platform that can be accessed by EU citizens; stresses that, especially since the volume of reasoned opinions received from national parliaments in 2014 remained unchanged in proportion to the number of Commission proposals, a mechanism should be developed for improving the participation of national parliaments in the EU legislative process, although the competences of each institution and the principle of subsidiarity must be fully respected;
11. Encourages, accordingly, the use of interparliamentary cooperation to reinforce the role of national parliaments in the EU legislative process; stresses the importance of making better use of the interparliamentary tools available to the national parliaments, such as the Conference of Parliamentary Committees for Union Affairs, the interparliamentary meetings held by the European Parliament, and the Interparliamentary Conference for the Common Foreign and Security Policy and the Common Security and Defence Policy;
12. Believes, therefore, that it is important to raise the awareness of national parliaments regarding their specific role in European decision-making and to promote further the use of IPEX, which facilitates information exchange; recalls that the public consultations regularly organised by the Commission could be a source of information, but remain largely unused by members of national parliaments;
13. Calls on the national parliaments and the European Parliament to engage more effectively with each other, including by developing informal contacts between MEPs and national parliamentarians regarding specific policy areas;
14. Takes note of the request made by a number of national parliaments to extend the eight-week period in which they can issue a reasoned opinion under Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality; believes that the eight-week period available to national and regional parliaments should be interpreted in a flexible manner, so as to foster more active participation by national parliaments in the European debate; believes that, since the adoption of the Lisbon Treaty, the involvement of national parliaments in EU affairs has developed significantly, including through their linking up with other national parliaments on a regular basis; strongly encourages national parliaments to make full use of the role accorded to them by the existing Treaties;
15. Recalls that, in addition, it is possible for the national parliaments to raise subsidiarity concerns at any time under the consultation procedure or in the framework of political dialogue through an opinion addressed to the Commission;

16. Considers that the Commission should provide an adequate response to the request by a number of national chambers for a stronger subsidiarity control procedure; (recommends that further use be made of the network of representatives of national parliaments to raise awareness of the subsidiarity and proportionality principles and to improve the functioning of IPEX; supports the request made by some national chambers to play a more crucial role, by proposing that the Commission should respond to national parliaments which trigger a yellow card; takes the view, at the same time, that it would be useful to know the Commission's opinion regarding the idea of a 'green card'.

## RESULT OF FINAL VOTE IN COMMITTEE ASKED FOR OPINION

<b>Date adopted</b>	20.4.2016
<b>Result of final vote</b>	+ : 22 - : 1 0 : 0
<b>Members present for the final vote</b>	Mercedes Bresso, Fabio Massimo Castaldo, Kostas Chrysogonos, Richard Corbett, Esteban González Pons, Danuta Maria Hübner, Ramón Jáuregui Atondo, Constance Le Grip, Jo Leinen, Morten Messerschmidt, Maite Pagazaurtundúa Ruiz, Paulo Rangel, György Schöpflin, Pedro Silva Pereira, Barbara Spinelli, Claudia Tapardel, Josep-Maria Terricabras, Kazimierz Michał Ujazdowski
<b>Substitutes present for the final vote</b>	Max Andersson, Gerolf Annemans, David McAllister, Andrej Plenković, Cristian Dan Preda
<b>Substitutes under Rule 200(2) present for the final vote</b>	Axel Voss