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WORKING DOCUMENT

on the principles of subsidiarity and proportionality

Committee on Constitutional Affairs

Rapporteur: Jacek Saryusz-Wolski

Introduction

This working document on the principles of subsidiarity and proportionality offers reflections for the Conference on the Future of Europe (CoFE) on the current state of application of the principles of subsidiarity and proportionality in the European Union (EU), and explores the possible ways of enhancing how these principles are applied.

Legal basis

The principles of subsidiarity and proportionality govern the exercise of the EU's competences. The principle of subsidiarity is laid down in Article 5 of the Treaty on European Union (TEU). The application criteria are set out in Protocol (No 2) on the application of the principles of subsidiarity and proportionality, annexed to the Treaties. In areas in which the EU does not have exclusive competence, the principle of subsidiarity seeks to safeguard the ability of the Member States to take decisions and actions, and authorises intervention by the EU only when the objectives of an action cannot be sufficiently achieved by the Member States, but can be better achieved at Union level 'by reason of the scale and effects of the proposed action.' The proportionality principle is laid down in Article 5(4) of the TEU. It requires that the EU's actions do not exceed what is necessary to achieve the Treaties' aims in terms of content and form. The purpose of including a reference to these principles in the EU Treaties is also to ensure that powers are exercised as close to the citizen as possible, in accordance with the proximity principle referred to in Article 10(3) of the TEU.

Both principles are confirmed in the judgments of the Court of Justice of the European Union, in particular in Cases C-84/94 and C-233/94, where the Court found that compliance with the principle of subsidiarity was one of the conditions covered by the requirement to state the reasons for Union measures (under Article 296 of the Treaty on the Functioning of the European Union (TFEU)), and Case C-547/14, where the Court reaffirmed that it must verify 'whether the Union legislator was entitled to consider, on the basis of a detailed statement, that the objective of the proposed action could be better achieved at Union level.'

The principles of subsidiarity and proportionality apply to all EU institutions. They are included in interinstitutional agreements, i.e. the Framework Agreement on relations between the European Parliament and Commission of 20 November 2010, where both institutions committed to cooperating with the national parliaments in order to help them scrutinise compliance with the principle of subsidiarity, and the Interinstitutional Agreement on Better Law-Making of April 2016, according to which the Commission must explain in its explanatory memoranda how the proposed measures are justified in the light of the principle of subsidiarity, and must take this into account in its impact assessments. Parliament committed itself (Rule 42 of the Rules of Procedure) to pay particular attention to whether a proposal meets the principles of subsidiarity and proportionality during the examination of a proposal for a legislative act.

Subsidiarity principle in practice

The main element of the subsidiarity principle procedure, as outlined in Protocol (No 2), is the early subsidiarity check of a proposed legislative act by national and regional parliaments (Early Warning System – providing the possibility to issue reasoned opinions and trigger so-called yellow and orange cards). In addition, according to Article 6 of Protocol (No 2), regional parliaments with legislative powers should be consulted, where appropriate, by the national parliament or a chamber of the national parliament.

According to the data provided by the European Parliament's Directorate for Relations with National Parliaments, last updated on 5 May 2021, since the entry into force of the Treaty of Lisbon, the European Parliament has only received around 498 reasoned opinions (stating the non-compliance of draft legislative acts with the principle of subsidiarity) from national parliaments and around 3 078

contributions (referring to issues other than subsidiarity) out of a total of 1 008 draft legislative acts sent for examination under Protocol (No 2). In addition, since the entry into force of the Treaty of Lisbon, the yellow card procedure has been triggered only three times, always against the Commission's legislative proposals: a) in 2012 concerning the Commission proposal for a regulation on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services (Monti II); b) in 2013 as a consequence of the submission of the proposal for a regulation on the establishment of the European Public Prosecutor's Office; c) in 2016 against the proposal for a revision of the Posted Workers Directive. The orange card procedure has thus far never been used. However, there have been at least two cases of national parliaments taking the initiative to propose EU legislation (so-called green card initiatives), in 2015 on food waste and in 2016 on corporate social responsibility.

Compliance with the principle of subsidiarity may also be reviewed *ex post* by means of a legal action brought before the Court of Justice of the European Union (in line with Protocol (No 2)). However, the number of challenges before the Court of Justice on subsidiarity grounds is low. It is estimated that between the introduction of the principle of subsidiarity in the Maastricht Treaty and 2019 there were approximately 40 challenges of this kind. What is also important to note is that the Court of Justice has never struck down a measure for breaching the principle of subsidiarity.

Overview of European Parliament proposals

Proposals for reforms of the functioning of the principles of subsidiarity and proportionality have been voiced by Parliament in several resolutions voted on during the previous legislature. The overview of relevant proposals is provided in Annex I.

Recommendations of the Commission's task force on subsidiarity, proportionality and doing less more efficiently

In July 2018, the Commission released a report by the task force on subsidiarity, proportionality and doing less more efficiently¹. The report provides an overview of the principles of subsidiarity and proportionality and offers a set of valuable and pragmatic recommendations. It introduces, among others, the concept of 'active subsidiarity', which is predicated on 'a common understanding of subsidiarity and proportionality and a greater participation of all stakeholders and particularly national, local and regional authorities who often have a specific role in implementing Union legislation on the ground', and is intended to 'promote greater ownership and understanding of what the Union does by those involved.' In agreement with the proximity principle enshrined in Article 10(3) of the TEU, the report also underlines the need 'to improve the current policymaking processes and to allow the Union to use it[s] resources more efficiently.'

In October 2018, the Commission issued the communication entitled 'The principles of subsidiarity and proportionality: Strengthening their role in the EU's policymaking'². In accordance with this document, the Commission introduced a number of measures aimed at improving the application of the principles of subsidiarity and proportionality, such as an assessment grid and excluding holidays from the eight-week period in which national parliaments can submit reasoned opinions.

Observations:

Although the COVID-19 crisis has delayed the launch of the CoFE, the pandemic has rendered the issues of subsidiarity, proportionality and proximity all the more important, as solving problems closer to EU citizens has become more urgent. Cooperation among the Member States and between the Member States and the EU institutions has been and continues to be crucial in mitigating the

¹ [report-task-force-subsidiarity-proportionality-and-doing-less-more-efficiently_en.pdf\(europa.eu\)](https://eur-lex.europa.eu/legal-content/en/pdf/europa.eu/report-task-force-subsidiarity-proportionality-and-doing-less-more-efficiently_en.pdf)

² <https://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A52018DC0703>

crisis. Nevertheless, it is also important to note that the effects of this cooperation have revealed many deficits, showing that the efficiency of the EU's performance correlates strongly with the EU's adherence to the principles of subsidiarity and proportionality and the principle of proximity, which complements both of them. It should be highlighted that these principles apply to the EU system as a whole.

The following working document, written as a reflection/discussion paper, proposes a number of measures to strengthen the principles of subsidiarity, proportionality and proximity within the EU, to be further discussed during the CoFE:

- introducing stronger *ex ante* and *ex post* control mechanisms into the legislative process to ensure that the EU institutions respect the principles of subsidiarity and proportionality, act within the limits of the Treaty provisions and do not venture into *ultra vires* areas;
- recognising the role of national constitutional courts in safeguarding Treaty-based respect for subsidiarity and national identities;
- strengthening the role of national parliaments by increasing their participation in EU affairs.

It is important that this exercise is carried out in both directions during the CoFE, so that the discussion includes not only where the EU could bring added value, but also where the EU could take a step back in order to respect the subsidiarity principle and to not go beyond what is necessary. The CoFE should provide the possibility to bring the process of 'competence creep' to an end, where the EU assumes new competences in a non-Treaty-based manner. It is epitomised by the long-established practice to use crises to seize more competences for the EU institutions.

The EU's management of the COVID-19 crisis has made it clear that most efficient solutions come from acting in line with the principle of subsidiarity, meaning as close as possible to the citizens. The Commission's initiative to coordinate the efforts across the EU to fight the pandemic has to be recognised. However, at the same time, the Commission's performance was suboptimal and it was not the result of insufficient competences, but rather the ineffective use of the current ones. Therefore, suggestions to grant the EU more competences in the domain of healthcare policy are unfounded.

The only way to preserve the European project is to listen to the voice of European citizens who wish to be 'united in diversity', and to let them take maximum advantage of the possibilities offered by the principles of subsidiarity and proportionality. This will allow the EU to be closer to its citizens and to respond to their real needs and problems.

Institutional reform: the importance of focusing on core tasks that add value

Following up on the conclusions from the report by the Commission's task force on subsidiarity, proportionality and doing less more efficiently, rather than discussing institutional matters at the CoFE, a discussion should be held on how the EU can act most effectively, within its competences, in the domains where it brings a clear added value.

Role of national parliaments and national constitutional courts in safeguarding respect for subsidiarity

One should bear in mind that 'the Community was founded on the fundamental principle of "indirect administration", which is itself based on the political philosophy of subsidiarity'³. In other words, as stipulated in Article 4(3) of the TEU and Article 291(1) of the TFEU, the Member States are the only ones to have the power to implement European law, and other institutions, such as the Commission or the Court of Justice, can only supervise. The EU does not have 'power of implementation of laws

³ Piris, Jean-Claude, *The Lisbon Treaty, a Legal and Political Analysis*, Cambridge University Press, Cambridge, 2010, p. 97.

through executive measures'⁴, as it is not a federation. The Treaties remain very clear about the principle of 'indirect administration', and Article 197(2) of the TFEU stipulates that 'the Union may support the efforts of Member States to improve their administrative capacity to implement Union law.' It evidently shows that excessive centralisation goes explicitly against the spirit of the Treaties, and therefore against the principle of subsidiarity and proportionality. Although subsidiarity and federalism are strongly intertwined in federal state systems, the EU system is much more complex and is constantly evolving, thus the subsidiarity principle should be correctly and fully applied. It is crucial to ensure a more equilibrated multilevel governance system equipped with checks and balances, thereby allowing excessive centralisation to be prevented in order to keep power close to the citizens.

Currently, national, regional and local authorities are not sufficiently involved in the EU policymaking processes, and as a result are under-committed. Taking into account the Treaty obligation enshrined in Article 4(2) of the TEU to respect the national identities of the Member States, more should be done to boost the participation of national, regional and local authorities in EU policymaking. In particular, the Commission should reflect on new means of involving and better associating national parliaments throughout the entire EU policy cycle, especially when shared competences are at stake. The Commission should respect the principles of subsidiarity and proportionality with more vigour. Moreover, there is a need for a stronger culture of subsidiarity in order to better acknowledge the policy areas that should be tackled at national level and as close to the people as possible, as well as the domains where the EU has scale benefits and a clear added value.

Article 4(2) of the TEU clearly underlines the political and constitutional dimensions of national identity when it stipulates that 'the Union shall respect the equality of Member States before the Treaties as well as their national identities, inherent in their fundamental structures, political and constitutional, inclusive of regional and local self-government (...)'. Therefore, acting in the spirit of subsidiarity obliges the EU institutions to take the variety of constitutional identities in the EU into account in their decision-making process, and to work out relevant practices to foster dialogue, manage disputes and alleviate tensions in mutual relations.

Given the numerous tensions between the EU and the Member States, it is important that Member States' institutions, and in particular national constitutional courts, safeguard the Treaty-based respect for national identities. Such respect is further strengthened by the principles of subsidiarity and proportionality, as they offer a valuable perspective on establishing more effective and resilient mechanisms to improve the functioning of the EU.

In order to mitigate potential conflicts between the Court of Justice of the European Union (CJEU) and national constitutional courts, the CJEU should be obliged to engage in dialogue and request a preliminary opinion from a national constitutional court in the event that a given Member States refers to its constitutional identity. The introduction of such a mechanism would guarantee that the judicial dialogue would be a truly two-sided process that would contribute to the development and strengthening of the EU's judicial area.

United in diversity: the role of Member States and their institutions

The role of national parliaments and national constitutional courts is essential, alongside the European Parliament, in securing the democratic legitimacy of the EU, in promoting its pluralism and diversity and in guaranteeing its constitutional functioning. The Commission should improve current EU policymaking in order to strengthen the legitimacy of EU actions and to respect the exclusive competences of the Member States, in full compliance with the conferral principle.

⁴ Ibid., p. 97.

Avenues to be explored:

Need for a comprehensive review of the EU's policies

A comprehensive review of the EU's policies has to be carried out with the aim of scrutinising their conformity with the principles of subsidiarity and proportionality. Furthermore, a mechanism to periodically review policies should be introduced with the aim of preventing violations of the principles of subsidiarity and proportionality.

Importance of balance among the EU institutions

The European Parliament is not the only institution composed of representatives directly elected by citizens. The Council of the European Union also constitutes an essential link between the EU and its Member States. In compliance with the principles of subsidiarity and proportionality, it is important to preserve the balance among the EU institutions. Representing the voice of the citizens, they are naturally best placed to ensure that the principles subsidiarity and proportionality are respected by preventing other institutions from capturing competences and ensuring that the EU competences are exercised on the closest level to the citizens.

More attention to active subsidiarity and proportionality in the EU legislative process

Any early stage EU legislative impact assessment should include an obligatory examination of the conformity of legislative proposals, or drafts of other policies and programmes with the principles of subsidiarity and proportionality. Such an examination would conclude by either granting or denying a 'subsidiarity and proportionality seal', indicating that the given proposal had been approved and, thus the legislative process was allowed to carry on. To achieve that goal, common guidelines should be drafted that would outline the criteria and indicate the procedure to assess the conformity of legislative proposals or drafts of other policies and programmes with the principles of subsidiarity and proportionality. Moreover, and as a complementary measure, an assessment of the 'subsidiarity value' should be introduced in the EU legislative process in order to select the best governance structure of the most effective policy tool with the aim of achieving the best possible results.

There is a need to improve the quality of the impact assessments carried out by the Commission, particularly through better reflection of the territorial (regional) and distributional impacts of the planned actions. This would allow for a more complete assessment of the impact of the regulation not only on an EU-wide basis, but also on a national and regional basis, in order to improve the quality of decision-making in the EU. The implementation of this approach would respond to Member States' long-standing expectations of the need to assess the territorially differentiated distribution of the impacts of new legislative proposals by the Commission.

Greater consideration should be given to aspects of subsidiarity, proportionality and legislative density in the evaluation of existing EU regulations under the regulatory fitness and performance programme (REFIT). The scope of this evaluation should also be extended in order to include delegated and implementing acts, the provisions of which may in many cases be crucial for the implementation of EU law.

The European Parliament should enhance its ability to examine legislative acts with a view to ensuring their compliance with the principles of subsidiarity and proportionality. Thus, Parliament should amend Rule 42 of its Rules of Procedure to guarantee stricter observance of these principles.

a) Establishment of a separate subsidiarity chamber in the Court of Justice to monitor EU legislation, composed of presidents of national constitutional courts

Owing to the fact that the Court of Justice has never struck down a measure for breaching the subsidiarity principle, an independent subsidiarity chamber, composed of presidents of national constitutional courts, should be established in order to overcome this political bias and improve the

quality of legislation reviews.

Strengthening the role of national parliaments

One of the principal methods of improving the mechanism that monitors the compliance of draft EU legislation with the principle of subsidiarity should be to strengthen the role of Member States' parliaments in EU decision-making, in particular by enabling them to more effectively scrutinise whether EU law complies with the principle of subsidiarity.

Current policymaking processes need to be improved, leaving sufficient room for decision-making at other levels. The intention must be to ensure that national, regional and local authorities contribute more effectively to EU policymaking and to the drafting of legislation. More participation by these authorities in policy design and implementation, in accordance with the principle of multilevel governance, would encourage the development of a more 'active subsidiarity'.

a) Extension of the consultation period for national parliaments

The current eight-week period when national parliaments can issue reasoned opinions should be extended to 12 weeks (in the case of a Treaty change), starting from the day they receive the EU's proposals, in order to enable them to more effectively assess the approximately 500 draft EU acts received each year (the deadline of 12 weeks should also be granted to the Commission for replies). The additional time would allow national parliaments to exert proper *ex ante* and *ex post* scrutiny of their governments' actions in the Council, as parliaments would have the opportunity to more effectively prepare the mandates for all files of major significance and for those relevant to the national budget (i.e. the European Semester). Governments would be able to seek the parliamentary mandates at the latest before the conclusion of a first-reading agreement between the Council and the European Parliament. Furthermore, in order to facilitate the legislative process, the Commission should inform national parliaments about its legislative proposals well in advance.

b) Introduction of a politically binding green card mechanism

The Commission should consider a reasoned opinion or a resolution calling for an EU act to be proposed to be politically binding if it has reached the threshold of one third of national parliaments.

c) Introduction of a politically binding red card mechanism

The current yellow and orange cards can be dismissed too easily by the Commission. A red card could be more effective. Therefore, the Commission should consider any reasoned opinion on the non-compliance with the principle of subsidiarity politically binding if it has reached the threshold of 60 % of national parliaments and, consequently, the Commission should immediately and completely remove the challenged draft act. The introduction of such a mechanism does not require amending the Treaties, as it could be based on a political agreement between Member States.

d) Introduction of a politically binding late card mechanism

This would provide the national parliaments with the opportunity to voice their concerns at a later stage of the ordinary legislative procedure. The reason for this measure is to strengthen democracy by taking into account the reality that national debates very often start when the legislative process is already being finalised at EU level.

Efficient implementation of other recommendations proposed by the task force on subsidiarity, proportionality and doing less more efficiently

Firstly, the concept of active subsidiarity should be comprehensively implemented. Moreover, the EU institutions and national parliaments should use a common method for assessing issues related to the principle of subsidiarity, the principle of proportionality and the legal basis of EU legislation. In order to encourage the development of a common understanding of these principles, the European

Parliament and other EU institutions should organise staff exchanges between those institutions and the national parliaments, which would provide a basis for future cooperation and better legislation.

The Commission should take account of reasoned opinions received from national parliaments in its annual reports on the principles of subsidiarity and proportionality. The Commission should also make information on objections available to the Council and Parliament during the legislative proposal when national parliaments submit a significant number of reasoned opinions on a given piece of draft legislation.

In order to apply the ‘doing less, more effectively’ approach, the Commission should prioritise the use of directives over regulations. Moreover, the directives should be formulated in such a way as to provide sufficient room for Member States to consider lower levels of governance.

Conclusion

In order to foster democracy in the EU, there is a need to review, restore and enhance the Treaty-based principles of subsidiarity, proportionality and proximity, and to improve the application of these principles.

Summary of discussions

This working document was discussed in the European Parliament’s Committee on Constitutional Affairs on 25 May 2021 and 22 June 2021.

During the exchange of views on the first draft on 25 May 2021, the author of the working document Jacek Saryusz-Wolski (European Conservatives and Reformists) considered that although the principles of subsidiarity and proportionality were very well established in the Treaties, there were not enough mechanisms to safeguard them and they needed additional dynamism. He underlined that the working document built on Parliament’s calls for reforms of the functioning of the principles of subsidiarity and proportionality, as voiced in several resolutions voted on during the previous parliamentary term, and the findings of the Commission’s 2018 task force on subsidiarity, proportionality and doing less more efficiently, and also presented new proposals for improvements. In particular, he noted that the document proposed strengthening the principles of subsidiarity and proportionality within the EU by: introducing stronger *ex ante* and *ex post* control mechanisms into the legislative process in order to ensure that the EU institutions respect the principles of subsidiarity and proportionality and act within the limits of the Treaty provisions; recognising the role of national constitutional courts in safeguarding Treaty-based respect for subsidiarity and national identities; and strengthening the role of national parliaments by increasing their participation in EU affairs.

In the debate that followed the rapporteur’s presentation, Members taking the floor appreciated the constructive tone of the working document and took into account some of the comments expressed at the shadows meeting, such as the need to increase the application of both principles, the need to strengthen the involvement of national parliaments in policymaking, and giving more meaning to the EU’s motto ‘united in diversity’. Members positively assessed the proposal for more flexibility as far as deadlines for reasoned opinions from the national parliaments were concerned. However, the general assessment was that the document in its current form went against the position of the mainstream political parties, which had expressed their desire for more and not less European integration. In particular, the concepts of the red card and late card mechanism for the national parliaments, as well as the creation of the subsidiarity court, were criticised. Members also discussed the nature and idea of the subsidiarity principle more generally⁵.

During the second exchange of views on the revised text on 22 June 2021, the rapporteur informed

⁵ The following Members participated in the debate: François Alfonsi - Greens/EFA; Charles Goerens - Renew; Domènec Ruiz Devesa - S&D; Loránt Vincze - EPP.

the Members that he had incorporated some ideas expressed by the shadows rapporteurs, but only those that would not narrow the scope of the working document. He pointed out the problem of democratic deficit in the EU, considering that an unsatisfactory application of the principles of subsidiarity and proportionality was contributing to it and noting, for instance, that *ex ante* controls (e.g. yellow cards) were not used much in practice. The rapporteur reminded the Members of the nature of working documents, which were intended to be a discussion paper including a wide range of ideas to be debated during the CoFE, and not a position paper. He presented a series of proposed measures to strengthen both *ex ante* and *ex post* mechanisms of control, including a periodic review of EU policy, a mandatory subsidiarity check for EU legislation, the creation of a subsidiarity chamber within the CJEU, the extension of the consultation time for national parliaments and the introduction or revival of green, yellow, orange, red and late cards for national parliaments.

In the ensuing debate, most Members criticised the content of the working document. One Member expressed partial acceptance of the text, agreeing with the need to ensure a correct application of subsidiarity and proportionality and welcoming some of the proposals, while still rejecting some of the others such as the red card or the idea of a subsidiarity chamber. Referencing the disagreement that had emerged during the discussion, the rapporteur concluded that he would still present his document as a Committee on Constitutional Affairs document authored by the European Conservatives and Reformists group⁶.

⁶ The following members participated in the debate: François Alfonsi - Greens/EFA; Charles Goerens - Renew; Domènec Ruiz Devesa - S&D; Loránt Vincze - EPP.

Annex I. Overview of proposals of the European Parliament concerning the principles of subsidiarity and proportionality

- [Resolution of 16 February 2017](#) on improving the functioning of the European Union building on the potential of the Lisbon Treaty (2014/2249(INI)):
 - suggested flexibility regarding the date of transmission of draft legislative acts enshrined in the Protocol, and called on the Commission to improve the quality of its responses to reasoned opinions;
 - stated that the practical cooperation between national parliaments needed to be strengthened, *inter alia* to enable them, in close cooperation with each other, to reach the necessary quorum under Article 7(3) of Protocol (No 2) on the application of the principles of subsidiarity and proportionality in the case of an alleged breach.
- [Resolution of 17 May 2017](#) on the Annual report 2014 on subsidiarity and proportionality (2015/2283(INI)) and [resolution of 12 April 2016](#) on the Annual reports 2012-2013 on subsidiarity and proportionality (2014/2252(INI)) called, among other things, for:
 - the Commission to improve its explanatory statements on subsidiarity and proportionality in certain legislative proposals in order to facilitate the examination of the proposals carried out by national parliaments;
 - the extension of the scope of the subsidiarity control mechanism proposed by some national parliaments; suggestion to include the compliance of proposals with proportionality within the scope of reasoned opinions;
 - possible revisions of the Treaties: the extension of the scope of reasoned opinions to include the assessment of proportionality; thresholds of national parliaments' responses required to trigger yellow card or orange card procedures; extension of the eight-week time period in which reasoned opinions can be issued, on the grounds of time constraints (i.e. natural disaster or recess period) in view of a fair balance between the right of national parliaments to raise objections on subsidiarity grounds and the efficiency of the EU in responding to citizens' demands;
 - the introduction of a green card mechanism as an instrument to improve the political dialogue aimed at allowing national parliaments to suggest legislative initiatives to the Commission;
 - development of a mechanism to improve the participation of national parliaments in the EU legislative process by creating tools permitting information exchange, such as IT platforms to which EU citizens have access.
- [Resolution of 18 April 2018](#) on the Annual reports 2015-2016 on subsidiarity and proportionality (2017/2010(INI)), which presented a different view concerning the need for the reform of the subsidiarity and proportionality procedure compared to the two resolutions

mentioned above. The report stated among other things that:

- the full use of the existing tools to monitor the application of subsidiarity and proportionality is encouraged above creating even more complex administrative structures and lengthy procedure times;
- any improvement to the subsidiarity control mechanism should not entail Treaty change, thus the extension of the eight-week time limit period proposed by some national parliaments, which necessarily results in an amendment of the Treaties, is not deemed necessary;
- the use of yellow card procedures shows that the system functions and that national parliaments have all the instruments required to take part to the subsidiarity debate in an easy and timely manner;
- there is no need to create new institutional and administrative structures unnecessarily complicating the process: national parliaments already play a constructive role as proven by the two first green card initiatives signed in 2015 on food waste and in 2016 on corporate social responsibility, the former reflected in the revised circular economy package adopted by the Commission in 2015.

- [Resolution of 19 April 2018](#) on the implementation of the Treaty provisions concerning national parliaments (2016/2149(INI)):

- acknowledged the existing procedural shortcomings of the Early Warning System, which could be reformed within the current constitutional framework;
- called on the Commission, in its responses to reasoned opinions issued within or outside the framework of the Early Warning System, to also address proportionality, and, where appropriate, any concerns about proposed policy options, in addition to its interpretation of the principle of subsidiarity;
- suggested the full use of a system whereby national parliaments can submit constructive proposals to the Commission with the aim of positively influencing the European debate and the Commission's power of initiative.