



EUROPEAN PARLIAMENT

2014 - 2019

Committee on Employment and Social Affairs

2014/2252(INI)

29.5.2015

OPINION

of the Committee on Employment and Social Affairs

for the Committee on Legal Affairs

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

Rapporteur: Helga Stevens

PA_NonLeg

SUGGESTIONS

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

1. Takes the view that employment and social policies fall mostly within the area of Member States' competence and that the EU has a remit to take measures to ensure the coordination of Member States' employment policies, by defining guidelines and in particular by means of normative documents for the labour market; therefore encourages the Commission and the Member States to intensify discussions on the application of the principles of subsidiarity and proportionality in the field of this policy;
2. Welcomes the closer participation and stronger involvement of national parliaments in the European legislative process in recent years, which has resulted in an increased awareness of the principles on which the EU is founded, including the principles of subsidiarity and proportionality in the interinstitutional context; notes, however, that further work still needs to be done in this context; suggests as a first step that the Commission engage in a yearly debate with each of the national parliaments in order to strengthen the dialogue between the Commission and the national parliaments;
3. Recalls that according to Article 5 of the Treaty of Maastricht the European Union shall only act if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States;
4. Underlines that all policy formulation should respect the principle of subsidiarity and ensure tangible European added value; stresses that cases of subsidiarity and proportionality must be thoroughly argued and should not be used to undermine social dialogue in the EU; stresses that in respecting the principle of subsidiarity it is key to consider the role of the social partners and to ensure their autonomy in accordance with Member States' customs and traditions; believes in this regard that breaches of the principle of subsidiarity can lead to unintended consequences such as undermined faith in the European Union for citizens, and that such breaches should therefore be avoided;
5. Notes the importance of parliaments and of their territorial impact and closeness to the citizens, and calls, where appropriate, for their greater involvement in the early warning system;
6. Encourages national parliaments to issue reasoned opinions not only on Commission legislative documents but also on the non-legislative documents which precede the drafting of EU legislation, in order to more effectively influence future EU initiatives and legislation;
7. Recalls that, in accordance with the principle of subsidiarity, the EU shall take action outside its areas of exclusive competence only and insofar as the objectives of a planned measure can better be achieved at Union level rather than at national, regional or local level; stresses that subsidiarity may, therefore, lead both to an extension of the activities of the Union within the framework of its powers when circumstances so require and, conversely, to the action concerned being restricted or curtailed where it is no longer

justified; emphasises that subsidiarity, in this context, not only applies to the relationship between the EU and its Member States but also encompasses the regional and local levels;

8. Points out that 2012 saw national parliaments show their first ‘yellow card’ in the context of the subsidiarity control mechanism, in response to the 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; notes, however, that according to the Commission the principle of subsidiarity had not been breached;
9. Believes that the eventual withdrawal of this proposal by the Commission because of political opposition and, according to the Commission, not because of any breach of the principle of subsidiarity should encourage the various parties involved to engage in a new interinstitutional debate that is better geared to bringing about consensus on such transnational aspects of industrial relations as well as greater consideration for the principle of subsidiarity;
10. Calls on the Commission to provide prior information on its choice of legal basis for legislative acts, as this will facilitate cooperation with national parliaments;
11. Takes note of the fact that in 2013 national parliaments, for the second time ever, exercised the right to the ‘yellow card’ procedure in the context of the subsidiary control mechanism, which testifies to the increasing interest, role and added value of national parliaments in the development of EU law;
12. Highlights that the ‘yellow card’ procedure, which is an instrument for influencing EU decision-making, could effectively be strengthened by an earlier exchange of information on positions of national parliaments, therefore encourages national parliaments to exchange views on the scope and evaluation methods applied in order to assess conformity with the subsidiarity and proportionality principles;
13. Takes the view that the meaning of the subsidiarity and proportionality principles is not clear and that national parliaments therefore interpret it in different ways, which causes difficulties in reaching agreements and achieving compliance with their decisions; welcomes the fact that the Commission has established common criteria to assess compliance with the principles of subsidiarity and proportionality; encourages national parliaments and other institutions to use those criteria in order to increase compatibility assessment and the coordination and effectiveness of the subsidiarity control mechanism;
14. Notes that the national parliaments came close to raising a ‘yellow card’ in the context of the proposal for a European Public Prosecutor’s Office; believes that in cases where the ‘yellow card’ procedure is supported by a number of national parliaments, the follow-up Commission communication should address all the objections of those parliaments;
15. Points out that legislation can have a different impact on large enterprises and on SMEs, and believes this should be kept in mind during the drafting process; considers that the ‘Think Small First’ principle is not intended to exempt micro-enterprises and SMEs from the application of health and safety legislation, but could, rather, be a key element in the policy process and could play an important role in stimulating job creation and growth by reducing costs and red tape for businesses and focusing on smart regulation which can be implemented in a way that ensures a level playing field for SMEs and micro-enterprises;

stresses that all employees have the right to the highest level of health and safety protection regardless of the size of the business, the underlying contract or the Member State of employment;

16. Notes the increasing emphasis placed by the Commission on policy cycles and impact assessments; calls on the committee responsible to systematically review the Commission's impact assessments and to review Parliament's ex ante impact assessment analysis as early as possible in the legislative process, while always assessing compliance with the two principles; believes that, on the one hand, impact assessments should not be a substitute for political assessments and decisions, and that, on the other, every Commission proposal should have a tangible European added value; calls, therefore, for a more holistic approach to impact assessments, where applicable also covering the consequences of non-legislation.

RESULT OF FINAL VOTE IN COMMITTEE

Date adopted	28.5.2015
Result of final vote	+: 39 -: 5 0: 4
Members present for the final vote	Laura Agea, Guillaume Balas, Brando Benifei, David Casa, Ole Christensen, Agnes Jongerius, Jan Keller, Agnieszka Kozłowska-Rajewicz, Zdzisław Krasnodębski, Jean Lambert, Jérôme Lavrilleux, Patrick Le Hyaric, Jeroen Lenaers, Verónica Lope Fontagné, Javi López, Thomas Mann, Dominique Martin, Edouard Martin, Anthea McIntyre, Joëlle Mélin, Elisabeth Morin-Chartier, Emilian Pavel, Georgi Pirinski, Terry Reintke, Claude Rolin, Anne Sander, Sven Schulze, Siôn Simon, Jutta Steinruck, Yana Toom, Ulrike Trebesius, Marita Ulvskog, Tatjana Ždanoka, Jana Žitňanská
Substitutes present for the final vote	Amjad Bashir, Heinz K. Becker, Lynn Boylan, Mercedes Bresso, Deirdre Clune, Eduard Kukan, Evelyn Regner, Csaba Sógor
Substitutes under Rule 200(2) present for the final vote	Marco Affronte, Andor Deli, Norica Nicolai, Urmas Paet, Pavel Telička, Marco Zanni