

## AMENDMENT FORM

### Suggestion for amendment of Protocol of Subsidiarity

By Mrs Lena Hjelm-Wallén and Mr Sven-Olof Petersson, government representatives

Status : Member: Hjelm-Wallén

Alternate: Petersson

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6. The European Parliament, the Council and the Commission shall take account of the reasoned opinions issued by Member States' national Parliaments or by a chamber of a national Parliament. The national Parliaments of Member States with unicameral Parliamentary systems shall have two votes, while each of the chambers of a bicameral Parliamentary system shall have one vote.

Where reasoned opinions on a Commission proposal's non-compliance with the principle of subsidiarity represent at least one third of all the votes allocated to the Member States' national Parliaments and their chambers, the Commission shall review its proposal. This threshold shall be at least a quarter in the case of a Commission proposal or an initiative emanating from a group of Member States under the provisions of Article [...] of Chapter X of Part Three of the Constitution on the area of freedom, security and justice.

After such review, the Commission<sup>1</sup> may decide to maintain, amend or withdraw its proposal. The Commission shall give reasons for its decision.

~~7. The Court of Justice shall have jurisdiction to hear actions on grounds of infringement of the principle of subsidiarity by a legislative act, brought in accordance with the rules laid down in Article [230] by Member States, or notified by them in accordance with their legal order on behalf of their national Parliament or a chamber of it.~~

~~In accordance with the same Article of the Constitution, the Committee of the Regions may also bring such actions as regards legislative acts for the adoption of which the Constitution provides that it be consulted.<sup>2</sup>~~

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<sup>1</sup> The handling of the reasoned opinions when the matter concerns an initiative emanating from a group of Member States on the area of freedom, security and justice should arguably be another then when it comes to a Commission proposal.

<sup>2</sup> The principle of subsidiarity is a principle of an essentially political nature, implementation of which involves a considerable margin of discretion for the institutions. Monitoring of compliance with that principle should therefore be of an essentially political nature.