

AMENDMENT FORM

Suggestion for amendment of the revised **PROTOCOL ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY, Article 8**:

By **BROK; ALMEIDA GARRETT; ALONSO; ALTMAIER; AZEVEDO; BASILE; BREJC; CISNEROS; CUSHNAHAN; DEMETRIOU; DOLORES; FARNLEITNER; FOGLER; FRENDON; GIANNAKOU; KELAM; KELEMEN; KORHONEN; KRASTS; KROUPA; KUTZKOVA; LAMASSOURE; LENNMARKER; MAIJ-WEGGEN; MLADENOV; NAZARE-PEREIRA; PIKS; RACK; SANTER; STYLIANIDIS; SZAJER; TEUFEL; TUSEK; VAN DER LINDEN; VAN DIJK; WITTBRODT; WÜRMELING; ZILE**

on behalf of the EPP Convention Group

Status: Members and Alternates

<i>Text of the Praesidium</i>	<i>Proposed Amendments</i>
<p><u>Article 8</u></p> <p>Under Article [current Article 230] of the Constitution, the Court of Justice shall have jurisdiction to hear actions brought by Member States on grounds of infringement of the principle of subsidiarity, where appropriate at the request of their national parliaments, in accordance with their respective constitutional rules. Under the same Article of the Constitution, the Committee of the Regions may also bring such actions as regards legislative acts on which it was consulted.</p>	<p><u>Article 8:</u></p> <p>Under Article [current Article 230] of the Constitution, the Court of Justice shall have jurisdiction to hear actions brought by Member States <i>every national parliament</i> on grounds of infringement of the principle of subsidiarity, where appropriate at the request of their national parliaments, in accordance with their respective constitutional rules <i>as well as actions on such grounds by regions with own legislative competences brought under the authority of their respective Member State</i>. Under the same Article of the Constitution, the Committee of the Regions may also bring such actions as regards legislative acts on which it was consulted.</p>

Explanation:

- *The national parliaments should have an own right to bring actions to the Court of Justice. It would not be compatible with the role of national parliaments in a democratic Union to place them under the “tu-*

telle” of the Member States for such actions.

- *Every national parliament should be allowed to bring an action. This should also allow actions by the first and second chamber of a national Parliament in countries where such chambers exist and where such actions are compatible with the national Constitution.*
- *Regions with own legislative competences (the German and the Austrian Länder and the Belgian regions) should also have an own right to plead an infringement of the principle of subsidiarity at the Court of Justice. However, to ensure that this does not disturb the internal order of a Member State, such actions may only be brought under the authority of the Member State in question.*