

## AMENDMENT FORM

### Suggestion for amendment of Protocol on Subsidiarity, paragraph 8

By Mr : MacCormick, Neil, Johannes Voggenhuber, Eva Lichtenberger

Status : - Alternate

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8 Add at the end of the existing paragraph 8 the words: "*or ought to have been consulted*".

Add new paragraph:

#### **8. bis**

*Under the authority of a Member State concerned and according to its constitutional or national legislation, a region or other territorial entity within that Member State may defend its rights before the Court of Justice in the light of the principle of subsidiarity, if its prerogatives have been directly infringed by Union legislation.*

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#### **Explanation:**

*The present text provides for the Committee of the Regions' competence to raise an issue of subsidiarity before the Court only when the CoR has been consulted. It is necessary also to cover the case where the CoR ought to have been consulted but where this was overlooked or neglected by the Commission.*

#### **In relation to 8 bis:**

*This paragraph reproduces in substance the relevant paragraph of the European Parliament's report on the Role of the Regional and Local Authorities in Building Europe - the 'Napolitano Report'. The sentence has been re-cast only stylistically in order to conform with the style of the draft constitution text. There seems no good reason to deny a right of access by Regions or other territorial entities to the Court, where this has the authority of the relevant Member State and is in accordance with its constitutional or other relevant laws.*