

AMENDMENT FORM

Suggestion for amendments of the Protocol on the Application of the Principles of Subsidiarity and Proportionality

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Status : Member, Member, Alternate.

DRAFT

[PROTOCOL] ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY

THE HIGH CONTRACTING PARTIES,

WISHING to ensure that decisions are taken as closely as possible to the citizens of the Union.

RESOLVED to establish the conditions for the application of the principles of subsidiarity and proportionality, as enshrined in Article 8 of the Constitution, and to establish a system for monitoring the application by the institutions of those principles.

HAVE AGREED UPON the following provisions, which shall be annexed to the Constitution:

1. Each institution shall ensure constant respect for the principles of subsidiarity and proportionality, as laid down in Article 8 of the Constitution.
2. Before proposing legislative acts, the Commission shall consult widely, except in cases of particular urgency or confidentiality. Such consultations shall, where appropriate, take into account the regional and local dimension of the action envisaged.
3. The Commission shall send all its legislative proposals and its amended proposals to the national parliaments of the Member States at the same time as to the Union legislator. The European Parliament and the Council shall send their legislative resolutions and common

positions respectively, upon adoption, to the national parliaments of the Member States.

4. The Commission shall justify its proposal with regard to the **principles of subsidiarity and proportionality**. Any legislative proposal should contain a detailed statement making it possible to appraise compliance with the **principles of subsidiarity and proportionality**. This statement should contain some assessment of the proposal's financial impact and, in the case of a framework law, of its implications for the rules to be put in place by Member States, including, where necessary, the regional legislation. The reasons for concluding that a Union objective can be better achieved at Union level must be substantiated by qualitative and, wherever possible, quantitative indicators. The Commission shall take account of the need for any burden, whether financial or administrative, falling upon the Union, national governments, regional or local authorities, economic operators and citizens, to be minimised and commensurate with the objective to be achieved.
5. **If any national parliament of a Member State**, within six weeks from the date of transmission of the Commission's legislative proposal, **sends** to the Presidents of the European Parliament, the Council and the Commission a reasoned opinion stating why it considers that the proposal in question does not comply with the **principles of subsidiarity or proportionality, the European Parliament, the Council and the Commission shall take the utmost account of that reasoned opinion**. It will be for each national parliament to make the internal arrangements for consulting each chamber in the case of bicameral parliaments and/or, where appropriate, regional parliaments with legislative powers.
6. Where at least one third of **the national parliaments** issue reasoned opinions on the Commission proposal's non-compliance with the **principles of subsidiarity or proportionality**, the Commission shall review its proposal, **taking the utmost account of the reasons given by national parliaments**. After such review, the Commission may decide to maintain, amend or withdraw its proposal. The Commission shall give **detailed reasons for its decision, relating these to the reasoned opinions submitted by national parliaments**.
- 6 bis: **Where at least two-thirds of the national parliaments issue reasoned opinions on the Commission proposal's non-compliance with the principles of subsidiarity or proportionality, the Commission shall amend the proposal or may decide to withdraw it. If the Commission subsequently introduces a new proposal on the same subject, it shall**

explain how it has taken into account the reasoned opinions of national parliaments on the previous proposal.

7. The national parliaments of the Member States may also, during the period between the convening of the Conciliation Committee meeting and the holding of that meeting, **which period shall not be less than four weeks**, issue a reasoned opinion stating why they consider either that the Council's common position does not comply with the principles of **subsidiarity or proportionality** or that the European Parliament's amendments do not so comply. At the Conciliation Committee meeting, the European Parliament and the Council shall take the **utmost** account of the opinions expressed by the national parliaments of the Member States. **If a third of the national parliaments issue such reasoned opinions, the Council or the European Parliament, as the case may be, shall reconsider their common position or amendments, may decide to maintain, amend or withdraw them, and shall give reasons for their decision.**
8. Under Article [current Article 230] of the Constitution, the Court of Justice shall have jurisdiction to hear actions brought by **national parliaments [text deleted]** on grounds of infringement of the **principles of subsidiarity or proportionality [text deleted]**. 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.
9. The Commission shall submit each year to the European Council, the European Parliament, **national parliaments** and the Council a report on the application of Article **8(3) and (4)** of the Constitution. This annual report shall also be forwarded to the Committee of the Regions and to the Economic and Social Committee.

Explanation (if any) :

The above amendments, with the exception of para 5, para 6, para 6 bis and para 7, are the expression of support to the suggested amendments by Ms. Gisela Stuart.

In pour opinion, national parliaments of the Member States, regardless of whether they are unicameral or bicameral, should be regarded as one entity. The chambers of the national parliaments should decide internally on the common position on one or another EU issue. National

parliaments therefore should present to the EU institutions one opinion and speak in one voice. We would be in favour of the rule: one Member State - one national parliament - one voice.