

## AMENDMENT FORM

Amendments for protocol:

– on the application of the principles of subsidiarity and proportionality

By Mr Ingvar SVENSSON.

Status : - Alternate

4. The Commission shall justify its proposal with regard to the principle of subsidiarity. Any legislative proposal should contain a detailed statement making it possible to appraise compliance with the principle of subsidiarity. 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.~~<sup>1</sup> 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. Any national parliament of a Member State may, within six weeks from the date of transmission of the Commission's legislative proposal, send 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 principle of subsidiarity. 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.~~<sup>2</sup>

~~8. 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.~~<sup>3</sup>

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<sup>1</sup> Regional legislation is not an EU competence.

<sup>2</sup> The Chamber systems in the Member States and national systems of regional parliaments are not EU competences.

<sup>3</sup> The principle of subsidiarity is not a judicial rule, it is a principle how to think when to distribute competences. The substance is appropriateness. Hence you can not use in court.