

AMENDMENT FORM

Suggestion for amendment of Article :

Suggestion for protocol :

subsidiarity and proportionality, article 4.

subsidiarity and proportionality, article 6, 1st paragraph

subsidiarity and proportionality, article 6, 2nd paragraph

subsidiarity and proportionality, article 7

subsidiarity and proportionality, article 8

subsidiarity and proportionality, article 9

**By Ms / Mr : G.M. de Vries
 T.J.A.M. de Bruijn**

Status : Members

subsidiarity and proportionality, article 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~~ a firm 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.

Explanation (if any) :

subsidiarity and proportionality, article 6, 1st paragraph

The decisions of the European Parliament, the Council and the Commission shall state the reasons on which they are based referring to the reasoned opinions of the national parliaments.

Explanation (if any) : The institutions have to indicate why they do or do not agree with the opinions of the national parliaments.

subsidiarity and proportionality, article 6, 2nd paragraph

Where at least ~~one-third~~ one fourth of national parliaments issue reasoned opinions on the Commission proposal's non-compliance with the principle of subsidiarity, the Commission shall review its proposal. After such review, the Commission may decide to maintain, amend or withdraw its proposal. The Commission shall give reasons for its decision.

Explanation (if any) : The Dutch government considers the number of one third too high.

subsidiarity and proportionality, article 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, issue a reasoned opinion stating why they consider either that the Council's common position does not comply with the principle of subsidiarity 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 fullest account of the opinions expressed by the national parliaments of the Member States.~~

Explanation (if any) : The involvement of national parliaments in the already complicated and lengthy codecision procedure would further slow down the decision-making process. Moreover, the democratic legitimacy of legislative decisions is guaranteed by the European Parliament.

subsidiarity and proportionality, article 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.~~

Explanation (if any) : Consultation committees should not bring actions as referred to in article 230. This would further increase the workload of the Court.

subsidiarity and proportionality, article 9

The Commission shall submit each year to the European Council, the European Parliament, the national parliaments and the Council a report on the application of Article 7(3) 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) :

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