

## AMENDMENT FORM

### Suggestion for amendment of article 3

By Mr Poul Schlüter

Status : Alternate

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#### **Article 3:**

1. National parliaments may participate in the evaluation mechanisms contained in Article 4 of the Constitution and shall be involved in the political monitoring of Europol's activities in accordance with Article 22 of the Constitution.
  2. [Notwithstanding the provisions foreseen in the Protocol on the application of the principles of subsidiarity and proportionality, where at least one quarter of national parliaments issue reasoned opinions on non-compliance with the subsidiarity principle of a Commission proposal submitted in the context of Chapters 3 and 4 of this Title, 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. This provision shall also apply to initiatives emanating from a group of Member States in accordance with the provisions of Article 8 of this Title.]
  3. [Notwithstanding the provisions foreseen in the Protocol on the application of the principles of subsidiarity and proportionality, where at least one half of national parliaments issue reasoned opinions on non-compliance with the subsidiarity principle of a Commission proposal submitted in the context of Chapters 3 and 4 of this Title, the Commission shall withdraw its proposal. This provision shall also apply to initiatives emanating from a group of Member States in accordance with the provisions of Article 8 of this Title.]
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#### **Explanation:**

The proposed mechanism for subsidiarity control involving the national parliaments issuing reasoned opinions on Commission proposals non-compliance with the principle of subsidiarity is, in my opinion, a step in the right direction towards stronger involvement of the national parliaments at the European level. This mechanism should, of course, also apply to the area of Justice and Home Affairs as outlined in draft Article 3.

As I explained in my amendment proposal to the draft protocol on subsidiarity and proportionality, I generally believe that if half of the national parliaments are of the opinion that a given legislative proposal does not comply with the principle of subsidiarity, it should not be taken any further in the legislative process. This mechanism involving a so-called “red card” should apply to all legislative proposals from the Commission (or in the area of Justice and Home Affairs also legislative proposals emanating from a group of Member States).

Given the special nature of Justice and Home Affairs and its significance to the citizens of the Member States, this line of reasoning applies all the more to this area. This is furthermore underlined by the fact that legislative proposals and or initiatives in relation to the establishment of an area of freedom, security and justice, which might have a direct bearing on the rights and freedoms of individuals, are singled out in the present protocol on national parliaments as an area where COSAC can make contributions.