

Annual reports 2012-2013 on subsidiarity and proportionality

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PURPOSE: to present the Commission's 21st annual report on the application of the principles of subsidiarity and proportionality in the legislative process in the EU in 2003.

CONTENT: the report looks at how the EU institutions and bodies have implemented the principles of subsidiarity and proportionality and provides a more detailed analysis of a number of Commission proposals that were the subject of reasoned opinions submitted by national Parliaments in 2013.

National Parliaments: 2013 saw, for the second time ever, the triggering of a '**yellow card**' by national Parliaments in the context of the subsidiarity control mechanism, namely on the [Commission's proposal for a Council Regulation on the European Public Prosecutor's Office](#).

The **88 reasoned opinions** issued by national Parliaments (an increase of 25% in comparison to the previous year) covered **36 Commission proposals**. This seems to confirm a trend which had already been observed in previous years: national Parliaments have **varying political interests and different priorities** in choosing Commission proposals to be scrutinised in the context of the subsidiarity control mechanism.

They also seem to apply **different criteria** when assessing a proposal's compliance with the principle of subsidiarity.

The proposal on the EPPO generated 13 reasoned opinions; the second highest number of reasoned opinions (9) were issued in relation to the [proposal for a Directive](#) establishing a framework for maritime spatial planning and integrated coastal management.

National Parliaments issued 7 reasoned opinions on the [proposal for a Directive](#) on the manufacture, presentation and sale of tobacco and related products as well as on the [proposal for a Regulation](#) establishing a framework on market access to port services and financial transparency.

As in 2012, the **Swedish Riksdag** was the national Parliament which issued by far the highest

number of reasoned opinions (9). The Austrian *Bundesrat* and the Lithuanian *Seimas* issued the second highest number of reasoned opinions (6 each), followed by the two Spanish chambers (the *Congreso de los Diputados* and the *Senado*), the Maltese *Kamra tad-Deputati*, the Dutch *Tweede Kamer* and the UK House of Commons (5 each).

Application of the two principles by institution: the report notes that all institutions involved in the legislative process were active in ensuring control of the principle of subsidiarity.

The Commission continued to carry out in-depth assessments of compliance with the principles of subsidiarity and proportionality at different stages. Before adopting legislative proposals, it provides assessments (e.g. in roadmaps and impact assessments) and after adoption, it examines and replies to reasoned opinions from national Parliaments expressing subsidiarity concerns.

Subsidiarity control and monitoring issues also figured prominently on the agenda of the European Parliament and the Committee of the Regions.

The European Parliament continued to support its legislative own-initiative reports with evidence-based analysis of the potential EU added value. In total, five assessments accompanying legislative own-initiative reports by the European Parliament were finalised in 2013. They covered:

- better governance of the single market;
- combating violence against women;
- a Directive on the cross-border transfer of a company's registered office (the 14th Company Law Directive);
- the application of the principle of equal pay for men and women for equal work of equal value; and
- the statute for European mutual societies.

In 2013, the **European Parliament's ex ante Impact Assessment Unit** produced 50 initial appraisals of Commission impact assessments, two detailed appraisals of Commission impact assessments, three impact assessments on the Parliament's amendments (in total, 20 amendments were assessed).

The Committee of the Regions similarly increased its work on subsidiarity issues, especially by adopting and implementing a subsidiarity work programme for the first time. Since local and regional authorities are responsible, in most Member States, for implementing EU waste legislation, the CoR closely monitored the review of EU waste policy and legislation. A Quick Scan territorial impact assessment workshop was held to look at this initiative on 25 September 2013.