Annual report 2014 on subsidiarity and proportionality

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The Committee on Legal Affairs adopted an own-initiative report by Sajjad KARIM (ECR, UK) on the Annual Report 2014 on subsidiarity and proportionality.

The annual report on subsidiarity and proportionality 2014 shows that in 2014 the Commission received 21 reasoned opinions from national parliaments concerning 15 proposals, which represented a decrease compared to previous year. This result may be due to a decrease in the overall number of legislative proposals made by the Commission. No “yellow” or “orange card” procedure was triggered in 2014.

Respecting the principles of subsidiarity and proportionality: Members welcomed the continued consideration of the principles of subsidiarity and proportionality which are among the guiding principles of the European Union when it chooses to act and should be considered integral parts of the EU’s policy-making process. They stressed that **national parliaments have a significant role to play** in ensuring that decisions are taken at the level that is most effective and as closely as possible to the citizen.

The Commission is called upon to improve its **explanatory statements** by always providing a detailed, comprehensive and factually substantiated analysis of its proposals in terms of subsidiarity and proportionality, which would assist national parliaments in carrying out a more effective examination of those proposals.

Members stressed the crucial **importance of impact assessments** as tools for aiding decision-making in the legislative process, and stresses the need, in this context, for proper consideration to be given to issues relating to subsidiarity and proportionality and welcomed, in this regard, the package of better regulation measures adopted by the Commission on 19 May 2015.

Extension of the scope of reasoned opinions: in 2014, three national chambers (the Danish *Folketing*, the Dutch *Tweede Kamer* and the UK House of Lords) suggested that reasoned opinions should go beyond its current scope to **include also the principle of proportionality** and the legal basis for the proposal. Members noted, however, that the practicality of these proposals requires careful evaluation and a revision of the relevant Treaties and protocols.

Members also took note of the request from some national parliaments to **extend the eight-week period** in which they can issue a reasoned opinion. Such a period should be the result of striking a fair balance between the right of national parliaments to raise objections on subsidiarity grounds and the efficiency with which the Union should respond to the demands of its citizens.

Green card: Members stated that the introduction of this “green card” mechanism, which would **afford national parliaments the opportunity to suggest to the Commission a legislative initiative** for its examination, should be considered. They suggested, in this connection, that consideration could be given to the number of national parliaments needed in order to trigger such a procedure, and to the extent of its impact. The introduction of such a mechanism should not undermine the EU institutions and the ordinary legislative procedure.

Proportionality: the Commission is called upon to systematically carry out enhanced **proportionality assessments** for each legislative proposal, which should include an appropriate analysis of the different legislative options at its disposal and a substantial explanation of the environmental, social and economic impacts expected from the alternative chosen, and of its potential effects on competitiveness and on SMEs.

Lastly, the report recommended: (i) support national and regional parliaments through tools permitting **information exchange**, such as the creation of an IT platform that can be accessed by EU citizens; (ii) the use of **interparliamentary cooperation** to reinforce the role of national parliaments in the EU legislative process; (iii) promoting further the use of the platform for EU Interparliamentary Exchange (IPEX), which facilitates information exchange.