Annual reports 2015-2016 on subsidiarity and proportionality

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The Legal Affairs Committee adopted an own-initiative report by Mady DELVAUX (S&D, LU) on the annual reports 2015-2016 on subsidiarity and proportionality.

Fundamental principles for the exercise of the Union's competences: the report stressed that subsidiarity and proportionality are fundamental principles that the EU institutions should take into consideration when exercising EU competences in order to ensure that the Union’s actions add value. These principles are aimed at enhancing the functioning of the Union by ensuring that actions at Union level are necessary, that their objectives cannot be adequately achieved by the Member States acting individually.

However, Members drew attention to the fact that **these principles can be misused to serve anti-EU ends** and emphasised that the EU institutions should be vigilant in order to avoid and counteract this risk. The principle of subsidiarity **cannot be used to interpret the powers assigned to the Union** by virtue of the Treaties restrictively.

National Parliaments: the report welcomed the growing interest of national parliaments in the Union's decision-making process in a context of declining legislative activity. It welcomed the number of reasoned opinions (65) submitted by national parliaments in 2016 is the third largest in a calendar year since the introduction of the subsidiarity control mechanism in the Lisbon Treaty. It also noted a significant increase in the number of opinions received by the Commission in the political dialogue, from 350 to 620.

Members encouraged national parliaments to continue and further reinforce inter-parliamentary contacts, also on a bilateral basis, as a means of enhancing cooperation between Member States, and to do so with a democratic European vision, where the Union can add value, and in a spirit of solidarity, based on the rule of law and fundamental rights.

They also welcomed Parliament's increased role as interlocutor and intermediary between national parliaments. **Strengthening dialogue** at political level with national parliaments could be one way to rationalise subsidiarity and proportionality controls. National and regional parliaments should also strengthen their links with the Committee of the Regions.

Impact assessments: Members recognised the work done by the Impact Assessment Board and its successor as of July 2015 the Regulatory Scrutiny Board. They noted that in 2016 the percentage of impact assessments considered unsatisfactory by the Regulatory Scrutiny Board was 15 %, welcoming the fact that these percentages have decreased compared with previous years.

Better law-making: Members noted that the implementation of the better law-making agenda has led the Commission to develop stronger internal instruments and procedures aimed at avoiding infringements of the principle of subsidiarity. They welcomed the fact that subsidiarity and proportionality are now part of the quality check that the Board performs.

New tools: Members noted that a number of tools already exist which enable national parliaments and citizens to participate at every stage of the legislative process and thus ensure that the principles of subsidiarity and proportionality are monitored. Members therefore encouraged the full-use of all the possibilities offered by these existing tools, avoiding as far as possible the creation of even more complex

administrative structures and lengthy procedures in a context where the Union already has difficulty making itself understood by its citizens.

Member States are invited to organise **targeted information campaigns** and seminars to accurately inform citizens of the opportunities they have to participate at each stage of the legislative process.