

Application of the Treaty provisions related to the principles of subsidiarity and proportionality and the role of national parliaments in the EU legislative process

2025/2042(INI) - 27/11/2025 - Text adopted by Parliament, single reading

The European Parliament adopted by 337 votes to 245, with 12 abstentions, a resolution on the application of the Treaty provisions related to the principles of subsidiarity and proportionality and the role of national parliaments in the EU legislative process.

Parliament reiterated that the principles of subsidiarity and proportionality - ensuring that decisions are taken as close as possible to citizens - must be **essential elements of the Commission's regulatory improvement approach**, which is based on three fundamental processes: evaluation, impact assessment, and stakeholder consultation. These principles are essential in safeguarding the division of powers and ensuring that EU action is necessary and appropriate.

Role of the Commission

Parliament called on the Commission to:

- **clearly and thoroughly define** the legal basis for EU action, ensuring full respect for Member State competences and the appropriate use of legal foundations;
- revise the legal basis of the initiative for the deployment of EUR 800 billion for the 'ReArm Europe' Plan /Readiness for 2030. Article 122 of the TFEU in any future proposal should be interpreted as an extraordinary and crisis management solution;
- **expressly justify, by means of a comparative analysis between Member States**, that legislative harmonisation at Union level provides substantial added value and does not constitute a disguised extension of competence;
- proceed, jointly with the European Parliament, to a **more systematic analysis of subsidiarity and proportionality** when preparing legislative proposals;
- always carefully consider whether increased coordination with national authorities would be a better solution in certain areas than the creation of new transnational agencies.

Parliament noted the concerns unanimously expressed by the French Senate regarding the weak legal foundation of certain EU legislative initiatives, the growing tendency to favour regulations over directives, and the excessive use of implementing or delegated acts. It also believed that municipalities – particularly in remote or sparsely populated areas – must be provided with sufficient financial resources to implement EU law.

Noting that national parliaments have rarely used the **'yellow card' and 'orange card' procedures**, Parliament acknowledged that the current procedure is too cumbersome and could be improved. It

reiterated its initial proposals to extend the timeframe for ‘yellow card’ procedures to 12 weeks and to conduct a broader review of how to enhance the early warning system so that it becomes a tool enabling national parliaments to shape EU policy.

Members called on the Commission to explore ways to **further improve consultation with national parliaments** on subsidiarity issues, for example by creating a ‘single subsidiarity hub’ based on the IPEX platform, where reasoned opinions and, for example, contributions, opinions from the European Committee of the Regions, answers from the Commission and Parliament resolutions would be collected and freely accessible.

Role of national parliaments

Parliament stressed the need to continue scrutinising EU legislation and to achieve **more active participation by national parliaments** through the mechanisms provided for in the Treaties, including the ‘yellow card’ and ‘orange card’ procedures. It encouraged national parliaments to strengthen their capacity **to effectively examine and challenge** EU actions under the principles of subsidiarity and proportionality, by exercising stricter and more timely scrutiny of legislative proposals. National parliaments should play a more positive and proactive role, for example by creating a ‘**green card**’ mechanism that would operate with lower thresholds.

Given the limited use of the yellow card procedure and the ineffectiveness of the orange card procedure, Members believe that **better coordination between national parliaments** is possible and stressed that better cooperation between national parliaments and the European Parliament would lead to more active participation in the Union's legislative proposals.

CJEU

Parliament noted that the CJEU's reluctance to strictly apply the principle of subsidiarity is perceived as a significant obstacle to the Union's legislative action. The CJEU's apparent reluctance to enforce subsidiarity could lead Member States to be reluctant to bring cases before the CJEU. Members are concerned by the CJEU's ruling that the absence of an impact assessment cannot be regarded as a breach of the principle of proportionality.

Conclusions

Parliament called for **a clearer and more consistent definition and application** of the principles of subsidiarity and proportionality and for any potential gaps to be filled in order to achieve greater transparency in the preparation of legislative proposals by the Commission, including earlier dialogue with national parliaments.

Members endorsed the conclusion of the Draghi report that EU policy and legislative action should focus on domains where the Union **genuinely adds more value** than national or subnational political action. They further urged the EU institutions to adopt a **principle of self-restraint** in policymaking by more carefully selecting future initiatives and streamlining current legislation.

Current EU legislation should be regularly assessed and Members should have significant powers to set the EU's legislative agenda.