Better lawmaking 2002: application of the principle of subsidiarity. 10th annual report

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PURPOSE : the presentation by the European Commission of the 10th report on the application of the principles of subsidiarity and proportionality. CONTENT : in the continuity of the previous reports, the report "Better Lawmaking 2002" takes account of the application by the Commission of these two principles throughout the year 2002, as well as the actions which have led to the improvement of the quality and accessibility of legislation (consolidation, codification recasting and simplification). The 10th report, which presents a rough assessment of the period, also focuses on two new factors of a more political nature. - firstly, in line with the commitment set out in the White Paper on European Governance, the Commission has focused the report on the main objectives of European Union policies, and no longer on a few fields of activity chosen at random; - in addition, the Commission wishes to place application of the principles of subsidiarity and proportionality in its original interinstitutional context. By adopting this approach, which is more in keeping with the spirit of the Treaty and the Protocol, the Commission wishes to emphasise that the principles of subsidiarity and proportionality remain dynamic concepts and that their effective application depends on the joint responsibility of the Parliament, the Council and the Commission, and on effective operation and dialogue within the institutional triangle. The first assessment which can be made of this period, which was confirmed yet again in 2002, is favourable. The Institutions have on the whole satisfactorily observed Article 5 of the EC Treaty and the annexed Protocol. This positive assessment by the Commission is moreover shared by the European Council in its conclusions and by the European Parliament in its biannual report, and by the low number of appeals to the Court of Justice on grounds of subsidiarity or proportionality. Furthermore, the Convention on the Future of the Union acknowledged that there were very few cases in which the Institutions failed to respect the principle of subsidiarity. Nevertheless, with a view to involving national Parliaments in monitoring Community legislation, one of the Convention's working groups has proposed to establish an early warning mechanism for Commission proposals and provision for referral to the Court of Justice, particularly by national Parliaments and the Committee of the Regions. With regard to the quality of legislation either in the process of adoption or already adopted, the Commission has this year taken numerous initiatives which it intends to implement in order to consolidate the work which has been achieved over several years. It hopes to have the political support and substantial involvement of the European Parliament and the Council in this area.