Better lawmaking 1994-1996: application of the subsidiarity principle. Report to the European Council

1995/2125(COS) - 16/04/1997

The Committee adopted the draft report by Mrs Ana PALACIO VALLELERSUNDI (EPP, ES) on the application of the principle of subsidiarity during the period 1994-1996. In its resolution - which was adopted unanimously - the Committee recalled that the 'principle of subsidiarity constitutes a mandatory rule of a constitutional nature binding on the institutions of theUnion and the Member States'. Monitoring application of the principle was the responsibility of the Court of Justice. Members warned the Commission against the 'spirit of confusion' apparent in the Council's last two reports on subsidiarity entitled 'Better Law-Making'. They accused its authors of confusing criteria of legislative technique (simplification and codification) with principles of a legal nature (subsidiarity and proportionality). They also noted with concern that, as a result of the failure of more ambitious initiatives or because of Council policy, the Commission was submitting framework proposals and codes of conduct. There was a genuine risk, they felt, of creating law of dubious status, resulting in fictitious harmonization and uncertain transposition into national legal systems. Finally, members want the Council and the Commission to give consideration to ways of improving application of the code of conduct drawn up on the basis of the Interinstitutional declaration of 25 October 1993.