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

1995/2125(COS) - 13/05/1997 - Text adopted by Parliament, single reading

In adopting the report by Mrs Ana PALACIO VALLELERSUNDI (PPE, E), the European Parliament points out that the principle of subsidiarity constitutes a mandatory legal rule of a constitutional nature binding on the institutions of the Union and the Member States and should not be used as a pretext to call into question all that the Community has already achieved or to return to the intergovernmental method, which is neither efficient nor democratic. It considers disputes regarding the implementation of the principles of subsidiarity and proportionality should preferably be settled at political level on the basis of interinstitutional declaration of 25 October 1993, but recalls that monitoring the application of these two principles is the responsibility of the Court of Justice. Parliament warns the Commission against confusion arising from the two most recent reports on subsidiarity entitled 'Better Law-Making', maintaining that it has mixed up the criteria of legislative technique (simplification and codification) and legal principles (subsidiarity and proportionality). Parliament also notes with concern the Commission's tendency, as a result of the failure of more ambitious initiatives and/or Council policy, to present 'framework directives' and codes of conduct, thereby running the risk of creating a law of a status which is uncertain which results in purely notional harmonization and uncertain transposition into national legislation. Parliament also disapproves of the large number of preparatory documents submitted by the Commission in 1996 (green papers, white papers, communications, reports) at the expense of its activity in the field of legislation. It calls on the Commission to undertake to demonstrate in a detailed manner in its next report that the principle of subsidiarity has not been applied to the detriment of the 'acquis communautaire'.