Basic information

2015/2283(INI) INI - Own-initiative procedure	Procedure completed
Annual report 2014 on subsidiarity and proportionality **Subject** 8.40.10 Interinstitutional relations, subsidiarity, proportionality, comitology	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
JURI Legal Affairs	KARIM Sajjad (ECR)	13/07/2015
	Shadow rapporteur ZWIEFKA Tadeusz (PPE) DELVAUX Mady (S&D) MARINHO E PINTO António (ALDE) CHRYSOGONOS Kostas (GUE/NGL) ANDERSSON Max (Verts /ALE) BERGERON Joëlle (EFDD) BOUTONNET Marie-Christine (ENF)	

Committee for opinion	Rapporteur for opinion	Appointed
INTA International Trade	The committee decided not to give an opinion.	
ENVI Environment, Public Health and Food Safety	D'ORNANO Mireille (ENF)	09/11/2015
IMCO Internal Market and Consumer Protection	The committee decided not to give an opinion.	
AGRI Agriculture and Rural Development	The committee decided not to give an opinion.	
AFCO Constitutional Affairs	UJAZDOWSKI Kazimierz Michał (ECR)	03/09/2015

European Commission	Commission DG	Commissioner
	Secretariat-General	TIMMERMANS Frans

Key events

Date	Event	Reference	Summary
02/07/2015	Non-legislative basic document published	COM(2015)0315	Summary
29/10/2015	Committee referral announced in Parliament		
23/03/2017	Vote in committee		
29/03/2017	Committee report tabled for plenary	A8-0114/2017	Summary
16/05/2017	Debate in Parliament		
17/05/2017	Decision by Parliament	T8-0210/2017	Summary
17/05/2017	Results of vote in Parliament		
17/05/2017	End of procedure in Parliament		

Technical information

Procedure reference	2015/2283(INI)
Procedure type	INI - Own-initiative procedure
Procedure subtype	Annual report
Legal basis	Rules of Procedure EP 55
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	JURI/8/04836

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	AFCO	PE571.437	22/04/2016	
Committee draft report		PE587.620	05/08/2016	
Amendments tabled in committee		PE592.191	13/10/2016	
Committee report tabled for plenary, single reading		A8-0114/2017	29/03/2017	Summary
Text adopted by Parliament, single reading		T8-0210/2017	17/05/2017	Summary

European Commission

Document type	Reference	Date	Summary
Commission document (COM)	COM(2015)0315	02/07/2015	Summary
Commission response to text adopted in plenary	SP(2017)511	26/09/2017	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	IT_CHAMBER	COM(2015)0315	24/02/2016	

Annual report 2014 on subsidiarity and proportionality

2015/2283(INI) - 02/07/2015 - Non-legislative basic document

PURPOSE: presentation of the 22nd annual report on the application of the principles of subsidiarity and proportionality in EU law-making in 2014.

CONTENT: this report looks at how the EU institutions and bodies have implemented these two principles and how the practice has evolved in comparison with previous years. It also provides an analysis of several Commission proposals which were the subject of reasoned opinions from national parliaments in 2014.

Follow-up to reasoned opinions: 2014 saw a **significant reduction** in the number of reasoned opinions compared to previous years.

In 2014, the Commission received **21 reasoned opinions** from national Parliaments regarding the principle of subsidiarity, which represented a decrease of 76 % compared to the number of reasoned opinions received in the previous year (88 in 2013). The reasoned opinions received in 2014 accounted for a considerably lower proportion (4 %) of the overall number of opinions received by the Commission in the same year in the context of the political dialogue (506).

While no new yellow card procedure was triggered in 2014, the yellow card procedure triggered in 2013 in respect of the proposal on the European Public Prosecutor's Office continued to fuel discussions within the political dialogue.

The report stated that the considerably lower number of reasoned opinions should be seen in the context of a **decrease in the overall number of proposals made by the Commission** towards the end of its term of office and not as an indication of diminishing interest of national Parliaments in subsidiarity matters.

Between January and May 2014, the Danish Folketing, Dutch Tweede Kamer and UK House of Lords submitted reports with detailed proposals on how to strengthen the role of national Parliaments in the decision-making process. **Discussions between national Parliaments** on these subjects are continuing in different fora.

Application by the institutions: in 2014, as in previous years, all institutions involved in the legislative process were active in ensuring control of the principle of subsidiarity.

1) The Commission monitored compliance of its proposals with the principles of subsidiarity and proportionality by providing various assessments (**roadmaps, impact assessments**) before adoption of the legislative acts and by examining and replying extensively to reasoned opinions received from national Parliaments expressing subsidiarity concerns.

In 2014, **25 impact assessments were conducted**. After scrutiny by the independent quality control body, the Impact Assessment Board, eight of these impact assessments were judged to be in need of improvements as regards subsidiarity or proportionality, or both. This was the case, for example, as regards a proposal for a Decision on enhancing EU cooperation in the prevention and deterrence of undeclared work. This rate of **32%** is similar to that of previous years.

On 19 May 2015, the Commission adopted – in line with President Juncker's political priorities – a package of better regulation measures with new integrated Better Regulation Guidelines, including updated guidance for assessing subsidiarity and proportionality in the context of impact assessment of new initiatives.

The Commission is committed to **'evaluate first'**, analysing past performance before considering potential legislative changes. By gathering evidence and identifying lessons which can feed into decision-making, the EU is making evaluation an integral and permanent part of its policy-making along with assessments of subsidiarity and proportionality.

2) The European Parliament continued to deal with subsidiarity and proportionality issues in the context of its work on legislative proposals, taking into account reasoned opinions received from national Parliaments. It also initiated a **new, more general approach to assessing the EU added value** by drawing up a Cost of Non-Europe report and produced numerous appraisals of the Commission's impact assessments.

Despite the break in parliamentary activity in 2014, an election year, the European Parliament produced 32 initial appraisals and two detailed appraisals of Commission impact assessments, three complementary impact assessments, one impact assessment of substantive parliamentary amendments and one ex-post impact assessment in 2014. In addition, five reports on the **cost of non-Europe** were completed.

The Committee on Legal Affairs is the parliamentary committee which has overall responsibility for dealing with the principle of subsidiarity. A report is also regularly drawn up by the Committee on Legal Affairs on the Annual Report by the Commission on subsidiarity and proportionality. A resolution was adopted by the European Parliament on 4 February 2014 on the 19th report from the Commission on subsidiarity and proportionality.

3) The Committee of the Regions continued its work on subsidiarity issues, in particular by adopting and implementing its second Subsidiarity Work Programme and organising a number of workshops and conferences devoted to the principle of subsidiarity and issues related to the implementation of the subsidiarity control mechanism.

The proposals that gave rise to the most reasoned opinions however only generated three reasoned opinions, namely:

the proposal for a Directive on the Union legal framework for customs infringements and sanctions;

the proposed Directive on waste legislation in the framework of a package to create a more circular economy with the objective of making Europe more competitive and reducing demand for costly scarce resource. The proposal suggests recycling 70 % of municipal waste and 80 % of packaging waste by 2030, and also suggests a ban on burying recyclable waste in landfill as of 2025. The proposal sets ambitious targets and adds key provisions on the instruments needed to achieve and to monitor them;

the proposal for a Regulation on organic production and labelling of organic products, amending the Regulation on Official controls and repealing Council Regulation (EC) No 834/2007.

Annual report 2014 on subsidiarity and proportionality

2015/2283(INI) - 17/05/2017 - Text adopted by Parliament, single reading

The European Parliament adopted by 545 votes to 25, with 90 abstentions, a resolution on the Annual Report 2014 on subsidiarity and proportionality.

The annual report on subsidiarity and proportionality 2014 shows that in 2014 the Commission received 21 reasoned opinions from national parliaments concerning 15 proposals, which represented a decrease compared to previous year. This result may be due to a decrease in the overall number of legislative proposals made by the Commission. No "yellow" or "orange card" procedure was triggered in 2014.

Respecting the principles of subsidiarity and proportionality: Parliament welcomed the continued consideration of the principles of subsidiarity and proportionality which are among the guiding principles of the European Union when it chooses to act and should be considered integral parts of the EU' s policy-making process. It stressed that **national parliaments have a significant role to play** in ensuring that decisions are taken at the level that is most effective and as closely as possible to the citizen.

Noting that a majority of the opinions submitted by national parliaments come from only a few national chambers, Members encouraged the **other chambers to become more involved** in the European debate.

The Commission is called upon to improve its **explanatory statements** by always providing a detailed analysis of its proposals which would assist national parliaments in carrying out a more effective examination of those proposals. Members stressed the crucial importance of impact assessments as tools for aiding decision-making in the legislative process, noting that approximately 32 % of impact assessments reviewed by it in 2014 included an unsatisfactory analysis of the principles of subsidiarity or proportionality or both.

Extension of the scope of reasoned opinions: in 2014, three national chambers (the Danish *Folketing*, the Dutch *Tweede Kamer* and the UK House of Lords) suggested that reasoned opinions should go beyond its current scope to include also the principle of proportionality. Members noted, however, that the practicality of these proposals requires careful evaluation and a revision of the relevant Treaties and protocols.

Parliament also took note of the request from some national parliaments to **extend the eight-week period** in which they can issue a reasoned opinion. Such a period should be the result of striking a fair balance between the right of national parliaments to raise objections on subsidiarity grounds and the efficiency with which the Union should respond to the demands of its citizens. If the Member States agree to extend the period allowed to national parliaments to issue a reasoned opinion, it should be included in a forthcoming Treaty revision.

Green card: Members stated that the introduction of this "green card" mechanism, which would **afford national parliaments the opportunity to suggest to the Commission a legislative initiative** for its examination, should be considered. They suggested, in this connection, that consideration could be given to the number of national parliaments needed in order to trigger such a procedure, and to the extent of its impact. The introduction of such a mechanism should not undermine the EU institutions and the ordinary legislative procedure.

Proportionality: the Commission is called upon to systematically carry out enhanced proportionality assessments for each legislative proposal, which should include an appropriate analysis of the different legislative options at its disposal and a substantial explanation of the environmental, social and economic impacts expected from the alternative chosen, and of its potential effects on competitiveness and on SMEs.

Enhanced cooperation: Parliament encouraged other national parliaments to share their views on the role that national parliaments should play in the EU decision-making process.

Lastly, Members recommended: (i) support national and regional parliaments through **tools permitting information exchange**, such as the creation of an IT platform that can be accessed by EU citizens; (ii) the use of **interparliamentary cooperation** to reinforce the role of national parliaments in the EU legislative process; (iii) promoting further the use of the platform for EU Interparliamentary Exchange (IPEX), which facilitates information exchange.

Annual report 2014 on subsidiarity and proportionality

2015/2283(INI) - 29/03/2017 - Committee report tabled for plenary, single reading

The Committee on Legal Affairs adopted an own-initiative report by Sajjad KARIM (ECR, UK) on the Annual Report 2014 on subsidiarity and proportionality.

The annual report on subsidiarity and proportionality 2014 shows that in 2014 the Commission received 21 reasoned opinions from national parliaments concerning 15 proposals, which represented a decrease compared to previous year. This result may be due to a decrease in the overall number of legislative proposals made by the Commission. No “yellow” or “orange card” procedure was triggered in 2014.

Respecting the principles of subsidiarity and proportionality: Members welcomed the continued consideration of the principles of subsidiarity and proportionality which are among the guiding principles of the European Union when it chooses to act and should be considered integral parts of the EU’ s policy-making process. They stressed that **national parliaments have a significant role to play** in ensuring that decisions are taken at the level that is most effective and as closely as possible to the citizen.

The Commission is called upon to improve its **explanatory statements** by always providing a detailed, comprehensive and factually substantiated analysis of its proposals in terms of subsidiarity and proportionality, which would assist national parliaments in carrying out a more effective examination of those proposals.

Members stressed the crucial **importance of impact assessments** as tools for aiding decision-making in the legislative process, and stresses the need, in this context, for proper consideration to be given to issues relating to subsidiarity and proportionality and welcomed, in this regard, the package of better regulation measures adopted by the Commission on 19 May 2015.

Extension of the scope of reasoned opinions: in 2014, three national chambers (the Danish *Folketing*, the Dutch *Tweede Kamer* and the UK House of Lords) suggested that reasoned opinions should go beyond its current scope to **include also the principle of proportionality** and the legal basis for the proposal. Members noted, however, that the practicality of these proposals requires careful evaluation and a revision of the relevant Treaties and protocols.

Members also took note of the request from some national parliaments to **extend the eight-week period** in which they can issue a reasoned opinion. Such a period should be the result of striking a fair balance between the right of national parliaments to raise objections on subsidiarity grounds and the efficiency with which the Union should respond to the demands of its citizens.

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Proportionality: the Commission is called upon to systematically carry out enhanced **proportionality assessments** for each legislative proposal, which should include an appropriate analysis of the different legislative options at its disposal and a substantial explanation of the environmental, social and economic impacts expected from the alternative chosen, and of its potential effects on competitiveness and on SMEs.

Lastly, the report recommended: (i) support national and regional parliaments through tools permitting **information exchange**, such as the creation of an IT platform that can be accessed by EU citizens; (ii) the use of **interparliamentary cooperation** to reinforce the role of national parliaments in the EU legislative process; (iii) promoting further the use of the platform for EU Interparliamentary Exchange (IPEX), which facilitates information exchange.