



*the european convention*

# *Points no. 1*

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*Main points of the report by the Working Group on the Principle of Subsidiarity submitted to the plenary session of the European Convention on 3 and 4 October 2002.*

*Chairman of the Working Group: Mr Mendez de Vigo*

## ***TOWARDS BETTER APPLICATION OF SUBSIDIARITY***

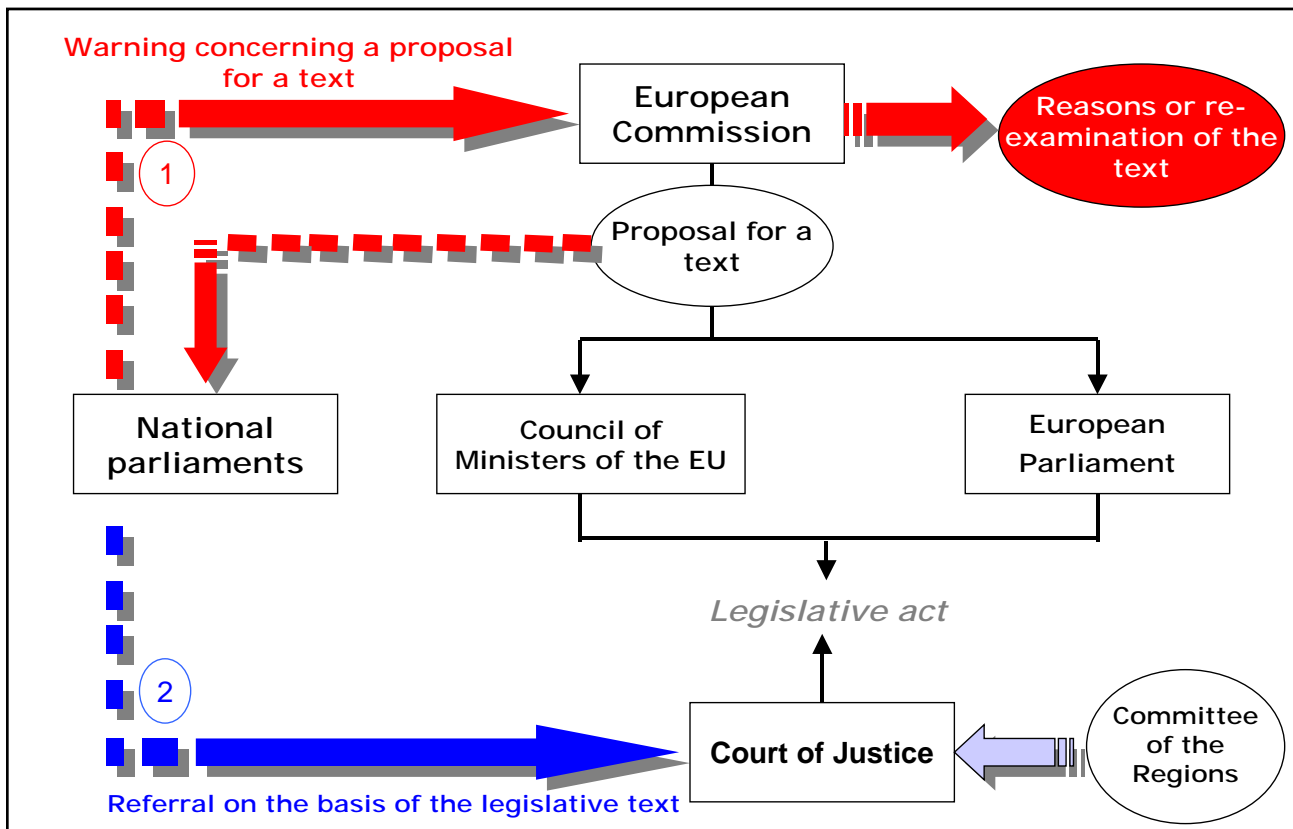
The Treaty of Maastricht introduced the principle of subsidiarity in order to ensure that action takes place at the most appropriate level in those areas in which competence is shared between Member States and the European Union (example: the environment): provision is made for action at European Union level only if the Union is really able to act more effectively than the Member States individually.

The application of this principle has improved European legislation. But today it is subject only to legal monitoring by the Court of Justice which intervenes **after** the adoption of legislative acts.

The Working Group on the Principle of Subsidiarity hopes that in future the European institutions ensure that subsidiarity is applied in a more satisfactory manner during the legislative process and that the national parliaments are able to act rapidly and effectively if they consider that a proposal for a European legislative text does not comply with this principle.

To make the application and monitoring of this principle more operational in future, the Working Group makes the following proposals:

- **the obligation for the Commission** to attach to its proposals for texts a "subsidiarity sheet" to allow for a better case-by-case assessment of the principle by the legislator (Council of Ministers of the European Union and the European Parliament);
- the setting-up of an **"early warning system"** which will enable national parliaments to give their opinions at the start of the procedure on whether or not the European Commission's legislative proposals are in conformity with the principle of subsidiarity **(1)**;
- giving national parliaments which have activated the early warning system the right to **appeal to the Court of Justice** after the adoption of legislative acts, against violation of the principle of subsidiarity **(2)**;
- **the Committee of the Regions** may appeal to the Court of Justice in the case of texts concerning areas on which it is consulted in the normal context of its duties.



**This solution:**

- does not make the legislative procedure more cumbersome and does not create a new authority or a new body;
- allows the national parliaments, for the first time in the history of the European Union, to intervene directly;
- respects the legislative process of the Community;
- also involves national public opinion, through the European Parliament and the national parliaments, at an early stage in the debate on a European legislative proposal.