

# NPs & EU policy making

Under **Art. 12 TEU** *“NPs contribute actively to the good functioning of the Union”*

## EARLY WARNING MECHANISMS

- SUBSIDIARITY CHECK
- POLITICAL DIALOGUE

*Are other interactions also possible?...*



check the European Commission website:

[http://ec.europa.eu/dgs/secretariat\\_general/relations/relations\\_other/npo/index\\_en.htm](http://ec.europa.eu/dgs/secretariat_general/relations/relations_other/npo/index_en.htm)

# THE SUBSIDIARITY CHECK

***Subsidiarity*** is the principle where action is only taken at EU level when it is more effective than EU countries acting alone at national, regional or local level.

Where **NPs** consider that a proposed law **does not comply** with this principle, they can make their views known under the “**subsidiarity control mechanism**”.

# HOW IT WORKS

The subsidiarity control mechanism applies in areas where the EU **shares** competence with MSs.

In cases where NPs consider that draft legislative acts do not comply with subsidiarity, they can send a **reasoned opinion to the Commission within 8 weeks**.

The Commission must take account of the reasoned opinions it receives.

# Effects on the legislative procedure

The effect of the reasoned opinions on the legislative procedure depends on **how many NPs react**.

**A THRESHOLD:** When reasoned opinions represent at least one third of all the votes allocated to the NPs, the Commission must review its proposal. *This threshold is lower for draft legislative acts related to justice, freedom and security - one quarter.*

In both cases the Commission can decide whether to maintain, change or withdraw its proposal. The Commission must **give reasons** for its decision.

**THE YELLOW CARD PROCEDURE**



In conclusion, national MPs have to work together to successfully challenge EU legislation!

# Data searching: some key questions

- How to discover if any “yellow/orange CARD” has been presented by NPs?
- Where to find (reasoned) opinions sent by NPs & the Commission’s replies?
- What about information on the way each NP chamber is organized at home to deal with EU affairs?

Since the entry into force of the Lisbon Treaty (1 Dec 2009) a total of **757 draft legislative acts** have been sent to NPs for examination under the terms of Protocol N. 2 of the Treaty of Lisbon.

In response, the European Parliament has received a total of **2.978 submissions from NPs**. Of these, **450 reasoned opinions** while the remaining **2.528** are contributions.

Visit the **CONNECT** database

## The EP's Directorate for Relations with NPs

it keeps track of all reasoned opinions and contributions sent by the NPs

the “State of Play” notes are published before each EP plenary session

***(queries by year, country, proposal)***

Note: the EP is the only EU institution which translates all reasoned opinions from NPs into other EU languages

*\*\* The 2017 annual Report on the  
Relations between the EP & EU NPs [here](#) \*\**



# IPEX

the InterParliamentary EU information eXchange

platform for the mutual exchange of information  
between the NPs and the EP concerning issues  
related to the EU

- the **Documents DATABASE** contains:
  - a) draft legislative proposals, consultation and information documents coming from the European Commission
  - b) national parliamentary documents/information concerning the EU (uploaded individually by each NP)
- it offers the means for following the **subsidiarity check deadlines**
- it also contains a calendar of **INTERPARLIAMENTARY COOPERATION** meetings + a section on **NPs & the EP**
- it hosts **EU Speakers website**

# Procedures triggered so far

To date, the “yellow card” has been triggered 3 times (*the “orange card” - when reasoned opinions represent a majority of the votes - has never been used*).

**2012** Proposal for a **COUNCIL REGULATION** on the exercise of the right to take collective action within the context of the freedom of establishment and the freedom to provide services (Monti II Regulation)

**12 NPs triggered the yellow card** (*Finland, Sweden, Denmark, Portugal, Latvia, Luxembourg, Malta, Poland, France, Belgium, the UK, the Netherlands*)

The Commission reviewed its proposal BUT did not find it in breach of the principle of subsidiarity. HOWEVER, the Commission considered the views expressed and the discussions among the co-legislators and recognised that its proposal was unlikely to gather the necessary political support for its adoption.

The Commission THEREFORE decided to withdraw the proposal.

Procedures triggered so far: [smthg encouraging?](#)

**2013** Proposal for a COUNCIL REGULATION on the establishment of the **European Public Prosecutor's Office** (i.e. the exercise of the right to take collective action)

[14 NPs triggered a yellow card](#)

After careful review of the reasoned opinions, the Commission concluded that the proposal complied with the principle of subsidiarity and decided to maintain the proposal. The Commission gave reasons for its decision in the [Communication COM\(2013\) 851](#).

***LATER ON, in April 2017, 16 MSs notified the Commission and the Council about their intention to launch an Enhanced Cooperation.*** Finally, a group of 20 MSs decided to participate in the Enhanced Cooperation on EPPO and reached an agreement in **June 2017**.

## Summary of useful sources

- <http://www.ipex.eu/IPEXL-WEB/parliaments/neparliaments.do>
- <http://www.ipex.eu/IPEXL-WEB/search.do>
- <http://www.europarl.europa.eu/relnatparl/en/news/news.html#>