

Report of the Joint Committee on Housing, Local Government and Heritage under Dáil Standing Order 133¹.

On the European Parliament Proposal for a Council Regulation on the election of the Members of the European Parliament by direct universal suffrage, repealing Council Decision 76/787/ECSC, EEC, Euratom, and the Act concerning the election of the Members of the European Parliament by direct universal suffrage annexed to the Decision.

Protocol 2 of the Consolidated Treaties (Treaty on European Union and Treaty on the Functioning of the European Union) provides that -

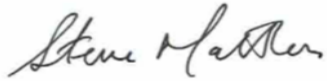
"Draft legislative acts shall be justified with regards to the principles of subsidiarity and proportionality...should contain a detailed statement making it possible to appraise compliance with the principles...This statement should contain some assessment of the proposal's financial impact and...of its implications for the rules to be put in place by Member States...The reasons for concluding that a Union objective can be better achieved at Union level shall be substantiated by qualitative and, wherever possible, quantitative indicators. Draft legislative acts shall take account of any burden, whether financial or administrative, falling upon the Union, national governments, regional or local authorities, economic operators and citizens, to be minimised and commensurate with the objective to be achieved."

In the case of this legislative proposal, the statement of compliance says

"Since the objective of this Regulation, namely to establish the provisions necessary for the election of Members of the European Parliament by direct universal suffrage in accordance with a uniform electoral procedure as regards the Union-wide constituency and with principles common to all Member States, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve that objective."

¹ https://data.oireachtas.ie/ie/oireachtas/parliamentaryBusiness/standingOrders/dail/2022/2022-05-26_consolidated-dail-eireann-standing-orders-may-2022_en.pdf

Since no actual justification is given, this proposal cannot be deemed to be in compliance with the principles of subsidiarity and proportionality, and furthermore appears to encroach on an area of national competence. It is proposed that a Reasoned Opinion be adopted in this regard.



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Cathaoirleach to the Joint Committee on Housing, Local Government and Heritage

12 July 2022