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17TH PARLIAMENTARY TERM

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**RESOLUTION OF THE 14th STANDING COMMITTEE**

(European Union policies)

(Rapporteur: GINETTI)

*adopted at the sitting of 19 October 2016*

ON THE

**REPORT FROM THE COMMISSION: ANNUAL REPORT 2015 ON SUBSIDIARITY AND  
PROPORTIONALITY (COM(2016) 469) (EU DOCUMENT NO 217)**

AND ON THE

**REPORT FROM THE COMMISSION: ANNUAL REPORT 2015 ON RELATIONS BETWEEN THE  
EUROPEAN COMMISSION AND NATIONAL PARLIAMENTS (COM(2016) 471)  
(EU DOCUMENT NO 218)**

*pursuant to Article 144(1) and (6) of the Rules of Procedure*

**Sent to the President's Office on 25 October 2016**

The Committee,

following examination of the Annual Report 2015 on Subsidiarity and Proportionality and the Annual Report 2015 on Relations Between the European Commission and National Parliaments;

given that the Annual Report 2015 on subsidiarity and proportionality states the following:

in 2015, the national Parliaments adopted just eight reasoned opinions on the principle of subsidiarity, compared with the 21 adopted in 2014. The eight reasoned opinions account for around two per cent of the total number of opinions adopted under the political dialogue in 2015 (350), which is the lowest number since the Lisbon Treaty came into force in 2009. They related to three proposals: on the crisis relocation mechanism (five reasoned opinions), on the possibility for the Member States to restrict or prohibit the use of genetically modified food and feed on their territory (two reasoned opinions), and on the mandatory automatic exchange of information in the field of taxation (one reasoned opinion);

whereas the European Commission, as part of the Better Regulation package, promised to pay closer attention to feedback from stakeholders and in particular to the impact assessments that accompany legislative initiatives, including those within the scope the activity of the reformed Regulatory Scrutiny Board.

In 2015, the European Parliament received 254 opinions from national Parliaments, of which eight were reasoned opinions. The Council, meanwhile, received nine reasoned opinions (one of which was submitted late) and 86 opinions issued within the political dialogue;

the Court of Justice has addressed the application of the principles of subsidiarity and proportionality;

given that the Annual Report 2015 on Relations Between the European Commission and national parliaments states the following:

the Juncker Commission continued its partnership with national Parliaments with the aim of bringing the European Union closer to its citizens through direct contact between Commissioners and parliaments and through written communication, namely the political dialogue and the subsidiarity control mechanism. In this regard, the Juncker Commission improved upon previous practice, in that replies to national parliaments are now signed by the Vice-President Timmermans, who is charge of interinstitutional relations, and either the Vice-President or Commissioner responsible for the policy area. The Commission also took steps in to improve its replies to opinions by reinforcing their political nature while continuing to provide substantive answers to the issues raised;

the Commission's focus on a limited number of key issues and the reduction of new initiatives led to a fall in the total number of opinions (including reasoned opinions) received from national parliaments. In 2015, the number declined by over 30 %, from 506 opinions received in 2014 to 350 in 2015;

The most active European chambers, which accounted for 70 % of all opinions, were the Portuguese *Assembleia da República* (55 opinions), the Romanian *Camera Deputaților* (47), the Italian *Senato* (25), the Czech *Senát* (25), the French *Assemblée nationale* (23), the UK House of Lords

17TH PARLIAMENTARY TERM – DRAFT LEGISLATION AND REPORTS – DOCUMENTS – DOC. XVII, No 164

(22), the German *Bundesrat* (20), the Romanian *Senat* (14), the Spanish *Congreso de los Diputados* and *Senado* (11), the Czech *Poslanecká sněmovna* (10) and the Swedish *Riksdag* (10);

the Commission Work Programme for 2015 attracted 26 opinions, making it the most commented upon Commission document in the year under review. This figure includes individual opinions on the Work Programme submitted by 12 chambers (including the Italian Senate), plus a joint opinion from 14 chambers (including the Italian Senate) in which each chamber identified its own priorities, for the purpose of activating, where necessary, policy coordination mechanisms;

European Commissioners also showed their commitment to the new partnership with national Parliaments by carrying out more than 200 visits to national parliaments in 2015.

the European Commission attended all meetings of the Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union (COSAC), as an observer;

considering that:

the 25 opinions submitted by the Italian Senate in 2015 were fewer in number than the 63 in 2014 and 36 in 2013 (an election year) - and in line with the change to the European Commission's approach led by Mr Juncker, which focused on administrative and legislative simplification, going as far as to withdraw 100 proposals in its first two years of office and to present 80 % fewer initiatives than over the past five years, thereby restricting its scope of action in accordance with the principle whereby the EU should intervene only where it can provide real added value in specific areas;

the 25 opinions adopted by the Senate fell within the scope of the political dialogue, and therefore none of the reasoned opinions infringed the subsidiarity principle. The Chamber of Deputies, in contrast, submitted seven opinions, none of which were reasoned opinions;

most of the opinions of the Senate, meanwhile, were adopted by the sectoral committees, and therefore not just by the 14th Standing Committee. These differences between the Chamber and the Senate when it comes to the adoption of opinions on EU law, which were observable again in 2015 (in 2014 63 opinions were submitted by the Senate and 14 by the Chamber, while in 2013 the figures were 36 and 6 respectively), is believed to be due to the different roles played by the committees of the Senate during the upstream phase, when the sectoral committees are responsible for checking the subsidiarity principle within their fields of competence while the 14th Standing Committee plays an advisory, strategic and coordination role, nevertheless retaining the right to adopt opinions during a second reading if no action is taken by the competent committee. The relationship between the 14th Standing Committee and the sectoral committees has shown itself to be better suited to the timely and effective parliamentary scrutiny of European legislation. In contrast, the different approach taken by the Chamber of Deputies appears to vest control of subsidiarity within the 14th Standing Committee, leaving governmental guidance and political dialogue activities to the sectoral committees;

the European legislatures that expressed more than ten opinions included lower houses of EU Member States such as the Romanian *Camera Deputaţilor*, the French *Assemblée nationale*, and the Czech *Poslanecká sněmovna*, upper houses such as the Czech *Senát*, the UK House of Lords, the German *Bundesrat*, the Romanian *Senat* and the Italian *Senato*, monocameral parliaments such as the Portuguese *Assembleia da República* and the Swedish *Riksdag*, and bicameral Parliaments acting jointly, such as the Spanish *Congreso de los Diputados* and *Senado*.

17TH PARLIAMENTARY TERM – DRAFT LEGISLATION AND REPORTS – DOCUMENTS – DOC. XVII, No 164

The information in the reports demonstrates clearly that not all national parliaments send their opinions to the European Parliament as well, given that in 2015 it received 254 opinions while the European Commission received 350. Likewise, the Council received nine reasoned opinions (one of which was submitted late) and 86 opinions;

with regard to the work of the Italian Parliament, it should be emphasised that, since 1 November 2014 - the date on which the Juncker Commission took office - the following have addressed the Senate Committees, generally alongside the corresponding committees of the Chamber of Deputies: Vice-Presidents Timmermans (Interinstitutional Relations), Katainen (Jobs, Growth, Investment and Competitiveness), Mogherini (High Representative for Foreign Affairs and Security Policy), Šefčovič (Energy Union), Dombrovskis (the Euro and Social Dialogue) and Ansip (Digital Single Market), and Commissioners Moscovici (Economic and Financial Affairs), Cañete (Climate Action and Energy), Hogan (Agriculture and Rural Development), Vestager (Competition), Malmström (Trade), Avramopoulos (Migration, Home Affairs and Citizenship), and Vella (Environment);

since that date, the Senate committees have been addressed on many occasions by MEPs on subjects including the Juncker Plan, the Fourth Railway Package, the fiscal capacity of the euro area , the Circular Economy Package and the use of the 470-790 MHz frequency band;

the Italian government submits the reports required by Law No 234 of 24 December 2012 on draft laws of the European Union on a regular basis. These reports make an key contribution to enabling the chambers to take an informed view of EU laws. In some cases, the government also submits *ex post* reports on the outcome of negotiations on resolutions put forward by the chambers;

hereby issues a favourable opinion, with the following observations:

the Committee reaffirms the need to continue the constructive dialogue between national parliaments and European institutions with the aim of enabling parliaments to make a positive contribution to the EU lawmaking process. Basic support for proposals is also likely to be welcomed when they are deemed essentially sound. Citizens' representatives in national parliamentary bodies can thus ensure that motions originating from national public opinion can be addressed more efficiently to the EU legislator;

in accordance with the guidelines on 'Better Regulation', the Committee believes it necessary to emphasise the commitment to 'evaluate first' and therefore to analyse previous results before considering any legislative amendments;

the Committee welcomes the fact that the European Commission is gradually improving the quality and promptness of its replies, with an approach that aims to reinforce their political nature while providing clarification on the substance of the issues raised by national parliaments. The Committee particularly welcomes the fact that the Commission's replies are now co-signed by Vice-President Timmermans and either the Vice-President or Commissioner responsible for the policy area;

The Committee feels that national parliaments should send their opinions not just to the European Commission (350 in total), but also to the European Parliament (which received just 254) and the Council (which received 95). The fact that the two institutions with decision-making power

17TH PARLIAMENTARY TERM – DRAFT LEGISLATION AND REPORTS – DOCUMENTS – DOC. XVII, No 164

are not always informed of the opinions expressed by individual chambers can pose a problem in that it leads to different levels of awareness; this problem should be clarified;

the relationships with the European Parliament should be built on fruitful cooperation, strengthening political networks and allowing the opinions submitted by national chambers in the upstream phase - both reasoned opinions and those under the political dialogue - to form part of the background material used by the competent committees and the European Parliament rapporteur.

it is essential that all Senate committees continue to work on European issues within their fields of competence with the same intensity, so ensuring that the Senate can put forward its policies at European level in a coherent and timely manner.

In this regard, the Committee believes greater focus should be placed on the formulation of opinions issued by the Senate during the upstream phase, while also taking into account the government's *ex ante* reports within the meaning of Law No 234 of 2012.

We also think that specific preparatory documents for EU legislation of particular political, economic and social importance should still be debated in parliament, in addition to the preliminary discussions ahead of European Councils, which have now become established practice in both houses of Parliament;

coordination with the government is gradually being improved, thanks to the better quality and speeding up of the abovementioned reports submitted *ex ante* under Article 6(4) and (5) of Law No 234 of 2012, reports which help the chambers formulate their opinions; and to the reports submitted *ex post* under Article 7(2) of Law No 234 of 2012, which can be used to check the actions undertaken.

After a period of adjustment following the entry into force of Law No 234 of 2012, *ex ante* reports are now submitted in a regular and timely manner.

The Committee notes that, although *ex post* reports have finally become part of Parliament's background material - a significant development that occurred in recent months - the reports could be exploited still further;

relations with the Chamber of Deputies could also be strengthened by coordinating work in various ways, thereby avoiding the risk of any possible, though unlikely, mistaken guidance to the government on European matters;

the ongoing development of the Senate's institutional role as a liaison between other state bodies and the European Union, and as a participant in the development and implementation of EU law, demonstrates its constituent bodies' full awareness of the importance of making a positive contribution to European integration and to its sectoral policies, in accordance with Article 3 of Law No 234 of 2012, which provides that 'the chambers, in coordination with the government, shall become involved at the drafting stage of EU legislation and policies'.