

European Students' Subsidiarity Working Group

Representing France:

Sciences Po Paris

Justine Leroy; Marie-Capucine Penicaud; Alice Richard; Julie Samit; Aurore Laflandre; Arnault Coulet; Virginie Delaury; Thomas Kurkdjian and Thibaut Laplace

Sciences Po Premier Cycle franco-allemand Nancy

Ariane Turek ; Matthias Planque

Representing Hungary:

University of Economic Sciences and Public Administration of Budapest

Zoltán Trombitás; Zoltán Puskás; Ildikó Major; Csilla Mándi; Judit Csercsik; Balázs Pichler; Csaba Dömötör; Árpád Szócs and Zalán Kemény.

Representing Italy:

University of Rome «Tor Vergata»

Salvatore Morelli; Valentino Cattelan; Irene Sandulli and Marco Zinzani

Representing Romania:

Bucharest University, Department of Political Sciences

Ioana Monica Logofatu; Liana Monica Botez; Marian Necula; Gabriela Damiana Otoi; Andrei Pop and Mihaela Vieru.

Representing Spain:

Universitat Autònoma de Barcelona

Fernando Alvarez Alonso; Antoni Borrell, Ignasi Roche Vallès; Marc Sangles Vinyes

Convinced of the importance of the principle of subsidiarity as a means to separate competences between European Union and Member States and to avoid that the law of the European Union has bad effects in its local application, our group, working on the contributions and on the final report of the working group I of the European Convention has focused its attention on the proposals raised:

- A) reinforcing the taking into account and the application of the principle of subsidiarity by the institutions participating in the legislative process during the drafting and examination phase of the legislative act;
- B) setting up an "early warning system" of a political nature, intended to reinforce the monitoring of compliance with the principle of subsidiarity by national Parliaments;
- C) broadening the possibility of referral to the Court of Justice for non-compliance with the principle of subsidiarity.

Considering that European Convention's aim is to contribute to create a real union of people and a better cooperation among the European institutions;

Desiring to avoid a useless extension of legislative procedure;

Convinced that the Court of Justice should be able to ensure reasonable length of the judicial proceedings;

Sure of the necessity of taking into account the role of the European Parliament as expression of democracy and of the current necessity of representation of each national identity;

Agreeing with the proposal of involving the Committee of the Regions within legislative procedure.

Taking into account the sovereignty of each Member State and the necessity of avoiding interferences with national political debates, we have agreed upon the following proposals:

1. The group agrees with the European Convention's idea of an early warning system. Since the early warning system enables the control of compliance with the principle of subsidiarity, we think that it is an important step in bringing the European Union closer to its citizens.

Yet we recommend, during the drafting phase of the early warning system to promote a constant relationship among the national Parliaments.

2. The Subsidiarity Working Group strongly suggests that the European Commission should change its legislative proposal if two thirds of the National Parliaments agree that the text does not comply with the principle of Subsidiarity. In this case the Commission should reformulate its proposal.

Moreover, when at least one National Parliament argues that the proposal does not comply with this principle, and the Commission does not take into account the Parliament's viewpoint, it has to send to the national Parliaments its own reasoned opinion that allows it to maintain its proposal.

3. We do think that the repartition of competences between the state level and the European level within the Union should be stated more clearly, in respect of the principle of Subsidiarity.

This repartition of competences between the two levels should be annexed to the European Constitutional Treaty in an equivalent of an organic Law, which could be amended from a proposition of the Commission, voted by both the Council (representing the states) and the European Parliament (representing the European citizens).

The decision of which level should have such or such competence would be based on an article called "European common interest" written in the Constitutional Treaty, which would clarify "who does what" in the Union.

4. The Committee of the Regions should be restructured in the sense of giving more internal decision-weight to the Regions with legislative powers (German Länder, Spanish Communities, etc); we also propose that the members of the Committee should be nominated by regional entities instead of national governments.

Furthermore we agree on the point that the Committee of the Regions should have the possibility to advise the European Commission on the text proposal. If its amendments are not taken into consideration, it can refer to the Court of Justice (after the text is adopted), but only if the Committee of the Regions is restructured as stated above.