

ABSTRACT OF THE PhD DISSERTATION

Procedure for subsidiarity scrutiny by National Parliaments of EU draft legislative acts. Legal aspects

The aim of the analysis conducted in the dissertation is to present comprehensive analysis of subsidiarity scrutiny procedure provided for in the Protocol no. 2 attached to TFEU and TEU and consequently answer the question, are proposals for the reform of the subsidiarity scrutiny procedure and introduction of new mechanisms engaging national parliaments into the decision-making process in the EU justified in the light of over 6 year practice of national parliaments with the subsidiarity scrutiny procedure.

The above required analyzing:

- the role of national parliaments in the EU,
- character of the subsidiarity principle in the EU law,
- subsidiarity scrutiny procedure, including its origins, main premises, material scope, successive stages and implementation in all 28 Member States,
- influence of introducing subsidiarity scrutiny procedure on the modes of work of EU institutions and bodies,
- proposals for subsidiarity scrutiny procedure reform and new mechanisms of National Parliaments engagement into the decision-making process in the EU.

As a result of conducted analysis four thesis statements were verified.

Thesis statement 1: Current treaty provisions and practice concerning subsidiarity scrutiny procedure justify extension of its material scope. Above all it should be considered to include some categories of non-legislative acts, including delegated acts, under the regime provided for legislative acts.

Thesis statement 2: It is required to extend the scrutiny procedure on principles of conferral and proportionality. Strong interconnections among the three principles,

contributing to national parliaments' problems with their delimitation are arguments for adopting such solution.

Thesis statement 3: It is justified to extend 8-week period for subsidiarity scrutiny. Taking into account procedural solutions adopted in some Member States for subsidiarity scrutiny for example the need to take into account opinions of regional parliaments as well as the need of interparliamentary coordination, the extension of the time for scrutiny would increase National Parliaments' chance for using yellow and orange card mechanisms.

Thesis statement 4: It isn't justified to introduce new mechanisms engaging national parliaments into the decision-making process in the EU, based on proposals concerning red card (possibility to block by National Parliaments adoption of draft legislative acts), late card (possibility to submit reasoned opinions on later stages of legislative process), and green card (possibility to propose amendments to draft legislative act or legislative act already in force). In light of the current practice of using yellow and orange cards it isn't likely the new mechanisms would be used in practice. The only proposal worth consideration is subsidiarity scrutiny of EU legislation already in force and submitting to the European Commission suggestions for its revision.

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