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PARLNAT 131

COVER NOTE

From:	The Irish Parliament
date of receipt:	14 July 2022
To:	The President of the Council of the European Union

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Subject:	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 that Decision [ST 9333/22 - P9_TA(2022)0129] - Reasoned opinion on the application of the Principles of Subsidiarity and Proportionality ¹
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Delegations will find enclosed the reasoned opinion of the Irish Parliament on the above.

¹ The translation(s) of the opinion may be available on the Interparliamentary EU Information Exchange website (IPEX) at the following address: <https://ipexl.europarl.europa.eu/IPEXL-WEB/document/PE-2020-2220/iesea>



DÁIL ÉIREANN

TUARASCÁIL ÓN GCOMHCHOISTE
UM THITHÍOCHT, RIALTAS ÁITIÚIL
AGUS OIDHREACHT FAOI BHUAN-
ORDÚ 133 DE CHUID NA DÁLA
MAIDIR LEIS AN TOGRA Ó
PHARLAIMINT NA hEORPA LE
HAGHAIDH RIALACHÁN ÓN
GCOMHAIRLE MAIDIR LE TOGHADH
FEISIRÍ DE PHARLAIMINT NA
hEORPA TRÍ VÓTÁIL
CHOMHCHOITEANN DHÍREACH,
LENA N-AISGHAIRTEAR CINNEADH
76/787/CEGC, CEE, EURATOM ÓN
GCOMHAIRLE AGUS AN IONSTRAIM
MAIDIR LE TOGHADH FEISIRÍ DE
PHARLAIMINT NA hEORPA TRÍ
VÓTÁIL CHOMHCHOITEANN
DHÍREACH ATÁ I GCEANGAL LEIS AN
GCINNEADH SIN.

Rith Dáil Éireann an Rún seo istigh ag an
gCruinniú de Dháil Éireann a bhí ann an 13ú
lá seo d'Iúil, 2022.

REPORT OF THE JOINT COMMITTEE
ON HOUSING, LOCAL GOVERNMENT
AND HERITAGE UNDER DÁIL
STANDING ORDER 133 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
THAT DECISION.

The within Resolution was passed by Dáil
Éireann at its Meeting on this 13th day of
July, 2022.

Cathaoirleach Dháil Éireann

Le cur go dtí:
For transmission to:

President of the Council of the European Union

**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 -

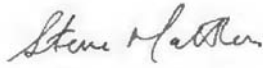
"Draft legislative acts shall be justified with regards to the principles of subsidiarity and proportionality...should contain a detailed statement making it possible to appraise compliance with the principles...This statement should contain some assessment of the proposal's financial impact and...of 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.



Steven Matthews TD
Cathaoirleach to the Joint Committee on Housing, Local Government and Heritage
12 July 2022



“Go ndéanann Seanad Éireann:

- (1) an Tuarascáil chomhaontaithe a thabhairt dá aire ón gComhchoiste um Thithíocht, Rialtas Áitiúil agus Oidhreacht faoi Bhuan-Ordú 116 maidir leis an togra seo a leanas:

— Togra le haghaidh RIALACHÁN ÓN gCOMHAIRLE maidir le toghadh feisirí de Pharlaimint na hEorpa trí vótáil chomhchoiteann dhíreach, lena n-aisghairtear Cinneadh (76/787/CEGC, CEE, Euratom) ón gComhairle agus an Ionstraim maidir le toghadh feisirí de Pharlaimint na hEorpa trí vótáil chomhchoiteann dhíreach atá i gceangal leis an gCinneadh sin:

a leagadh faoi bhráid Sheanad Éireann an 12 Iúil 2022, de réir Bhuan-Ordú 116(3)(b);

- (2) ag féachaint don Tuarascáil réamhráite, agus le linn a fheidhmeanna faoi alt 7(3) d’Acht an Aontais Eorpaigh, 2009 a fheidhmiú, an tuairim a shealbhú nach ndéanann an togra 2020/2220 (INL) prionsabal na coimhdeachta a chomhlíonadh ar na cúiseanna atá leagtha amach sa Tuarascáil; agus
- (3) a thabhairt dá aire, de bhun Bhuan-Ordú 116 (4), go gcuirfear cóip den Rún seo mar aon leis an Tuairim Réasúnaithe agus an Tuarascáil réamhráite chuig Uachtarán Pharlaimint na hEorpa, Uachtarán na Comhairle agus Uachtarán an Choimisiúin.

That Seanad Éireann:

- (1) notes the agreed Report of the Joint Committee on Housing, Local Government and Heritage under Standing Order 116 on the following proposal:

— Proposal for a COUNCIL REGULATION on the election of the Members of the European Parliament by direct universal suffrage, repealing Council Decision 76/787/EEC, EEC, Euratom and the Act concerning the election of the members of the European Parliament by direct universal suffrage annexed to that Decision:

which was laid before Seanad Éireann on 12th July, 2022 in accordance with Standing Order 116(3)(b);

- (2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that the proposal does not comply with the principle of subsidiarity for the reasons set out in the Report; and
- (3) notes that, pursuant to Standing Order 116(4), a copy of this Resolution together with the Reasoned Opinion and the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.”