

(English version)

**Question for written answer E-002015/25
to the Commission
René Aust (ESN)
(21 May 2025)**

Subject: Abuse of competences through regulations

In recent years, the Commission has repeatedly ignored national competences and acted unilaterally in areas such as education, health and media — sometimes without parliamentary scrutiny. Disregard for the principle of subsidiarity often takes the shape of workarounds in secondary legislation.

1. How does the Commission view the repeated encroachment on national competences in sensitive policy areas such as education, health and the media, at times without sufficient parliamentary scrutiny?
2. What measures does the Commission plan to take to prevent any future circumvention of national competences through secondary legislation and to strengthen parliamentary scrutiny?
3. Why is the Commission ignoring the fundamental division of powers set out in the EU Treaties, despite repeated criticism?

Submitted: 21.5.2025

**Answer given by President von der Leyen on behalf of the European Commission
(14 October 2025)**

Under the principle of conferral, set out in Article 5 of the Treaty on European Union, the EU shall act only within the limits of the competences conferred upon it in the Treaties, while competences not conferred on the EU remain with the Member States. The Commission strictly adheres to this rule.

Secondary legislation, such as regulations and directives, is a standard mechanism for exercising the EU's competences as set in Article 288 of the Treaty on the Functioning of the European Union.

The Commission shares the view that the rigorous application of the subsidiarity principle is important to ensure that the EU acts only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States.

Therefore, the Commission has made a thorough subsidiarity assessment part of its Better Regulation agenda. Also, it reinforced its public consultations and political dialogue with national Parliaments to facilitate their input on the Commission's initiatives allowing for better alignment with national priorities.
