

(English version)

Question for written answer E-003219/25
to the Commission
Jean-Paul Garraud (PfE)
(8 August 2025)

Subject: Compliance with the principle of the conferred competence and institutional drift

In accordance with Article 5 of the Treaty on European Union (TEU), the EU acts only within the limits of the powers conferred on it by the Treaties, in accordance with the principle of conferred competence. However, the Commission is increasingly intervening in areas of exclusive or shared competence of the Member States, such as public health, education, family policies and judicial governance.

These initiatives, often justified on the basis of extensive interpretations of the provisions of the Treaties or by misuse of horizontal clauses, raise questions about compliance with the principles of subsidiarity and proportionality, which ensure the constitutional balances between the Union and the Member States.

1. How does the Commission justify this de facto expansion of its action into areas where competences have not been expressly provided for in the Treaties?
2. What measures does it intend to take to strengthen compliance with the principle of subsidiarity in the development and implementation of European policies?
3. Does it intend, in the context of a possible revision of the Treaties, to clarify the division of competences in order to avoid any legal ambiguity and preserve the sovereignty of the Member States?

Submitted: 8.8.2025

Answer given by Mr Šefčovič on behalf of the European Commission
(6 November 2025)

1. Under the principle of conferral, set out in Article 5 of the Treaty on European Union (TEU), 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. Since its formalisation in the Lisbon Treaty, the Commission is not aware of any case in which the Court of Justice of the European Union has found the principle of conferral to be breached by EU institutions.
2. The Commission is committed to the application of the subsidiarity principle and has made a subsidiarity check part of its Better Regulation agenda. The Commission also reinforced its public consultations and political dialogue with national Parliaments to facilitate their input to the Commission's initiatives allowing for better alignment with national priorities and concerns. The Commission improved its portal publishing the opinions of national Parliaments and the Commission's replies equipping it with better search possibilities as acknowledged in the relevant European Parliament draft report ⁽¹⁾.
3. The Commission recalls that the European Parliament adopted a resolution on proposals of the European Parliament for the amendment of the Treaties on 22 November 2023, triggering the treaty revision process in Article 48 TEU. The Commission stands ready to play its institutional role in the procedure set out in Article 48 TEU, and in particular to give its opinion if and when consulted by the European Council.

⁽¹⁾ Draft report on the application of the Treaty provisions related to the principles of subsidiarity and proportionality and the role of national parliaments in the EU legislative process, [https://oeil.secure.europarl.europa.eu/oeil/en/procedure-file?reference=2025/2042\(INI\)](https://oeil.secure.europarl.europa.eu/oeil/en/procedure-file?reference=2025/2042(INI)).