

EN

E-003099/2026

Answer given by Mr Šefčovič
on behalf of the European Commission
(14.9.2026)

1. The deadline of eight weeks for national Parliaments' subsidiarity check of proposed EU legislation is set in Article 6 of Protocol No 2¹ to the Treaties. To facilitate national Parliaments' scrutiny during recess periods, the Commission excludes the periods from 1 to 31 August and from 20 December to 10 January of the following year from the calculation of the eight weeks. Any change of the eight weeks deadline would require a Treaty revision, in which the European Parliament and the Member States play a key role.
2. The thresholds for triggering a review by the Commission of a draft legislative act are described in Article 7(2) of Protocol No 2². After a review, the Commission may decide to maintain, amend or withdraw the draft. Reasons must be given for this decision. Further than that, the Commission has committed to provide a detailed and comprehensive 'aggregated response' to the subsidiarity concerns expressed by a significant number of national Parliaments even if the number of their reasoned opinions does not reach the relevant thresholds for triggering a review set in Protocol No 2.
3. Article 7(3) of Protocol No 2 gives to the European Parliament and the Council, as the Union legislator, the right to decide whether a legislative proposal shall be given further consideration after a majority of national Parliaments has considered it as being in breach with the subsidiarity principle but the Commission decided to maintain it. Giving the same right to national Parliaments would require a Treaty change.

¹ Protocol (No 2) on the application of the principles of subsidiarity and proportionality, <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12008M/PRO/02:EN:HTML>.

² Reasoned opinions on a draft legislative act's non-compliance with the principle of subsidiarity representing at least one third of the votes allocated to national Parliaments, or one quarter for proposals in the area of freedom, security and justice based on Article 76 of the Treaty on the Functioning of the European Union.