

## **Analysis of the Principle of Subsidiarity as a Principle of EU Law: Future Perspectives**

**Amit Kumar**

Assistant Professor, Department of Commerce and Business Management, Integral University, Lucknow, India, ORCID: 0000-0002-7840-0376

**Received:** October 3, 2021, | **Accepted:** November 29, 2021 | **Published:** December 25, 2021

**Abstract:** The main purpose of this study is to clarify the role and purpose of the principle of subsidiarity in the law of the European Union, as well as to establish the prospects of its development in the future. For a detailed study of this topic, the following methods were used: dialectical method, formal-legal method, logical method, method of induction and deduction, method of system analysis, statistical method, logical method, and others. The results of the study – definition, and analysis of the main concepts and terms that have been used; the study of the history of formation and approval of the principle of subsidiarity in the law of the European Union; elucidation of the purpose and peculiarities of the principle of subsidiarity; establishment of legal acts that enshrine provisions governing the application of the principle of subsidiarity; characterization of the "early warning system"; clarification of the role of the European Court of Justice in applying the principle of subsidiarity; establishment of ways and mechanisms to improve and develop the principle of subsidiarity in the future. The practical significance of this article is to explore the specifics and the need for the distribution of powers among the various authorities and to develop mechanisms to improve this principle in the future. Since the introduction of the principle of subsidiarity, scientists have repeatedly tried to clarify its peculiarity and purpose. Thus, scientists approached the study from different sides and spheres and points of view: theory of law or politics, economics or law; investigating the application of the principle of subsidiarity starting from environmental law and ending with criminal law. So, 38 works of scientists were used to study the topic, the study of which was aimed at establishing the feasibility, necessity, and effectiveness of the principle of subsidiarity in the EU law and its role in the distribution of powers between the bodies of EU Member States and the European Union itself. The works of scientists from all over the world were used since the question of the application of the principle of subsidiarity in the law of the European Union occupies an important role not only for the European region but also affects the legal system of different countries and regions of the world. The scientific novelty of this article lies in the elaboration

of mechanisms and directions of improvement and development of the principle of subsidiarity in order to apply it in the future.

**Keywords:** early warning system; national parliaments; proportionality principle; monitoring; European Court of Human Rights.

## Introduction

Justice and democracy have become among the most important affairs of mankind that public institutions must achieve and enforce. S. Rizcallah noted in her research that the legal structure of the European Union is based on the fundamental premise that each member state shares with all other member states, and recognizes that they share with it a set of common values and principles on which the European Union functions (Rizcallah, 2021).

The further improvement and development of the European Union (hereinafter referred to as the EU) is based on the implementation of the principle of subsidiarity. The principle of subsidiarity is becoming more and more popular in the EU every year. At the beginning of the creation and formation of the European Union, there were fears that the association could supersede the powers and administrative bodies of the EU member states. The essence of this principle is expressed in the need to distribute powers among different authorities. At the 2018 conference "Subsidiarity as a Building Principle of the European Union," conference representatives noted that the principle of subsidiarity is the cornerstone of a common and united Europe (Subsidiarity Conference, 2018). The European Union, together with the member states, should work to solve important problems in various fields of activity using the principle of subsidiarity.

The concept of subsidiarity comes from the Latin word "subsider" and means to replace or serve (Granat, 2018). The founder of the principle of subsidiarity in the law of the European Union should be considered J. Delors, who believed that it was necessary to determine in which areas the association could act and function independently, separate from national bodies (DELORS, 1999).

B. Yefimenko noted that the rationale for the expediency and necessity of the existence and enforcement of this principle is to protect the independence of the lower authority in relation to the higher authority (Yefimenko, 2020). The principle of subsidiarity is an important condition for regulating the distribution of powers between different levels of government (national, local, and supranational).

### *Research Problem*

With each passing year the European Union develops, its geographical expansion and its sphere of influence are carried out. This, in turn, requires the improvement of its institutions, legal framework, procedures of activity, as well as the development of fundamental and general principles, based on which the functioning of the association is carried out. One of such principles is the principle of subsidiarity, the main purpose of which is the proper and effective distribution of powers between the national bodies of the EU member states and the bodies of the European Union in resolving certain issues.

### *Research Focus*

Effective regulation, application, and enforcement of the principle of subsidiarity will avoid disagreements between member states and the association on the resolution of certain issues and allow states to solve problems and issues that fall under their competence independently without EU influence or, conversely, help solve large-scale problems that have impossible instruments and means of a member state.

### *Research Aim and Research Questions*

The purpose of this study is to reveal the peculiarities and analysis of the principle of subsidiarity in EU law as one of the important principles of the legal system of the European Union, as well as to work out mechanisms for its future improvement and development.

The objectives of this article are:

- to establish the peculiarities and purpose of the principle of subsidiarity;
- to establish the process by which the principle of subsidiarity is developed and asserted in European Union law;
- to determine the purpose of the “early warning system” procedure;
- to examine the role of the judiciary in establishing the principle of subsidiarity and vice versa; to establish the role of this principle in the conduct of judicial proceedings
- to define directions for developing and improving the principle of subsidiarity in the future.

## **Research Methodology**

### *General Background*

The necessity and prerequisites for the study of this topic of the article include the fact that there are frequent problems and discussions about the distribution of powers and competencies between the bodies of the European Union and bodies of the member states of the association to solve various kinds of issues in various spheres of activity. It is repeatedly noted that it is necessary to fix and effectively regulate the resolution of issues and problems by the member states without EU influence, but without transferring to the national bodies the powers attributed exclusively to the competence of the association.

### *Sample / Participants / Group*

In order to prove the above-mentioned provisions the author researched and analyzed a lot of works of researchers and analyzed legal acts regulating the features and application of the principle of subsidiarity. Having analyzed the right-wing scholars, it can be noted that most of them support the effective consolidation and application of the principle of subsidiarity, which will contribute to a qualitative and fair distribution of powers between the various authorities.

### *Instrument and Procedures*

Within the framework of this article, a number of general and special methods of scientific knowledge were used. Yes, the dialectical principle, the method of a systematic approach, the logical method, the historical method, the formal-legal method, etc. were used.

The use of the systematic approach in the study contributed to the establishment and disclosure of the essence and purpose of the principle of subsidiarity in EU law. The dialectical method made it possible to carry out a legal analysis of the legal acts in which the principle of subsidiarity is enshrined, as well as to study the purpose of the “early warning system” procedure. The historical method was used to clarify the process of formation and establishment of the principle of subsidiarity in EU law.

The formal-legal method was used to establish the features of the distribution of powers between the various authorities and to clarify the impact of the principle of subsidiarity during the judicial resolution of conflicts. Through the use of the logical method, a study of the peculiarities of national parliaments' control over the adoption of legal acts within the framework of the European Union was carried out.

### *Data Analysis*

A study by F. Fabbrini, who researched the principle of subsidiarity, contains the following description of this principle: “Three corrective words of the legislator and entire libraries are turned into waste paper. Even worse: three additional words and entire libraries can be re-filled with learned commentaries” (Fabbrini, 2018).

The issue of the application and role of the principle of subsidiarity in EU law has been addressed by quite a few scholars from around the world and regions, namely England, Northern Ireland, the Republic of Ireland, etc. (Pimenova, 2021). The conclusions and results of scholars researching the principle of subsidiarity were formed mainly on the combination of empirical and theoretical research methodologies, through which the level of effectiveness of the principle of subsidiarity was determined (Janeček, Williams, Keep, 2021).

The principle of subsidiarity remains controversial today and has generated much debate among scholars. However, it should also be noted that since its formal recognition and codification in the original law, scholarly research on the principle of subsidiarity has declined somewhat. Only in recent years, when political crises occurred in the European Union and the influence of the EU on various spheres of life, in particular the socio-political sphere, scientific interest in the principle of subsidiarity in EU law has become more relevant again.

## Research Results

One of the main principles of European Union law is the principle of subsidiarity, which acts as a principle of interaction between all bodies and levels of government (Visser, 2020). In European Union law, the principle of subsidiarity first appeared in 1975 in a report issued by the European Commission but has not yet been legally established. In 1992, with the adoption of the Maastricht Treaty, the principle of subsidiarity took on a general meaning. In 1997, the Protocol on the Application of the Principles of Subsidiarity and Proportionality was adopted, which facilitated judicial review of EU member states' compliance with the principle of subsidiarity (Document 12008M/PRO/02, 2008). A more general application in all vitality of the principle of subsidiarity was given in the Lisbon Treaty of 2007 (The Treaty of Lisbon, 2007). Currently, the principle of subsidiarity is enshrined in Article 5 of the Treaty on European Union, which states that if an objective cannot be achieved or an issue cannot be solved by the EU member states, these tasks shall be solved and implemented by the union (Treaty on European Union, 1992). It can be noted that subsidiarity as a principle is limited to cases and moments when the competence of the European Union is intended to complement the competence of the EU member states.

The principle of subsidiarity is a reflection of the concept that the governance mechanism should be based and built "from the bottom up" (Saryusz-Wolski, 2021). It should be noted that the principle of subsidiarity in the law of the European Union is a universal way and means of solving issues and problems between all levels of government, as well as maintaining a balance between national, regional, and European authorities. The principle of subsidiarity can be used in all areas that fall under the exclusive competence of the European Union. Thus, this principle is used in environmental, cultural, educational, economic, and other areas of EU activity (Affolter, 2021).

In modern legal acts of the European Union, the principle of subsidiarity is perceived not as a political principle, but as a purely legal principle, which is enshrined at the legislative level. Thus, the principle of subsidiarity along with other legal principles of the European Union (the principle of proportionality, the principle of vesting competence, etc.) form the basis of the EU legal system (Wanzenböck, Frenken, 2020).

Protocol No. 2 on the Application of the Principles of Subsidiarity and Proportionality contains a number of requirements for the application and observance of the principle of subsidiarity, namely: 1) consultation when submitting a legislative act to take into account regional and local planning actions; 2) empowering national parliaments to monitor the compliance of EU draft laws with the subsidiarity principle; 3) the draft legal act must contain an explanation of how it is compatible with the subsidiarity principle; 4) empowering member states to apply to the Court of Justice in case of violations of the subsidiarity principle (Document 12008M/PRO/02, 2008).

This study needs to compare and contrast the principle of subsidiarity and the principle of proportionality. Since these two principles are enshrined in Article 5 of the Treaty on the European Union, it is necessary to clarify their relationship. The principle of proportionality in EU law is considered one of the general principles (Kosta, 2019). The principle of proportionality should be understood as the phenomenon that in order to achieve a certain goal, authorities may be able to impose additional obligations on citizens beyond the limits of necessity if it results from and is caused by the need to respect the public interest (Harvey, 2020). If we compare these principles, it should be noted that the principle of proportionality is more common than the principle of subsidiarity and is applied in all areas of the EU. It is also possible to compare the principle of subsidiarity and the principle of separation of competence, which deal with specific issues. The principle of separation of competence is

designed to regulate the powers of the EU and member states in the process of making certain decisions and is expressed through exclusive, general, special, and complementary competence, which means the level of involvement of member states in the process of making decisions or legal acts, as well as determining from which particular issues the European Union and states can make decisions (Kovaliv, Tymchyshyn, Nikanorova, 2020).

The principle of subsidiarity is designed to draw attention to the role of national parliaments of member states in the European Union. One of the main objectives of the EU functioning is to ensure democracy (Perkowski, Farhan, 2019). The level of application of the principle of subsidiarity has repeatedly been criticized, which, in turn, has led to a violation of the principle of democracy. The enshrinement of this principle in the Lisbon Agreement has strengthened the role of national parliaments in the legislative process of the European Union (The Treaty of Lisbon, 2007). Also, the Protocol on the Application of the Principles of Subsidiarity and Proportionality has strengthened the right of national parliaments to monitor and express their views on the legality and compliance of the legislative acts adopted within the European Union with the principle of subsidiarity, the so-called “early warning system” (Document 12008M/PRO/0/). It is worth noting that EU member states in case of disagreement with a particular EU legislative initiative can adopt their informed opinion on this issue. However, the “early warning system” procedure is rarely used within the EU and has been repeatedly criticized. For example, critics of this procedure point out that political dialogue within the EU is used more frequently than the “early warning system,” since the latter has actually been used about five times since 2009. T. Malang and F. Leifeld pointed out that the national parliamentary chambers can reach that the Commission should reconsider a legislative proposal if the parliaments reach the threshold of one-third of all chambers expressing concern, a process called “yellow card edition” (LEIFELD, MALANG, 2021). Thus, it should be noted that the first yellow card in the early warning system was issued in 2012 against the proposal of the Commission on Trade Union Rights and the Right to Strike (Petrić, 2017). Twenty of the forty national parliaments considered the content of the Commission's proposal inconsistent with the principle of subsidiarity and ultimately the proposal was not adopted. The last yellow card was applied by the national parliaments in 2016 over the disagreement and protest against the revision of the Directive on Worker Travel (Petrić, 2017). It should be noted that the existing “early warning system” procedure and the national parliaments applying this procedure rather resemble a quasi-institutional body alongside the legislative bodies of the European Union, playing an advisory role in the EU legislative process (Cooper, 2019).

National parliaments should play a more active role in making certain decisions and monitoring compliance with the subsidiarity principle. The existing early warning system requires some reform, particularly regarding threshold deadlines, such as, for example, an eight-week deadline for national parliaments to provide reasoned opinions. Yes, the following recommendations and actions can be proposed to improve the existing early warning system, namely:

- The European Commission can provide detailed answers and conclusions to all questions that arise concerning the impact of the reasoning procedure on the European Union's legislative process;
- The established eight-week threshold should be applied in as flexible a manner as possible;
- National parliaments should be given a greater role in the decision-making process and this would in turn foster the principle of subsidiarity;
- National parliaments should be invited at an early stage to consult on the appropriateness of decisions, which in turn would contribute in the future to an effective distribution of powers between the various authorities and to the principle of subsidiarity (Gruisen, Huysmans, 2020).

It should also be noted that the European Union can act within the limits of powers enshrined in the Constituent Instruments of the EU, i.e. the principle of subsidiarity cannot go beyond the powers of the bodies of the European Union. Expansion of the powers of the EU institutions is possible only if all member states of the European Union agree together, which in turn emphasizes the importance of the principle of subsidiarity.

The principle of subsidiarity will make it possible to more effectively address emerging problems and challenges in various areas, in particular environmental protection, foreign trade, and internal market regulation, bringing these issues to the regional (large-scale) level, rather than being in the field of vision of a single country or group of countries (Doussis, Delitheou, 2019).

In practice, the application of the principle of subsidiarity has not been fully explored and consolidated, unlike the consolidation of the principle in theory. The importance of the principle of subsidiarity is repeatedly noted in the scientific literature and in the European Community (Azevedo, Paparusso, Vaccaro, 2020). It should also be noted that, although the principle is becoming increasingly relevant, there is still no perfect case law on its application, justification, and meaning. One example of a legal proceeding concerning the principle of subsidiarity is a case that took place in Great Britain when it was still a member of the European Union. Thus, the essence of the case concerned the adopted Working Time Directive, in which the UK demanded the repeal of certain provisions of this Directive, namely the provisions on the establishment of maximum working week rules, minimum paid leave, and the establishment of minimum rest periods. In support of its demands and actions, the UK noted that it had not been shown that the objectives of the Directive could be better achieved at the community level than through the actions of the Member States of the European Union. However, the European Court of Human Rights rejected this argument and made a decision referring to the opinion of the Council of the EU. Thus, in the European Court of Justice noted “the need to improve the existing level of protection ... and to harmonize conditions in this field” and that this “necessarily involves Community action” (Document 61994CJ0084, 1996). It should be noted that although the case was heard in 1996, the relevance of judicial protection and securing the principle of subsidiarity remains today, which in turn requires more detailed examination and safeguarding at the level of both the Community and the Contracting States.

It should be noted that it is the provision and guaranteeing of the principle of subsidiarity that will allow the separation of powers for more effective decision-making by different authorities, both at the national level and at the level of the association, which in turn will qualitatively consolidate and improve the level of democracy (Hettne, Langdal, 2018).

In the question of the future improvement and functioning of the principle of subsidiarity, it should be noted that the establishment and combination of a mixed procedure of regulation of the principle of subsidiarity would be advisable. Thus, judicial control and national parliamentary control of the principle of subsidiarity, which is expressed by strengthening the role of the European Court, a coalition of national parliaments, taking into account the principle of subsidiarity in addressing controversial and conflict situations will contribute to the effective allocation of powers between the various authorities to address a particular issue. It would be even more relevant to create, within the European Union, a special body whose powers would include the establishment and implementation of control between the compatibility of the EU legislation and the principle of subsidiarity. It is also necessary to create an effective institutional mechanism to protect the principle of subsidiarity and its observance not only at the level of the European Union but also at the level of the member states of the association.

An important aspect in the process of improving and developing the principle of subsidiarity in the future should be the harmonization and alignment of national legislation of the EU Member States with the standards of the association on the regulation and application of the principle of subsidiarity. In support of the above-mentioned provision regarding the harmonization of national legislation to EU standards, the following argument should be made, namely the existence of transnational problems, i.e. problems that have transnational implications and affect both the various areas of the European Union and the activities of the EU Member States.

## **Discussion**

In speaking about the role of principles in the process of human rights protection A. von Bogdandy noted that legal principles play a special role in ordering the legal material into a meaningful whole and act as an effective way to protect human rights. that the principles of law act as an important category, the purpose of which is the optimal protection of violated human rights (Bogdandy, 2020). Indeed, principles act as one of the basic prerequisites for the protection, guaranteeing, and safeguarding of human rights and interests.

P. Lopatka believed that there is no alternative to the mega-union and mega-project called the European Union, but it can be made closer to the people and citizens of EU countries by introducing principles of subsidiarity in more practical ways (Lopatka, 2019). F. Giordano pointed out that subsidiarity is still a principle that can comprehend the deepest examples of society and its development, social regeneration, and democratic participation in the adoption of vital issues (Giordano, 2021). The European Union must mean a pan-European effort to uphold and enforce European values, the implementation, and affirmation of which will involve all EU countries, their parliaments, and citizens.

P. Schütze, in his writings touching on the principle of subsidiarity, noted that the principles on which the EU functions, including the principle of subsidiarity, have developed and improved in parallel with the geographical expansion of the European Union and the expansion of its spheres of action (Schütze, Tridimas, 2018). One should agree with this opinion, since one of the main conditions for the stable development of the European Union is the observance of both the association and the EU member states of the principles of the functioning of the European Union.

A. Matei noted that the principle of subsidiarity is one of the guiding and most important principles for the exercise of the European Union's powers and is the basis of the idea of involving national parliaments in the legislative process and is considered a condition for the level of transparency and democracy in decision-making (Matei, Dumitru, 2020). . Subsidiarity is part of the legal system of the European Union and all EU institutions are obliged to ensure the application of this principle (European Court of Auditors, 2021). The main purpose of the principle of subsidiarity, according to Granat, is to resolve tensions between integration and proximity in all matters dealt with by the Union and its member states (Granat, 2018). A common understanding of this principle should be to ensure that each stakeholder understands the differences between the powers and at what point in the legislative process they can play a role (Delhomme, 2019). Indeed, it should be noted that the principle of subsidiarity is intended to address the issue of whether the European Union should act in certain cases or whether the member states of the association should act in such cases.

J. Coaffee has noted that both new institutionalisms and genealogical approaches emphasize context and historical circumstances in understanding the local networks of relationships that determine what decisions are made, by whom, and with what level of authority (Coaffee, 2019). V. Negruț in her research noted that the principle of subsidiarity tries to answer and solve two questions, namely to solve the need for institutional restructuring and the social sphere, and to solve the problem of active participation of citizens in the decisions made, reducing the level of their adoption as close as possible to specific problems. (NEGRUȚ, 2014). It should be noted that the effective distribution of powers between the various authorities will not only protect human rights, but also solve the issues that arise in one area or another, thereby implementing both the improvement of the association itself, and the development and establishment of democracy, not only in the European Union as united, but also in each member state of the EU (Mei, Rodríguez, Chen, 2019). Also, the qualitative use of the principle of subsidiarity will contribute to the involvement of national parliaments of important decisions made within the European Union.

The role of the principle of subsidiarity in EU law must be given great attention in the study of the “early warning system”, which has already been mentioned in the framework of this study. Thus, F. Gruiser and M. Huysmans noted that the early warning system introduced by the Lisbon Treaty was intended to increase the legitimacy of the European Union by strengthening the role of national parliaments in the decision-making process (Gruisen, Huysmans, 2020). It should be noted that the creation of the early warning system allowed national parliaments of EU member states to raise reasoned objections to legislative proposals that violated the principle of subsidiarity. The principle of subsidiarity and the establishment of the early warning system have clearly strengthened the relationship between the institutions of the European Union and the member states of the EU.

The role of the principle of subsidiarity in the judicial system of the European Union should be noted. Yes, the European Court of Justice has repeatedly preferred EU law over national law. D. Petrić thus explained the Court's restrictive approach to the principle of subsidiarity to EU law, noting that even though the European Court of Justice announced its intention to approach the principle of subsidiarity in a balanced and neutral way, its position still remains one-sided in favor of the European

competence (Petrić, 2017). In its activities, the European Court of Justice faces a conflict of neutrality between the member states and the European Union, which to a certain extent also affects the effectiveness of the application of the principle of subsidiarity.

## Conclusions and Implications

Summing up all the above, it should be noted that the principle of subsidiarity is to find and regulate the problem of balance between the distribution of powers between the various authorities (of the EU member states and the European Union bodies) to solve certain issues. Thus, the bodies of the European Union should not interfere in the process of solving certain issues and problems, which can be solved by the states themselves, that is the so-called priority of the lower authorities to solve arising problems independently. The process of establishing and approving the principle of subsidiarity took place over a long period of time until a decade later this principle has taken its place in the hierarchy of the most important principles of the European Union functioning.

This study has analyzed the involvement of national parliaments in the decision-making procedure within the European Union and the exercise of control over the relevant process, the so-called early warning system. It is noted that further involvement of national bodies and the procedure of adoption of legal acts will be advisable and necessary. An effective and full integration of the principle of subsidiarity into EU law will strengthen and further democratize the European Union, as well as catalyze many positive developments in the national law of the Member States of the European Union.

Prospects for further research in the selected direction could be to intensify further consolidation of the role of national parliaments in the decision-making process within the European Union, the introduction of this principle into the judicial system of the European Union to effectively resolve arising conflicts, as well as analysis of the legal framework that regulates the application of this principle and its possible improvement, both at the level of association and at the level of member states.

## References

1. Azevedo, C., Paparusso, R., Vaccaro, A. (2020). The Principle of Subsidiarity and the Multilevel Citizenship: The Future of Social Inclusion. *Culture e Studi del Sociale* 2020, 5 (1), 3-6. <http://elea.unisa.it/handle/10556/4766>
2. Affolter, S. (2021). The Subsidiarity Principle in EU Environmental Law. *E-International Relations*. 7. <https://www.e-ir.info/pdf/89583>
3. Bogdandy, A. (2020). Founding Principles of EU Law. A Theoretical and Doctrinal Sketch. *Ustavno pravo Evropske unije*. 35-56. <https://journals.openedition.org/revus/131>
4. Cooper, I. (2019). National parliaments in the democratic politics of the EU: the subsidiarity early warning mechanism, 2009–2017. *Comparative European Politics* volume 17, p. 919–939. <https://link.springer.com/article/10.1057/s41295-018-0137-y>
5. Coaffee, J. (2019). Discipline, morality and the façade of localism in action: The war on terror and the regulation of UK community resilience. *International Journal of Law, Crime, and Justice*. Available online. <https://www.sciencedirect.com/science/article/abs/pii/S175606161930446X>
6. DELORS, J. (1999). Reuniting Europe: Our Historic Mission. Aspen Institute. Wallenberg Lecture. Notre Europe. 10. <https://feelingeurope.eu/Pages/wallenberg%20lecture%20jacques%20delors%202014-11-1999.pdf>
7. Delhomme, V. (2019). How to turn subsidiarity into an effective tool ? – Reflections on the Communication of the European Commission on the principles of subsidiarity and proportionality. *EUROPEAN LAW BLOG NEWS AND COMMENTS ON EU LAW*. <https://europeanlawblog.eu/2019/03/19/how-to-turn-subsidiarity-into-an-effective-tool-reflections-on-the-communication-of-the-european-commission-on-the-principles-of-subsidiarity-and-proportionality/>
8. Document 61994CJ0084. (1996). Judgment of the Court of 12 November 1996. United Kingdom of Great Britain and Northern Ireland v Council of the European Union. Council Directive 93/104/EC

- concerning certain aspects of the organization of working time - Action for annulment. Case C-84/94. European Court Reports 1996 I-05755. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A61994CJ0084>
9. Document 12008M/PRO/02. (2008). Consolidated version of the Treaty on European Union - PROTOCOLS - Protocol (No 2) on the application of the principles of subsidiarity and proportionality. Official Journal 115, p. 206-209. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12008M%2FPRO%2F02>
  10. Doussis, A., Delitheou, V. (2019). The Principle of Subsidiarity. International Relations and Diplomacy, Vol. 7, No. 07, 317-324. <http://www.davidpublisher.com/Public/uploads/Contribute/5d3e693253bd8.pdf>
  11. Granat, K. (2018). Subsidiarity as a Principle of EU Governance from A. - Formal Foundations. Published online by Cambridge University Press. Globalisation and Governance International Problems, European Solutions, pp. 273 - 304. <https://www.cambridge.org/core/books/abs/globalisation-and-governance/subsidiarity-as-a-principle-of-eu-governance/7A646C95A13FC3CCCC3BE4B20DAC67F6#access-block>
  12. Granat, K. (2018). The Principle of Subsidiarity and its Enforcement in the EU Legal Order. The Role of National Parliaments in the Early Warning System. Bloomsbury Publishing. 9-44. <https://www.bloomsburycollections.com/book/the-principle-of-subsidiarity-and-its-enforcement-in-the-eu-legal-order-the-role-of-national-parliaments-in-the-early-warning-system/ch1-the-subsidiarity-principle-in-the-eu-treaties?from=search>
  13. Giordano, F. (2021). Subsidiarity, a transformative principle for the future of European democracy. Link Campus University. De Europa. Vol. 4, No. 2. 100-116. <https://www.ojs.unito.it/index.php/deeuropa/article/download/6205/5626/>
  14. Gruisen, P., Huysmans, M. (2020). The Early Warning System and policymaking in the European Union. European Union Politics Volume 21, Issue 3. 361-541. <https://journals.sagepub.com/doi/epub/10.1177/1465116520923752>
  15. European Court of Auditors. (2021). Subsidiarity and EU added value: the difficulty of evaluating a legal principle in a pragmatic way. Published in ECAjournal. <https://medium.com/ecajournal/subsidiarity-and-eu-added-value-the-difficulty-of-evaluating-a-legal-principle-in-a-pragmatic-way-b521204b92bc>
  16. Yefimenko, V. (2020). The principle of subsidiarity in modern legal systems. Administrative law and process. №3. 141-145. [https://www.researchgate.net/publication/340725231\\_The\\_principle\\_of\\_subsidiarity\\_in\\_modern\\_legal\\_systems](https://www.researchgate.net/publication/340725231_The_principle_of_subsidiarity_in_modern_legal_systems)
  17. Janeček, V., Williams, R., Keep, E. (2021). Education for the provision of technologically enhanced legal services. Computer Law & Security Review Volume 40. <https://www.sciencedirect.com/science/article/abs/pii/S0267364920301242>
  18. Kosta, V. (2019). The Principle of Proportionality in EU Law: An Interest-Based Taxonomy. Forthcoming, J. Mendes, EU Executive Discretion and the Limits of Law, (Oxford University Press). 21. [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3368867](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3368867)
  19. Kovaliv, M., Tymchyshyn, T., Nikanorova, O. (2020). Fundamentals of European Union law. Tutorial. Lviv State University of Internal Affairs. Lviv. 212. <http://dspace.lvduvs.edu.ua/bitstream/1234567890/3227/1/%D0%9A%D0%9E%D0%92%D0%90%D0%9B%D0%86%D0%92%20%D0%9C.%D0%92.---%D0%9E%D1%81%D0%BD%D0%BE%D0%KB2%D0%B8%20%D0%BF%D1%80%D0%B0%D0%B2%D0%B0...--%D0%BF%D0%BE%D1%81%D1%96%D0%B1%D0%BD%D0%B8%D0%BA-.pdf>
  20. LEIFELD, P., MALANG, T. (2021). The Latent Diffusion Network among National Parliaments in the Early Warning System of the European Union. JCMS. Volume 59. Number 4. pp. 873-890. <https://onlinelibrary.wiley.com/doi/pdf/10.1111/jcms.13135>
  21. Lopatka, R. (2019). Subsidiarity: Bridging the gap between the ideal and reality. European View Volume 18, Issue 1. 3-126. <https://journals.sagepub.com/doi/epub/10.1177/1781685819838449>

22. Saryusz-Wolski, J. (2021). How to enhance subsidiarity and proportionality at the EU level. By BrusselsReport.eu. <https://www.brusselsreport.eu/2021/06/21/how-to-enhance-subsidiarity-and-proportionality-at-the-eu-level/>
23. Subsidiarity Conference. (2018). Conference "Subsidiarity as a building principle of the European Union". Bregenz. <https://www.eu2018.at/calendar-events/political-events/BKA-2018-11-16-Subsidiarity-Conf..html>
24. Matei, A., Dumitru, S. (2020). The Subsidiarity Principle and National Parliaments Role: From Formal Need to Real Use of Powers. Faculty of Public Administration, National University of Political Studies and Public Administration. Administrative Sciences. Romania. 15. <https://www.mdpi.com/2076-3387/10/2/24>
25. Mei, L., Rodríguez, H., Chen, J. (2019). Responsible Innovation in the contexts of the European Union and China: Differences, challenges and opportunities. Global Transitions Volume 2. 1-3. <https://www.sciencedirect.com/science/article/pii/S2589791819300295>
26. NEGRUȚ, V. (2014). The New Nuances of Subsidiarity Principle. Acta Universitatis Danubius. Juridica, Vol 10, No 1. 5. <https://journals.univ-danubius.ro/index.php/juridica/article/view/2347/2715>
27. Petrić, D. (2017). THE PRINCIPLE OF SUBSIDIARITY IN THE EUROPEAN UNION: 'GOBBLEDYGOOK' ENTRAPPED BETWEEN JUSTICIABILITY AND POLITICAL SCRUTINY? THE WAY FORWARD. Izvorni znanstveni rad. ZPR 6 (3). 287-318. <https://hrcak.srce.hr/file/300844>
28. Perkowski, M., Farhan, J. (2019). Strengthening the Role of National Parliaments in the European Union – What for and How? Studies in Logic 59(1). 123-142. [https://www.researchgate.net/publication/338575946-Strengthening\\_the\\_Role\\_of\\_National\\_Parliaments\\_in\\_the\\_European\\_Union\\_-\\_What\\_for\\_and\\_How](https://www.researchgate.net/publication/338575946-Strengthening_the_Role_of_National_Parliaments_in_the_European_Union_-_What_for_and_How)
29. Pimenova, O. (2021). Discussing Subsidiarity in Terms of Justification. Some Practical Issues of the EU Legislative Process. University of Saskatchewan. Politikon: The IAPSS Journal of Political Science, 49, 53–70. <https://politikon.iapss.org/index.php/politikon/article/view/343>
30. Rizcallah, C. (2021). The Principles of Mutual Trust in European Union Law. An Essential Principle Facing a Crisis of Values - Jean Carbonnier Prize 2021, Henri Teitgen Prize 2021 and Alice Seghers Prize 2021. Bruylant. 606. <https://www.lgdj.fr/the-principles-of-mutual-trust-in-european-union-law-9782802771968.html>
31. Treaty on European Union. (1992). Document 11992M/TXT. *Official Journal C 191*, 29/07/1992 P. 0001 – 0110. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A11992M%2FTXT>
32. The Treaty of Lisbon. (2007). Fact Sheets on the European Union European Parliament. <https://www.europarl.europa.eu/factsheets/en/sheet/5/the-treaty-of-lisbon>
33. Harvey, D. (2020). Federal Proportionality Review in EU Law: Whose Rights are they Anyway? Nordic Journal of International Law 89. 303-326. [https://brill.com/view/journals/nord/89/3-4/article-p303\\_303.xml?language=en](https://brill.com/view/journals/nord/89/3-4/article-p303_303.xml?language=en)
34. Hettne, J., Langdal, F. (2018). Does subsidiarity ask the right question? Institutional Innovations. 350-354. <https://institutdelors.eu/wp-content/uploads/2018/01/tgae20118chettne-langdal.pdf>
35. Visser, J. (2020). Subsidiarity in the Constitution. SLAPSTICK ASYMMETRY OR A 'RIGHTSBASED' APPROACH TO POWERS? Conference Workshop Cultural Initiative. 2. <https://dullahomarinstitute.org.za/multilevel-govt/local-government-bulletin/archives/volume-10-issue-1-february-march-2008/vol-10-no-1-subsidiarity-in-the-constitution.pdf>
36. Fabbrini, F. (2018). The Principle of Subsidiarity. Oxford Principles Of European Union Law: The European Union Legal Order: Volume 1. 221-242. <https://academic.oup.com/book/41926/chapter-abstract/354907168?redirectedFrom=fulltext>
37. Schütze, R., Tridimas, T. (2018). Oxford Principles Of European Union Law: The European Union Legal Order: Volume 1. Oxford University Press. <https://academic.oup.com/book/41926>
38. Wanzenböck, I., Frenken, K. (2020). The subsidiarity principle in innovation policy for societal challenges. Global Transitions. Volume 2. 51-59. <https://www.sciencedirect.com/science/article/pii/S2589791820300050>