

Summary (Abstract):

The article evaluates the improvements in the allocation of competences in the European Union and the new early-warning system for subsidiarity control as laid down in the Treaty of Lisbon. The author presumes that the presently insufficient application of the principle of subsidiarity by the European legislative bodies has led to an erosion of competences of the member states. In the future, national parliaments will be enabled to exercise subsidiarity control through the early-warning system already in the phase of generating European legal acts. Simultaneously, action for subsidiarity will present a new type of law suit which will allow national parliaments as well as the Committee of the Regions to exercise ex-post control. The article discusses the prospective success of these new instruments and predicts in view of the "potentially impending" action brought in to achieve a better protection of the competences of the member states by the application of the principle of subsidiarity. In conclusion, the author recommends the participation of the German State Parliaments (Landtage) in the early-warning system and outlines with the example of the Landtag of Baden-Württemberg the required procedural optimisations for such a cooperation.