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# ASSEMBLÉE NATIONALE

CONSTITUTION DU 4 OCTOBRE 1958  
TREIZIÈME LÉGISLATURE

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Enregistré à la Présidence de l'Assemblée nationale le 27 septembre 2011

## PROPOSITION DE RÉSOLUTION EUROPÉENNE

portant avis motivé sur la conformité au principe de subsidiarité,

*de la proposition de règlement du Parlement européen et du Conseil modifiant le règlement (CE) n° 562/2006 afin d'établir des règles communes relatives à la réintroduction temporaire du contrôle aux frontières intérieures dans des circonstances exceptionnelles*

(Renvoyée à la commission des lois constitutionnelles, de la législation et de l'administration générale de la République, à défaut de constitution d'une commission spéciale dans les délais prévus par les articles 30 et 31 du Règlement)

PRÉSENTÉE,

AU NOM DE LA COMMISSION DES AFFAIRES EUROPEENNES,

PAR M. DIDIER QUENTIN,

Rapporteur,

### **Single article**

The National Assembly,

In the light of Article 88-6 of the Constitution,

In the light of Rule 151-9 of the Rules of Procedure of the National Assembly,

In the light of Article 5 of the Treaty on European Union,

In the light of protocol no. 2 on the application of the principles of subsidiarity and proportionality appended to the Treaty on European Union and to the Treaty on the Functioning of the European Union,

In the light of Articles 72 and 77 of the Treaty on the Functioning of the European Union,

In the light of Regulation no. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code),

In the light of the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) no. 562/2006 in order to provide for common rules on the temporary reintroduction of border control at internal borders in exceptional circumstances (COM[2011]560 final/no. E 6612),

Taking into account the current balance in the sharing of powers between the Member States and the European Commission in the event of a temporary reintroduction of border control at internal borders of the Schengen area, as laid down by Articles 23 to 31 of Regulation (EC) no. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code);

Whereas the proposal for a regulation is designed to reform the existing procedure for the reintroduction of internal border control in the event of a serious threat to public policy or internal security;

Whereas the proposal for a regulation aims at getting the European Commission to take itself, in the event of a foreseeable event, the decision to reintroduce internal border control, on the basis in particular of information supplied by the State concerned, whereas the decision is currently a matter for the Member State, subject to *subsequent* control by the European Commission;

Whereas this proposal lays down that, should an event occur which requires immediate action, a Member State could exceptionally take the decision to reintroduce control for a period limited to five days, any extension requiring a decision by the European Commission;

Whereas Member States, outside the proposed new specific procedure for reintroduction on the grounds of persistent serious deficiencies, are the best placed to assess threats to public policy and internal security and take the consequently required decisions, within the framework laid down by Regulation no. 562/2006;

Whereas the decision to reintroduce internal border control cannot be communitarised in the manner laid down in the proposal for a regulation without the subsidiarity principle being jeopardised;

1. Observes and affirms therefore that the proposal for a regulation does not comply with the subsidiarity principle;
2. Asks that the proposal for a regulation should consequently be amended.