



Staten-Generaal

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Committee on European Affairs and Oversight of the
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Subject Letter regarding the meeting of the COSAC working group on 26 March 2018

our reference 162667u

Dear Mr Vigenin,
Dear colleagues,

On 26 March, a COSAC Working group meeting dealing with the Task force on subsidiarity, proportionality and doing less more efficiently ('Timmermans Task force') will take place. We would like to thank you very much for the invitation and for organizing this meeting.

In our opinion, it is important that we discuss the topics of the Task force and that we consider how national parliaments can co-operate more effectively. We appreciate the efforts of the European Commission to improve the tools that are at our disposal. However, we would like to emphasise that we consider this Task force and its results not as the end of the debate, but as a contribution to the 'work in progress', a part of the ongoing efforts of national parliaments to improve the involvement in the European legislative process.

On many different occasions during the last years there have been debates during COSAC meetings and COSAC working group meetings in which we have proposed improvements to the formal and informal rules that exist around the tools that were given by the Lisbon Treaty to national parliaments. This regarded among others the way national parliaments and the European Commission deal with subsidiarity, e.g. the tight deadline of 8 weeks, the timeliness and quality of the answers by the European Commission to Reasoned Opinions, the possibility of including proportionality in the subsidiarity check. Many of these improvements could be realised in the short term, although they would need the explicit co-operation by the European Commission. In our opinion, the current Task force on subsidiarity, proportionality and "doing less more efficiently" could have a good added value if the following proposals would be seriously considered:

- Excluding recess periods from the counting of the deadline for submission of reasoned opinions, in order to alleviate the tight deadline of 8 weeks for the scrutiny of subsidiarity.



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- An open-minded and practical attitude towards the inclusion of argumentation of proportionality and legal base in reasoned opinions or other dialogues between national parliaments and the European Commission.
- The replies by the European Commission should be timely and should answer to the arguments of the national parliaments given in the reasoned opinion.
- If legislative acts are revised, the European Commission should explain in the new proposal how subsidiarity concerns by national parliaments were dealt with.
- Important legislative proposals should always contain an impact assessment, stating the analysis on the compliance of the draft legislative act with the principles of subsidiarity and proportionality.

Several of these points were also extensively elaborated on in the letter sent by the Czech Senate, which we therefore gladly support and co-signed.

We hope the Task force will produce some useful results, on which we can build further as national parliaments, among others during the coming COSAC meetings.

Yours sincerely,

Bastiaan VAN APELDOORN

Representative in the COSAC working group on the 'Task Force on Subsidiarity, Proportionality and "Doing Less More Efficiently"' for the Standing Committee on European Affairs of the Senate of the States General of the Netherlandsⁱ

Anne MULDER

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ⁱ This letter was discussed in the Standing Committee on European Affairs of the Senate on the 20th March 2018. The members of the fraction of the Party for Freedom (PVV) do not endorse the letter.