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Excmo. Sr. D. Miguel Arias Cañete
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c.c. See Annex

Dear Mr Arias Cañete,

With just a few weeks left of the Swedish Presidency, I would like to thank you for our excellent cooperation so far, and I am looking forward to the interesting discussions that will most certainly take place at the upcoming COSAC meetings in Madrid.

A few weeks ago, I received a letter from some of our colleagues about the enhanced role for national parliaments in the EU regarding subsidiarity control, following the entry into force of the Lisbon Treaty. The letter and the new situation for national parliaments give me reason to reflect on these issues. It is important that the structures for subsidiarity checks in national parliaments, as well as a well-functioning system for the exchange of information and best practices in our parliaments, find their forms as soon as possible, making best use of the COSAC framework.

Subsidiarity control is an important aspect of the new Treaty. It involves two new dimensions for national parliaments. On the one hand, each parliament needs to decide its own internal rules of procedures. Here, the Riksdag recently adopted amendments to the Riksdag Act with this aim.

On the other hand, there will be a need for increased cooperation between our national parliaments. It follows from the opportunity to respond through the “yellow” and “orange” cards that national parliaments need to exchange information on the handling of legislative proposals from the Commission in a more structured way. As outlined in the Protocol to the EU Treaty on the role of national parliaments, and following many years of practice, COSAC has developed a well-established and

well-functioning role in cooperation between national parliaments. The use of COSAC as an effective tool in connection with national parliamentary subsidiarity checks has been discussed at meetings on several occasions, for instance in Stockholm, Prague, Paris and Brdo. The discussions and the experience gained from the pilot subsidiarity tests have shown that COSAC serves as a natural forum for exchange of information and best practices between national parliaments also with the Lisbon Treaty in place.

Each national parliament will be receiving all of the Commission's legislative proposals. In this context, it is important to establish that each national parliament decides which and how many specific proposals from the Commission it chooses to scrutinise more closely, and how that control should be performed. When a national parliament has found that a proposal needs closer scrutiny, or even considers that there is indeed a breach of the principle of subsidiarity, this information needs to be spread immediately to other parliaments in the EU. As the Swedish Committee on EU Affairs sees it, COSAC is well-suited to serve as a forum for this necessary information exchange. Thereby, a well-functioning and existing network will be used and additional bureaucracy can be avoided. This stands in no contrast to encouraging political debate on the legislative proposals as such, within frameworks such as joint parliamentary or Committee meetings, European political parties and groups and other relevant fora.

Just weeks before the COSAC Chairpersons meeting in Madrid, I would agree in principle with the colleagues who are calling for a clear role for COSAC following changes brought about with the Lisbon Treaty. However, there is always room for improving our practices. Therefore, I hope that the following questions can be addressed in Madrid:

- i) How do we make best use of existing resources, including the COSAC Secretariat? What changes are needed to implement the formal subsidiarity checks and how do we communicate directly with the Commission?
- ii) How can IPEX best be used for exchange of information on yellow and orange cards, already at the “early-warning-stage”, when parliaments consider challenging a proposal?
- iii) How can we improve the COSAC meetings and agendas, possibly also rules of procedure, to encourage discussions of legislation and subsidiarity checks? Do we need more room for party group discussions and/or discussions with the Commission?

With these suggestions in mind, in particular, I hope we will have in-depth and fruitful discussions in Madrid.

I look forward to seeing you again soon.

Yours sincerely,

c.c.: Annex

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Chair of the Committee for EU Affairs
National Assembly of Slovenia

Katerina Jacques
Chair of the European Affairs Committee
House of Deputies of the Parliament of Czech
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