



The President

Committee of the Regions

Brussels, 30.04.2008 0711
PCab/GD/hl D 848/2008

Mr Anton Kokalj
Deputy
Drzayni Zbor Republike Slovenije
Subiceva4
SI-1000 Ljubljana

Dear Mr Kokalj, *Dear Anton,*

The Lisbon Treaty rewrites the Protocols on national parliaments and subsidiarity identifying in the Member states' national parliaments and in the EU Committee of the regions two key actors in the scrutiny of subsidiarity and proportionality principles over the European Commission's legislative proposals. Procedural requirements are considerably extended and Commission consultation will "take into account the regional and local dimension", including financial and regulatory impact assessment.

The Treaty explicitly recognise a particular role for regional authorities in the subsidiarity monitoring: specific competences of regions with legislative powers have been stressed and a new definition of the principle of subsidiarity has been adopted, recognizing the regional and local dimension and therefore justifying their direct or indirect involvement in the overall scrutiny. In some cases, regional parliaments are fully fledged component of their national parliaments and can lodging an appeal with the Court of Justice for violation of the subsidiarity principle. In addition, one can recognise that all EU Member States have in the past years experienced major developments as regards decentralisation, in which regions have become major political and economic players in the EU arena, and became a level of power responsible for the implementation of the European legislation.

As major consequence, the Committee of the regions will be particularly active both in the ex ante phase, through consultation procedures which will focus on the impact assessment, and in the ex post phase through the possibility to bring action before the Court of Justice in case the principle of subsidiarity is breached.

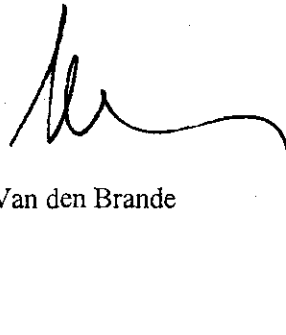
The national parliaments will act as guardian of subsidiarity during the 8-week Early Warning System and will also have the right to bring action before the Court of Justice in the ex post phase.

For these reasons, we consider important to enhance the cooperation between the CoR and national parliaments in particular during the Early Warning phase and we would like to propose to each national parliament a *modus operandi* allowing the CoR to provide - within the 6th week of the Early Warning phase -an overview and an appraisal of regional and local authorities assessment about subsidiarity on the Commission's legislative proposals. CoR's contribution would be built up on its expertise and cooperation with its large 'subsidiarity network' set up by regional and local actors throughout the EU Member states. The *modus operandi* between the CoR and national parliaments would therefore imply our engagement in providing in due time and in the national language the relevant EU regional dimension's appraisal. At the same time,

national parliaments would express their vote during the Early Warning system after the official reception of CoR appraisal.

As mentioned to you during our last meeting in Brdo, I would be glad to hear COSAC Troika reactions to our first proposals, which will be officially adopted by the CoR Bureau in the months to come. Furthermore, I would be very happy to welcome you and the Troika representatives to our next Bureau meeting, to be held in Brussels on 17 of June, when we will debate these proposals and eventually adopt the CoR's decision on the working methods to implement the new tasks given to the CoR by the Lisbon Treaty.

Yours sincerely,

A handwritten signature in black ink, consisting of a stylized 'L' followed by a series of loops and a long horizontal stroke that ends in a vertical line.

Luc Van den Brande