

Translation

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Dear colleagues,

A meeting between members of the European Affairs Committees of the French Senate and the German Bundesrat was held in Strasbourg on 20th January 2006 organised at the joint initiative of the chairman of the French Senate's European Union delegation, Mr. Hubert Haenel, and myself.

Topical European policy issues were addressed at this meeting. Discussions focussed on enhancing oversight of subsidiarity in the European Union, the European "Better Lawmaking" initiative and the European Union's communications strategy.

Please find enclosed a copy of the joint declaration adopted by the French Senate and the Bundesrat at this meeting; please be so kind as to distribute this during the XXXVth COSAC in Vienna on 22nd and 23rd May 2006.

The declaration contains inter alia a number of important opinions of the French Senate and the German Bundesrat on oversight of subsidiarity, a topic that is to be addressed at the forthcoming COSAC meeting in Vienna.

With reference to oversight of subsidiarity, the declaration makes clear that the French Senate and the German Bundesrat wish to see an agreement stipulating that national parliaments may submit their comments on compliance with the subsidiarity principle to the Commission; this should be done within a six-week deadline of publication of a proposal, with a view to initiating a public discussion on whether the proposal is in keeping with the subsidiarity principle. Furthermore, it was also agreed that from now on the French Senate's Delegation on the European Union and the German

Bundesrat's Committee on European Union Affairs shall immediately inform each other via their committee offices about important European Union issues, in particular if they consider that a new proposal from the European Union should be subject to review in the light of the subsidiarity and proportionality principles.

Please also find enclosed a list of the proposals in respect of which the French Senate and the German Bundesrat have employed this system of mutual information due to concerns about compliance with the subsidiarity principle.

Yours sincerely

Willi Stächele

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MEETING ON 20th JANUARY 2006 – STRASBOURG

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JOINT DECLARATION

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The first joint working session, bringing together the members of the Committees on European Union Affairs of the German Bundesrat and the French Senate was held in Strasbourg and chaired by Minister **Willi Stächele**, Chairman of the Bundesrat Committee on European Union Affairs and by Mr. **Hubert Haenel**, Chairman of the Delegation of the French Senate on the European Union.

Three points were examined at this meeting:

- enhancing **scrutiny of subsidiarity** in the European Union;
- the European Union's "**Better Legislation**" initiative
- the European Union's **communications strategy**

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**Regarding subsidiarity**, participants noted that:

- the European Union should only intervene if a problem cannot be solved at the national or regional level or through bilateral cooperation; the European Union should take action only in the spheres in which its involvement is indispensable;

- national parliaments play a crucial role in implementing the subsidiarity principle, as the interplay between the European institutions does not provide sufficient guarantees that subsidiarity will be respected; national parliaments must use the options available to them under existing treaties to take more vigorous steps to ensure scrutiny of this principle.

On this point **participants wished to see an agreement stipulating that national parliaments' comments on compliance with Article 5 of the Treaty establishing the European Community may be submitted directly to the Commission; this should be done within six weeks of publication of legislative proposals by the European Commission with a view to initiating a public discussion concerning subsidiarity.**

Furthermore, it was also agreed that **from now on the Bundesrat's Committee on European Union Affairs and the French Senate's Delegation on the European Union shall immediately inform each other via their committee**



offices about important European Union issues, in particular if they consider that a new proposal from the European Union should be subject to review in the light of the subsidiarity and proportionality principles.

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Regarding the "Better Legislation" initiative, participants were of the opinion that the European Union should concentrate its legislative activities on those areas in which steps taken by the European Union produce added value, without imposing disproportionate constraints. Participants also agreed that there is a need to cut down on bureaucracy within the EU and to reduce the current dense network of European legislation. European firms' international competitiveness must be taken into account. All draft legislation must be accompanied by a detailed impact assessment, particularly concerning administrative effort and the impacts on national and local budgets. A comprehensive consultation process shall be organised before adopting any important legislation and the results of this consultation shall be published.

In this context the goal of "Better Legislation" cannot be equated with systematically reducing the legislative activities of the European Union in all spheres. On this point **it was decided that the Bundesrat's Committee on European Union Affairs shall also forward a copy of the proposals it has drawn up to the French Senate's Delegation on the European Union.**

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With reference to the European Union's communications strategy, participants noted that existing legislation (the "acquis communautaire") no longer ensures citizens' participation; citizens are now concerned primarily about their jobs. Relocation to sites both within Europe and beyond the European Union's borders gives rise to concern and leads to great reservations about new EU enlargements. Although the approach taken in the Commission's proposed "Plan D" is positive and moves in the right direction, more specific implementation measures need to be sketched out if this is to provide decisive impetus for change.

Governments must shoulder part of the responsibility for the current crisis of confidence, as they have too frequently made Europe a scapegoat for domestic difficulties. However, it is only by focussing on a small number of priority measures that the European institutions will be able to reach out effectively to citizens; these initiatives should to a very large extent correspond to shared expectations concerning Europe and apply the subsidiarity principle correctly.

**The participants agreed that any joint initiatives they undertake should particularly focus on bringing Europe closer to its citizens.**

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**At the end of the meeting the two delegations agreed to hold further joint working meetings to prepare shared initiatives.**



## Translation

### **Exchange of information between the French Senate and the German Bundesrat concerning draft legislation that gives rise to subsidiarity concerns**

The French Senate informed the German Bundesrat that it has concerns pertaining to subsidiarity in respect of the following EU proposals:

- Draft Directive of the European Parliament and of the Council on joint standards and procedures in the Member States for returning illegally staying third-country nationals  
(COM (2005) 391 FIN.)
- Draft Council Decision on establishing a procedure for mutual information concerning Member States' measures in the areas of asylum and immigration policy  
(COM (2005) 480 FIN.)
- Green Paper of the Commission of the European Communities:  
Improving the mental health of the population. Towards a strategy on mental health for the European Union  
(COM (2005) 484 FIN.)
- Green Paper of the Commission of the European Communities on a European programme for critical infrastructure protection  
(COM (2005) 576 FIN.)

The German Bundesrat informed the French Senate that it has concerns pertaining to subsidiarity in respect of the following EU proposals:

- Implementing the Community's Lisbon programme:  
Proposal for a Directive of the European Parliament and of the Council on payment services in the internal market and amending Directives 97/7/EC, 2000/12/EC and 2002/65/EC  
(COM (2005) 603 FIN.)
- Implementing the Community's Lisbon programme: Proposal for a Regulation of the European Parliament and of the Council laying down the Community Customs Code (Updated Customs Code)  
(COM (2005) 608 FIN.)
- Communication from the Commission to the European Council: Implementing the renewed partnership for growth and jobs. Developing a knowledge flagship: the European Institute of Technology  
  
(COM (2006) 77 FIN.)
- Proposal for a Council Decision establishing a Community civil protection mechanism (recast)  
(COM (2006) 29 FIN.)