

TRANSLATION

Republic of Austria
Wolfgang Schüssel
Federal Chancellor

To
Mr. Werner Fasslabend
Member of the National Council

and

Mr. Gottfried Kneifel
Member of the Federal Council

Parliament
Dr. Karl Renner Ring 3
1017 Vienna

Vienna, 17 May 2006

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Distinguished Members of the Austrian Parliament,

I should like to thank you for your letter dated 8 March 2006 regarding the subsidiarity check to be performed on selected legislative projects of the European Union by the national parliaments and their public discussion within the framework of Council meetings.

Following up the Dutch and British initiative, Austria quite deliberately decided to make subsidiarity a central concern of its Presidency. As you know, we organised the 2006 Subsidiarity Conference „Europe Begins at Home“ in co-operation with the Austrian Parliament and the Land of Lower Austria within the framework of the debate on the future of Europe.

In accordance with a request voiced by COSAC, you are suggesting in your letter that the proposals on „applicable law and jurisdiction in divorce matters“ and „postal services“, which have been selected for subsidiarity checks, be discussed in public in the Council. Both issues are on the Commission’s working programme for 2006. However, a Commission proposal has not been forthcoming to date.

I explicitly welcome an early involvement of national parliaments in projects of European legislation as a way of lending greater credibility to parliamentary oversight of the principle of subsidiarity. The Commission Communication of 10 May 2006 on a Citizens’ Agenda explicitly refers to a voluntary commitment undertaken by the European Commission to transmit all new proposals and consultation papers to the national parliaments without delay and to consider the reactions thus obtained.

„Postal services“ are a matter to be decided by the co-decision procedure. Hence, the presentation in Council, the final deliberations by Council and the voting procedure in Council take place in public according to Article 8.1 of the Council Rules of Procedure. Given the fact that „divorce matters“ are not subject to the co-decision procedure, a public hearing according to Article 8.3 of the Council Rules of Procedure would have to be decided in advance by a qualified majority in Council or in COREPER.

Ever since the beginning of its Presidency, Austria has been working towards the greatest possible degree of transparency. I am confident that the European Council in June will arrive at a political agreement on full public access to all deliberations on issues subject to the co-decision procedure. However, an amendment to the Council Rules of Procedure will be required in order to implement such a decision in legal terms.

Comprehensible and simple legal acts as well as public access to the decision-making process are essential, if the decisions taken at the European level are to be accepted by the citizens of Europe. I therefore look forward with great interest to the results of the exchange of ideas on the subject of „Europe – perspectives and pragmatism“ on 22 May 2006 within the framework of the XXXVth COSAC.

Yours sincerely,

Wolfgang Schüssel