

Bundesrat  
Committee on questions of the  
European Union  
- The Chairman

Mr Werner Fasslabend  
Chairman of the National Council Standing  
Subcommittee on European Union Affairs  
Mr Gottfried Kneifel  
Chairman of the Federal Council EU Committee  
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Dear Colleagues,

Dear Mr Fasslabend and Mr Kneifel,

Since the meeting in London last year, I have been looking forward very much to seeing my COSAC colleagues again at the meeting of the COSAC chairpersons in Vienna. Unfortunately, however, pressing commitments have arisen on short notice which preclude my attendance at the meeting. I regret that I will be unable to be present, not least because one of the topics for discussion will be further steps to improve scrutiny of subsidiarity.

Scrutiny of subsidiarity has been and continues to be a matter of particular concern to the Bundesrat. I therefore support the initiative for a coordinated check that was adopted at the XXXIV COSAC in London. In the opinion of the Bundesrat, however, the Commission's annual work programme is of only limited usefulness for the identification of suitable items, as it generally provides only a very cursory description of the planned proposals. Here, in my opinion, there is still room for improvement. Notwithstanding this reservation, I would like to suggest the following proposals from the annual work programme as suitable items for a coordinated subsidiarity check:

- Commission White Paper on the Integration of the EU Mortgage Credit Market

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- Proposal for a Regulation on the applicable law and jurisdiction in divorce matters  
2005/JSL/187
- Communication on the protection of critical transport and energy infrastructure  
2006/TREN/011

The Bundesrat has already stated its critical position on the pertinent Green Papers in light of the aspects of subsidiarity (mortgage credit) and competences (divorce matters and protection of critical infrastructure). From the standpoint of the Bundesrat, the aforementioned proposals are particularly suitable items for a check by all national parliaments.

In conclusion, I would like to wish you a successful and enjoyable meeting.

Sincerely,

Willi Stächele