



## EUROPEAN COMMISSION

*Brussels, 8.2.2018  
C(2018) 726 final*

*Dear President,*

*The Commission would like to thank the Bundesrat for its opinion on the White Paper on the Future of Europe.*

*The adoption of a White Paper on the Future of Europe marked the beginning of a process for the EU27 to reflect, debate, and decide on the future of their Union.*

*Regarding the European Union's policy priorities, the Commission to a large extent shares the views of the Bundesrat. Indeed many of these priorities have already been pursued by this Commission since taking office in 2014.*

*The Commission has a clear focus on raising benefits for citizens, and concentrating action on areas in which the European Union, in accordance with the principles of subsidiarity and proportionality, brings real added value. Therefore, since the start of the term of this Commission, our guiding principle has been 'big on big things', 'small on small things'.*

*Hence the Commission very much agrees with the Bundesrat that certain issues require solutions at European rather than national or subnational level. As to these 'big things', we have put in motion numerous policy initiatives.*

*Recent examples include the European Council reiterating the commitment to strengthening cooperation on security and defence, and calling for the launch of a Permanent Structured Cooperation. Prior to that, the Commission had launched a European Defence Action Plan and subsequently a reflection paper on the future of European defence.*

*Another recent example is that, following up on the Commission's ongoing initiatives to put in place a comprehensive EU Migration Agenda, leaders committed to sufficient and targeted funding to stem the flow of illegal migrants from Africa, and also underlined the need for continuing and reinforcing the ongoing actions to strengthen the control of external borders and engage with countries of origin, transit and departure.*

*Mr Reinhard Todt  
President of the Bundesrat  
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*At the same time, the Commission has taken an ambitious approach, through its Better Regulation Guidelines and Regulatory Fitness Programme, to check, prior to presenting a legislative proposal, if the European Union is best placed to act as well as to simplify and to improve the efficiency of existing legislation and to repeal legislation that has become obsolete. In the same vein, the Commission has also established a Regulatory Scrutiny Board. This process of reducing red tape is already bearing fruit. The most recent step President Juncker took in this regard was to set up a Task Force on Subsidiarity, Proportionality, and "Doing Less More Efficiently", which I have the honour of chairing. This Task Force will take a critical look at all policy areas to make sure we are only acting where the European Union adds value and will report to President Juncker by 15 July 2018.*

*I would like to confirm that this Commission is committed to deepening its relations with national Parliaments with the aim of bringing the European Union closer to its citizens, both by increasing the number of meetings between Members of the Commission and national Parliaments and by maintaining an active written exchange through the political dialogue and the subsidiarity control mechanism. The Commission agrees with the Bundesrat on the useful role that fora like COSAC can play in this regard. It is also committed to reply as soon as possible to all opinions, including reasoned opinions, and within the self-imposed deadline of three months. Although I acknowledge that there have been delays in this regard, I would like to assure you that we are working hard to ensure that such delays remain exceptional.*

*As regards the eight-week deadline provided in Protocol No 2 to the Treaties, the Commission is aware that it may be difficult for national Parliaments to carry out their subsidiarity scrutiny within this deadline. The Commission is also the guardian of the Treaties and it has to stress that this deadline cannot be extended without a Treaty change.*

*The Commission would like to point out that the adoption of delegated and implementing acts can only take place when the legislative act, adopted by the European Parliament and the Council as co-legislators, explicitly foresees it. It considers that, while legislative acts adopted through the ordinary legislative procedure fully ensure their democratic legitimacy, as foreseen by the Treaties, delegated and implementing acts, when carefully used, constitute an important part of the Better Regulation agenda, by contributing to supplement, amend, or implement the legislative acts in a simple, fast and efficient way. The Commission will in particular continue to propose delegated acts only when they concern non-essential elements of legislative acts, in accordance with Article 290 of the Treaty on the Functioning of the European Union; that is when it is impossible or less efficient to include the relevant elements directly in the legislative act.*

*The White Paper on the Future of Europe has launched a wide-ranging debate with citizens. The Commission very much welcomes that the Bundesrat is also taking the initiative itself to contribute to the debate on the future of Europe, and would wish to express its gratitude for the efforts made to promote the further development of the European Union.*

*The Commission hopes that these clarifications address the issues raised by the Bundesrat and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*