



EUROPEAN COMMISSION

*Brussels, 4.4.2019
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Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the Communication on “The principles of subsidiarity and proportionality: Strengthening their role in the EU’s policymaking” {COM(2018) 703 final}.

The Commission welcomes the Bundesrat’s support for the work of the Task Force on subsidiarity, proportionality and doing less more efficiently and for the recommendations contained in the Communication. The principles of subsidiarity and proportionality are core elements of the Commission’s better regulation agenda that underpin how it prepares its policy proposals.

The Commission would like to reassure the Bundesrat that, while it is indeed necessary to further involve national Parliaments and regional and local authorities in the subsidiarity scrutiny, it certainly does not intend, when preparing its legislative initiatives, to devolve its scrutiny obligation to these authorities. On the contrary, the Commission will continue to take great care in integrating the principles of subsidiarity and proportionality in all stages of its policymaking, including the earliest ones. It is currently taking stock of how its better regulation policy is working and will fine-tune the follow-up of the Task Force’s recommendations as part of this stocktaking exercise. It takes note, in this regard, of the Bundesrat’s comments concerning impact assessments.

The Commission welcomes the Bundesrat’s support for the proposed common assessment grid, which it sees as a practical tool to come to a common understanding of all involved actors of how to assess the respect for the principles of subsidiarity and proportionality in its legislative proposals and the ensuing legislative process. Strict respect for these core principles is imperative for all legislative initiatives, independently of the legal basis on which they are grounded. Equally, the choice of the legislative instrument – whether a Regulation or a Directive – should be determined case-by-case, reflecting issues such as subsidiarity and proportionality as well as the objectives the legislation seeks to achieve. The choice is reasoned in the explanatory memorandum accompanying the Commission’s legislative proposals.

*Mr Daniel GÜNTHER
President of the Bundesrat
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The Commission has proposed to the European Parliament and to the Council to discount the Christmas/New Year period from the 8-week deadline for issuing reasoned opinions. It welcomes in this regard the support of the Bundesrat and hopes that this added flexibility for national Parliaments will at least partially address the Bundesrat's concern about the timeframe for issuing reasoned opinions. It also notes that the Bundesrat supports an extension of the deadline to 12 weeks should a Treaty change be envisaged.

The Commission welcomes the Bundesrat's interest in the aggregated responses to reasoned opinions that it intends to provide where a significant number of national Parliaments have raised subsidiarity concerns, thus giving greater visibility to the views of these national Parliaments.

The Commission hopes that the clarifications provided in this reply 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*