

Brussels, 17 FEB. 2011
C/2011/919

Dear President,

Thank you very much for transmitting the resolution of the Senate on the Commission proposal concerning professional cross-border transportation of euro cash by road between euro-area Member States {COM(2010)376} and especially for your support and your generally positive assessment on our proposal.

As regards your remarks concerning the scope subsidiarity control by national Parliaments, I would like to clarify the following:

The Commission proposal COM(2010)376 extends the scope of proposal COM(2010)377 to EU Member States that are about to adopt the euro. The legal basis of COM(2010)377 is Article 133 of the Treaty ('measures necessary for the use of the euro as the single currency'), whereas COM(2010)376 concerns Member States that have not yet adopted the euro and is therefore based on Article 352.

According to article 3 TFEU, the proposal based on Article 133 falls within the Union's exclusive competences and is therefore not subject to the subsidiarity control mechanism, whereas Article 352 is subject to this mechanism, and even requires the Commission to explicitly draw national Parliaments' attention to proposals based on this Article.

However both documents have been transmitted to the National Parliaments and are subject to the informal political dialogue, in the context of which national Parliaments may comment upon both of them. As you know, the Commission has always emphasised that it will take due account of comments received from national Parliaments in the context of the political dialogue which it is committed to continue and to strengthen, and which allows national Parliaments to exchange views with the Commission on all aspects of our legislative and non-legislative documents, and not only on subsidiarity.

Yours sincerely,

Mr Renato Schifani
President
Senate of the Republic
Piazza Madama
00186 Roma