



## EUROPEAN COMMISSION

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*Dear President,*

*The Commission would like to thank the Senato della Repubblica for its Opinion concerning the Commission's Annual Report 2012 on relations between the European Commission and national Parliaments as well as the Commission's Annual Report 2013 on subsidiarity and proportionality {COM(2013) 565 and 566 final}.*

*The Commission appreciates the active involvement of the Senato della Repubblica in the written political dialogue with the Commission, as well as its intention to further pursue it, with an increased interest in the upstream phase of the European legislative process. In the Commission's view, it is crucial that national Parliaments participate as early as possible in the European policy-making process, e.g. by scrutinising also pre-legislative documents. In this regard the Commission notes that in order to make it easier for national Parliaments to follow and participate in pre-legislative discussions, the Commission has put in place an automatic alert-mechanism, by which national Parliaments are notified via e-mail each time the Commission publishes a new roadmap or launches a new public consultation. The Commission is happy to confirm that this mechanism has been operational since early December 2013.*

*As regards the comments of the Senato della Repubblica on the subsidiarity scrutiny undertaken by national Parliaments, the Commission notes, first of all, that, as part of the preparation of all Commission proposals, the Commission examines whether the Union has a competence to act (principle of conferral), what is the appropriate legal basis for the proposed Union action, and whether the proposal complies with the principles of subsidiarity and proportionality. The Commission's analysis on these various aspects is included in the explanatory memorandum to its legislative proposal.*

*The Commission agrees with the Senato della Repubblica that there are different views on the scope of the principle of subsidiarity and its relationship with the principles of conferral and proportionality, as reflected, for instance, in the 18<sup>th</sup> bi-annual report of COSAC. The Commission also notes that national Parliaments are free to scrutinise legislation in the way they see fit and with the elements they find to be appropriate and necessary.*

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*Nevertheless, the Commission recalls that the procedure of Article 7(2) of Protocol No 2 is exclusively focused on the principle of subsidiarity. In reasoned opinions within the meaning of Article 6 of Protocol No 2, national Parliaments need to state why they consider that a draft legislative act does not comply with that principle. As a result, legal or policy arguments not connected to subsidiarity are not examined in the context of Protocol No 2. The Commission is however well aware that the limits of the principle of subsidiarity are not always easy to trace and therefore adopts an open attitude towards the reasoned opinions of national Parliaments, interpreting their arguments, insofar as possible, in the light of the principle of subsidiarity.*

*The Commission will finally recall that such limitations do not apply to the political dialogue between national Parliaments and the Commission, which may extend to any aspect of Union legislation.*

*The Commission fully shares the view of the Senato della Repubblica that in order to maintain the trust and support of citizens in the context of the deepening of the Economic and Monetary Union (EMU), whenever further integration towards a genuine EMU involves further shared management of sovereignty and hence responsibility at the European level, this should be accompanied by commensurate steps to strengthen democratic legitimacy and accountability at the level where the respective executive decision is taken, while taking due account of the level where the decision has an impact. In the Commission's view, it is essential that national Parliaments are involved and fully engage in this process. This is particularly true in matters of economic governance given the prerogatives of national Parliaments. National Parliaments have an important role to play in informing their citizens of European affairs by explaining their own position on European matters to voters. This also complements other efforts to make EU affairs more transparent, accessible and understandable to citizens.*

*The Commission also agrees with the Senato della Repubblica that inter-parliamentary cooperation is of increasing importance. The creation of new inter-parliamentary conferences on foreign policy and defence and on economic governance as well as the increased discussions between national Parliaments, both within and outside the framework of COSAC, show a clear wish to strengthen the inter-parliamentary dimension. The Commission welcomes this trend and appreciates the wishes of the Senato della Repubblica in this regard for the upcoming Italian Presidency.*

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

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*