



COURTESY TRANSLATION

To:
Ms. M. Wallström
Vice-president of the European Commission
B – 1049 Brussels
Belgium

City/town and Date The Hague, 24 February 2009
Subject Subsidiarity assessment of Critical Infrastructure Warning Information Network
 (CIWIN), COM (2008)676.
Our reference 31785

Dear Ms. Wallström,

In accordance with the applicable procedure, the Dutch House of Representatives of the States General has assessed the proposal of a Council Decision concerning a Critical Infrastructure Warning Information Network (CIWIN) (COM(2008)676) on the basis of the principles of subsidiarity and proportionality. As such, use was made of Article 5 of the EC Treaty and Protocol 30 of the Treaty of Amsterdam on the application of the principles of subsidiarity and proportionality.

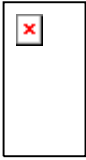
This letter is intended to inform you about the position of the House of Representatives of the States General. Copies of this document were sent to the European Parliament, the Council, COSAC and the Dutch government.

The House of Representatives has answered the subsidiarity question positively. The CIWIN should have added value for improving the information exchange between the member states with respect to best practices, experiences and knowledge. The House of Representatives would like to point out that information exchange structures already exist with regard to the exchange of information and warnings. The proposal must therefore be aligned with these. In addition, the House of Representatives would like to state that the member states are not required to take part in CIWIN.

The proportionality issue was also assessed positively. The proposal does not appear to exceed what is necessary to realise the underlying objectives of cooperation between the member states on this subject. Cooperation depends on the member states' willingness to participate. The proposed measure allows member states who do not wish to take part in CIWIN to remain outside the system.

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Subsidiarity assessment of Critical Infrastructure Warning Information Network (CIWIN), COM (2008)676

The question concerning the legal base of the proposal has resulted in a critical review. The European Commission has based the proposal on article 308 of the EC Treaty. The decision proposal concerns the development of the directive with respect to the identification of the critical infrastructure, the designation of infrastructure as European infrastructure and the assessment of the need to improve the protection of such infrastructure (COM(2006) 787), over which an agreement has since been reached in the Justice and Home Affairs Council. This proposal is also based on article 308 of the EC Treaty, the legal base of which was accepted at the time in the House of Representatives. The House of Representatives therefore also now accepts the chosen legal base, but adds the comment that article 308 of the EC Treaty applies as a 'remaining article' for the creation of an authority for the Community to take certain measures, for which special requirements must be satisfied.

Yours sincerely,

Ms. Gerdi A. Verbeet
President of the House of Representatives of the States General