



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Senat for its Opinion on the report of the Task Force on Subsidiarity, Proportionality and “Doing Less More Efficiently” and of 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 Senat’s support 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 Task Force did not identify policy areas where competences should be definitely returned to the Member States. The criteria for assessing legislation with regard to subsidiarity and proportionality that were originally contained in the Subsidiarity Protocol of the Amsterdam Treaty were integrated into the Commission’s better regulation guidance and toolbox in 2015. The Commission’s current assessment method is no different in substance from the “grid” proposed by the Task Force.

As regards the 8-week deadline for issuing reasoned opinions, the Commission is currently exploring with the European Parliament and the Council whether the Christmas/New Year period can be discounted. It welcomes the support of the Senat in this regard.

As for its replies to reasoned opinions, the Commission intends to provide aggregated responses where a significant number of national Parliaments have raised similar concerns, thus giving greater visibility to the views of these national Parliaments.

The Commission takes note of the Senat’s suggestions that would require a change of the existing Treaties, such as those regarding the thresholds for triggering a “yellow card” and its consequences; the introduction of “red cards” and “green cards”; and the suggestion that national Parliaments’ right, foreseen in the Treaties, to scrutinise

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Commission proposals should cover also the proportionality principle and whether a proposal sufficiently takes into account the geographical specificities in Member States.

While no Treaty change is foreseen in the near future, the Commission would like to point out that it always thoroughly checks the compliance of its initiatives with the principle of proportionality and that its Better Regulation guidance and toolbox –just like the common assessment grid proposed- includes criteria for proportionality (and not only subsidiarity) analysis. Also, even without a formal “green card” mechanism, the Commission welcomes the national Parliaments’ suggestions for new or amended legislation, gives them thorough and detailed replies, and takes them into account when preparing initiatives: some of the suggestions of the "green card" on food waste were thus reflected in the revised circular economy package.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Senat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*