

The President of the European Commission
Mr Jean-Claude Juncker
Rue de la Loi 200
B-1049 Brussels
Belgium

date 27 June 2017

Subject Reasoned opinion on EU proposal (COM(2017)253

Reference 161367.01u

Courtesy translation

(only the text in Dutch is official)

Dear Mr Juncker,

The Senate of the States General has examined the EU proposal concerning the directive on work-life balance for parents and carers and repealing Council Directive 2010/18/EU COM(2017)253 in terms of the principle of subsidiarity. As such, use was made of Article 5 of the EU Treaty and Protocol 2 of the Treaty on the Functioning of the European Union concerning the application of the principles of subsidiarity and proportionality.

I am writing to inform you that the opinion of the Senate with regard to the subsidiarity of the aforementioned proposal is negative.

A majority of the Senate¹ takes the view that

- the proposal is not a transnational problem or a subject that could only be realised by means of measures at EU level. Equally, it is not a transnational problem or a subject that could not be resolved by Member States. In addition, it is unclear what the benefit is of equalising regulations on work-life balance between the Member States, in view of the functioning of the internal market;
- the social domain, and with it the related work-life balance, is a national concern. Work-life balance is pre-eminently an issue of individual choices and, where necessary, national policy, both of which arise from specific national, social and cultural considerations, partly based on the national policy system.

For the above reasons, the Senate of the States General has reached the judgement that the European Commission has not satisfactorily demonstrated that the proposal meets the principle of subsidiarity.

¹ This is the view of the following parliamentary parties: VVD (13 seats), PVV (9 seats), SP (9 seats), ChristenUnie (3 seats), Partij voor de Dieren (2 seats), SGP (2 seats), 50Plus (2 seats). There are 75 seats in the Senate of the States General.

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A copy of this letter will also be sent to the European Parliament, the Council of the European Union and the Government of the Netherlands.

The President of the Senate of the States General,

Ankie Broekers-Knol