



28 November 2005

Dear Colleague,

Following the letter of 25 October from Mr Mejdahl, the Speaker of the Danish Parliament, concerning the implementation of the initiative "raising European awareness", we are writing to you regarding national parliaments' forthcoming subsidiarity and proportionality check.

At the XXXIV COSAC in London last month, we agreed that "within two weeks after the examination by national parliaments of the European Commission's annual work programme, as envisaged in the initiative "Raising European Awareness", participating national parliaments should inform the COSAC Presidency of the proposals they wish to be subject to the subsidiarity and proportionality check."

Mr Mejdahl has proposed that, where possible, national parliaments finalise their examination of the Commission's annual work programme for 2006 (Commission Communication 2005/531) by 16 December 2005. The Presidency is of the view that this timescale provides a helpful framework for delivering the undertaking entered into at the XXXIV COSAC.

Two weeks from 16 December is 30 December 2005. Because of the Christmas holiday period, however, **we suggest that national parliaments who wish to participate inform the COSAC Presidency of the proposals they wish to be subject to the subsidiarity and proportionality check by 13 January 2006.**

We remind you that we also agreed in London that national parliaments "may also make additional proposals at any time". So those national parliaments that will not finalise their examination of the Commission's annual work programme for 2006 within the timeframe proposed by the Danish Parliament will still be able to send their proposals for the subsidiarity and proportionality check to the COSAC Presidency.

Proposals should be sent by email to the Permanent Representative of the Austrian Parliament to the EU, Ms Heike Malicek: hmalicek@europarl.eu.int

In line with our agreement in London, the COSAC Presidential Troika will designate the most frequently mentioned proposals to be subject to the check; and the list will be distributed to the national parliaments and the European Parliament.

We were pleased to see that the Annual Work Programme emphasises that "The Commission's work will be tested against the requirements of subsidiarity and proportionality: the EU should only act when necessary and in the lightest form consistent with achieving its objectives. The Commission will pay particular attention to ensuring full respect for subsidiarity and proportionality."

And in the light of the recent COSAC Contribution, we were also pleased to see that the Commission has said that impact assessments will be "a standard feature for all legislative and policy-defining proposals contained in the Work Programme for 2006".

Yours sincerely

The Lord Grenfell
Chairman European Union Committee
House of Lords

Jimmy Hood MP
Chairman European Scrutiny Committee
House of Commons

ANNEX

Extract from the Conclusions of the XXXIV COSAC concerning subsidiarity and proportionality

2. The XXXIV COSAC, recalling the existing scrutiny role of national parliaments, the provisions on subsidiarity in the Amsterdam Treaty and the fact that the Protocol on the Role of National Parliaments gives COSAC a role specifically in relation to subsidiarity, decided to encourage national parliaments to conduct a subsidiarity and proportionality check on a forthcoming EU legislative proposal or proposals. The check should be carried out with due respect for national parliaments' internal work programmes, legal frameworks and traditions. COSAC agreed that, for those national parliaments which wish to participate, the check should operate as follows:

1. Within two weeks after the examination by national parliaments of the European Commission's annual work programme, as envisaged in the initiative "Raising European Awareness", participating national parliaments should inform the COSAC Presidency of the proposals they wish to be subject to the subsidiarity and proportionality check; they may also make additional proposals at any time; the Presidential Troika should designate the most frequently mentioned proposals to be subject to the check; the list will be distributed to the national parliaments and the European Parliament;
2. the IPEX database should, if possible, be used in connection with the subsidiarity and proportionality check;
3. participating national parliaments should seek to complete their scrutiny within a six-week period;
4. the six-week period should begin when the proposal has been published in all languages;
5. participating national parliaments or chambers should send any comments on subsidiarity or proportionality directly to the Commission, the European Parliament and the Council within the six-week period, copying those comments to the COSAC Presidency; and
6. it would be helpful if national parliaments could indicate clearly whether their comments relate to subsidiarity or proportionality.