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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
Subject:	Commission proposal for discounting 20 December - 10 January from eight weeks period for the subsidiarity check by national parliaments - Approval of a letter

1. The European Commission sent a letter on 7 March 2019 to the Presidency and to the European Parliament proposing to allow discounting the period between 20 December and 10 January from the eight weeks period for submitting opinions by national parliaments on draft EU legislation, in order to allow the national parliaments sufficient time to examine the EU legislation. This proposal is similar to the applied practice concerning the month of August discounted from the eight weeks period since 2009.
2. On 27 May 2019, the European Parliament responded to this letter by taking note of this practical arrangement.
3. The arrangement means that the month of August and the period between 20 December of a given year and 10 January of the following year will, save in urgent cases for which due reasons have been given, not be taken into account when determining the deadline of the eight weeks period set out in Protocol No 2 on the Application of the principles of subsidiarity and proportionality.

4. A draft letter setting out the position of the Council has been circulated to and agreed in the Working Party on 28 June 2019, in which a representative of the European Commission presented the proposal to delegations. The draft letter is set out in the Annex to this Note.
 5. It is therefore suggested that the Permanent Representatives Committee approve the letter in the Annex to this Note, in accordance with the Council's Rules of Procedure (Article 19(7)(k)).
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Mr Jean-Claude Juncker

President of the European Commission

Rue de la Loi, 200

B-1049 Brussels

Brussels, 3 July 2019

Subject: Your letter dated 7 March 2019 concerning the counting of the 8 weeks' rule for subsidiarity control by national Parliaments

Dear President Juncker,

Thank you for your letter of 7 March 2019 in which you suggest to exclude the recess period between Christmas and New Year from the 8-week period for the submission of opinions by national parliaments on draft EU legislation, as it is already the case for the month of August in line with a practice applied since 2009.

The Council takes note of the arrangements, proposed by the Commission, under which the month of August and the period between 20 December of a given year and 10 January of the following year will, save in urgent cases for which due reasons have been given, not be taken into account when determining the deadline of the eight weeks period set out in Protocol No 2 on the Application of the principles of subsidiarity and proportionality within which national Parliaments may send a reasoned opinion stating why they consider that a draft legislative act does not comply with the principle of subsidiarity.

This should indeed facilitate national parliaments' scrutiny of draft legislative acts for their compliance with the principle of subsidiarity in line with Protocol (No 2) on the application of the principles of subsidiarity and proportionality.

Your sincerely,

Marja Rislakki
Chair of the Permanent Representatives Committee

Cc: President of the European Parliament