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COVER NOTE

From: Mr Maroš Šefčovič, Vice-President of the European Commission
To: Prime Minister Plenković , Presidency of the Council of the European Union
Subject: National Parliaments' 8 weeks subsidiarity and proportionality check during the COVID-19 crisis

Delegations will find attached a letter from the Commission on the above-mentioned subject.



Bruxelles, 08.04.2020

Dear President,

The current COVID-19 crisis puts the capacity of all institutions to an unprecedented test to ensure the continuity of our political and legislative decision-making, both at European and national level. This also goes for the cooperation between the European Commission and national Parliaments. I am aware that, under current exceptional circumstances, national Parliaments may have particular difficulties to complete their appraisal of the compliance of Commission draft legislative acts with the principles of subsidiarity and proportionality within the period of eight weeks, as stipulated in Protocol No 2 to the Treaties.

While an extension of this period is not possible under the Protocol, the Commission is willing to facilitate national Parliaments' appraisal within the existing Treaty framework. The Commission will therefore, wherever possible, take account of national Parliaments' resolutions expressing concerns regarding compliance of its legislative proposals with the principles of subsidiarity and proportionality even if these arrive, on account of the COVID-19 crisis, after the eight-week period.

Even though such late opinions could not legally count towards the attainment of the thresholds for a yellow or orange card, they would all be brought to the attention of the relevant Members of the Commission and would receive a publicly available substantial reply as if they had been received in time, without affecting the prerogatives of the other EU institutions. I would therefore like to invite each national Parliament to signal to the Commission if it envisages adopting a reasoned opinion but is likely to be prevented by the extraordinary circumstances from doing so within the eight-week period.

For its part, the Commission commits to instantly inform national Parliaments when it adopts a proposal for a legislative act aimed at mitigating the impacts of the COVID-19 crisis, whose adoption by the European Parliament and the Council might need to take place, in line with the urgency procedure stipulated in Article 4 of Protocol No 1, before the eight-week period for national Parliaments' subsidiarity appraisal has lapsed.

I trust that our well-established close cooperation will help us to ensure that we can take the right decisions, in a timely manner, for the sake of our citizens. I look forward to continuing our political dialogue, even more so in these difficult and exceptional times.

Yours sincerely

Maroš Šefčovič
Vice-President

Cc:

President of the European Parliament Sassoli

President in office of the Council Prime Minister Plenković