

Allow me also to make a brief contribution to this debate – beyond what I already said this morning.

I totally share the view behind the title of the subject for our Panel. Subsidiarity is not a challenge for one institution or body – national parliaments or the European Parliament. It is our common, shared challenge and responsibility.

While we all still have some way to go, I think we have come far in the last few years. Subsidiarity reflections have become much more main-stream, both in Brussels and in the Member states.

Contrary to what you may hear elsewhere, the Commission believes the yellow and orange card procedure is a success. This has little to do with the fact that we have only had two successful yellow card procedures but by the significance everybody attaches to subsidiarity. I can assure you, that we in the Commission are taking a very serious look at all our proposals from the perspective of subsidiarity - for instance when we draft our impact assessments on draft legislative proposals.

The two only yellow card procedures leave us little practical experience until now. Furthermore, the Commission decided to withdraw the so-called Monti II-proposal for other reasons than lack of respect of the principle of subsidiarity. It would therefore be incorrect to say that this yellow card procedure resulted in the withdrawal. It was withdrawn for other reasons. On the proposal on a European Public Prosecutor, the only other yellow card procedure, the Commission made a very detailed written analysis of the subsidiarity arguments which were put forward by some national parliaments and arrived at the conclusion that the proposal was indeed fully in compliance with subsidiarity.

A number of parliaments also raised other issues in their reasoned opinions relating to issues such as proportionality or even to substance points in the proposal itself. While these are outside of the control mechanism given to national parliaments by the Treaty, the Commission intends to answer each of the opinions concerning these other subjects under the so-called 'Barroso dialogue'.

What is however more important now is that all proposals go forward to the legislators with a stronger dimension about respect for subsidiarity. Ultimately we live in a European democracy. Alone our directly elected MEPs with the democratically elected governments shall decide what become law in the EU. National parliaments furthermore have ample opportunity directly to influence the legislative process through their control over their own governments sitting in the Council of Ministers. I cannot imagine stronger and more legitimate democratic system for legislating. We should also keep in mind that with the new enhanced role of the Committee of the Regions, it plays a key role in monitoring what finally comes out of the legislative process. So subsidiarity is now central both in the drafting phase in the Commission, during the legislative process and after the adoption of EU law.

I am not claiming the system is perfect today – but I do insist that the Union has moved far in the last few years in the direction of respecting subsidiarity and the Commission feels it can

rightly be proud of its efforts. I am fully aware that some in national parliaments may not agree and some may also say that the answers given by the Commission are too short or too general. I do not agree. Today the Commission generally answers within its own deadline of three months. There were teething problems in the beginning resulting in late answers but they are largely behind us. I also think we should not confuse disagreement with the Commission on the substance of the proposal with non-respect of subsidiarity. And finally, our answers generally reflect the nature of the opinions we receive.

The yellow card procedure, in my opinion, primarily aims to ensure a high quality of legislative proposals from the Commission seen from the perspective of national versus European solutions.

Ultimately it is for the legislators in the Council and the European Parliament to give the answer. That is democracy at European level.

I am aware that several national parliaments have expressed the view that 8 weeks is not enough. It is however the time defined by the Treaty so we must try to see how we can make it work. Please be aware that during these 8 weeks, the Council and the European Parliament generally engage in only very preliminary reflections while we all wait to see if a yellow card procedure will be launched.

But you should also note that most of the Commission proposals are announced many months in advance and they most often come after the public consultations on green/white papers or even on drafts proposals themselves. It should therefore be possible for national parliaments to be ready from the moment they receive the Commission proposal and therefore be able fully to exploit the time given by the Treaty for their examination.

I have heard that the thresholds are too high and should be lowered. While I understand the objective, I wish to draw your attention to the numbers in the annual report by the Commission relating to subsidiarity. For only a very limited number of proposals we do get more than 5 'reasoned opinions'. It would therefore, at least based on the experience of the last 4 years, make little difference to minor adjustments to the required number of opinions. And I would caution against such a move because the yellow card procedure is not meant to be a general brake on the Union's capacity to legislate but to ensure that when it legislates, it does so fully respecting the subsidiarity principle. A 'reasoned opinion' is a very important signal to both the legislators from national parliaments, including therefore to their own governments, that some national parliaments have concerns in this area which should be taken seriously.

So, I wish to conclude by stating that the Commission remains firmly committed to continue to strengthen its work in the field of respect of the principle of subsidiarity.

Thank you.