



**COUNCIL OF
THE EUROPEAN UNION**

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COVER NOTE

from: Mr Miguel ARIAS CAÑETE, Chairman of the *Comisión Mixta para la Unión Europea, Cortes Generales* of the Kingdom of Spain

Received on: 22 February 2010

to: Mr Herman VAN ROMPUY, President of the European Council

Subject: Interpretation of the term "legislative act" in the context of the control of respect for the principle of subsidiarity provided for in Protocol (No 2) on the application of the principles of subsidiarity and proportionality

Delegations will find the above letter attached.

Madrid, 16 February 2010

Mr Herman van Rompuy
President of the European Council

Sir,

At the meeting of the Chairmen of the Conference of European Affairs Committees (COSAC) held in Madrid on 4 February 2010, at the request of the United Kingdom delegation it was unanimously decided to ask the highest institutions of the European Union to state the criterion they intend to follow when interpreting what is meant by "legislative acts" to be the subject of checking by national parliaments for subsidiarity, as provided for in the Protocol annexed to the Treaty of Lisbon.

We should particularly like to know if the interpretation is to be a broad one, extending to all acts involving the European Parliament or if the intention is to exclude acts which, although they may involve the European Parliament, are not explicitly referred to in the Treaty as requiring the use of the legislative procedure, whether ordinary or special.

We should appreciate it if you could inform us of the criterion before the next meeting of COSAC, scheduled to be held in Madrid from 30 May to 1 June 2010.

(Complimentary close)

Miguel Arias Cañete
CHAIRMAN OF THE JOINT COMMITTEE FOR THE EUROPEAN UNION
