

Danish Parliament



12 January 2007

Report from the Folketinget

On the experience of the subsidiarity and proportionality check on the proposal for a Directive concerning the full accomplishment of the internal market of Community postal services

1. Which committees were involved in examining the Commission proposal for a Directive concerning the full accomplishment of the internal market of Community postal services and what role did each committee play?

The European Affairs Committee and the Transport Committee.

2. Was your plenary involved?

No

3. Were any other administrative services of your parliament involved in the process?

The secretariat of the Transport Committee

4. Could you describe the procedure used for the examination from start to finish with regard to the committees involved and other actors and the chronology of their involvement?

On 13 November 2006 the European Affairs Committee invited the Transport Committee to examine the proposal for a "Directive concerning the full accomplishment of the internal market of Community postal services" and to assess whether it adhered to the principle of subsidiarity.

The Minister (Transport and Energy) was invited to give evidence at a joint expert hearing on 9 January 2007 organised by the European Affairs Committee and the Transport Committee.

The majority of the European Affairs Committee endorsed an opinion concerning the proposal's compliance with the subsidiarity principle, and declared that the proposal was fully in compliance with the principle of subsidiarity.

Two political parties disagreed with the majority and expressed minority opinions.

5. Did your government provide any information as part of the scrutiny process?

Yes, the Minister of Transport and Energy gave evidence at a joint hearing organised by the European Affairs Committee and the Transport Committee on 9 January 2007.

6. Did your national parliament consult regional parliaments with legislative powers?

No. There are no regional parliaments with legislative powers in Denmark.

7. Were any other external actors involved in the examination?

No.

8. In case of a bicameral system, did you coordinate your examination with the other parliamentary chamber?

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9. Was the procedure used for this project in accordance with the procedure your parliament plans to use following the Constitutional Treaty's entering into force?

Yes

10. Did you find any breach on the subsidiarity principle?

No. The following opinion was adopted by a majority of the European Affairs Committee:

Opinion adopted by the European Affairs Committee of the Danish Parliament

11 January 2007

On the Commission's proposal for a Directive of the European Parliament and of the Council amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services

At the request of COSAC the European Affairs Committee and the Transport Committee of the Danish Parliament have conducted an assessment of whether the *"proposal for a Directive of the European Parliament and of the Council amending Directive 97/67/EC concerning the full accomplishment of the internal market of Community postal services"* complies with the principle of subsidiarity.

In order to improve the scrutiny of the proposal, the European Affairs Committee and the Transport Committee organised an expert hearing on 9 January 2007, where the Minister of Transport and Energy and his experts at a joint session gave evidence to the committees.

The proposal for a Directive of the European Parliament and of the Council, which was put forward on 18 October 2006, aims at achieving an internal market for postal services through the removal of exclusive and special rights in the postal sector, safeguarding a common level of universal services for all users in all EU countries and setting harmonised principles for the regulation of postal services in an open market environment, with the aim of reducing other obstacles to the functioning of the internal market

A majority of the European Affairs Committee composed of The Conservatives, The Liberal Party, The Social Democrats, The Social-Liberal Party and The Danish Peoples' Party, notes that the proposal aims at resolving a cross-border problem, which by reason of scale cannot sufficiently be achieved by the Member States through national rules, and that the objectives, by reason of the scale and effects of the proposed measures, can be better achieved at Community level.

The majority therefore finds that the Commission proposal complies with the principle of subsidiarity in TEC Article 5.

Minority opinions:

Two political parties have wished to express a minority opinion.

The Red-Green Alliance declares that in view of the fact that the Unions' areas of competence are gradually moved, the "need" for Community regulation becomes self-fulfilling. Thereby the subsidiarity control becomes illusory. That control should instead be based on individual Member States' assessments and on a clear and delimited distribution of competences. Consequently, the Red-Green Alliance finds that the present proposal does not comply with the principle of subsidiarity.

The Socialist People's Party (SPP) endorses the opinion of the majority as regards cross-border postal services. As regards national postal services, the SPP regards the postal area as an important infrastructure for all citizens - regardless of whether they live in densely populated areas or peripheral areas - and finds that there should be equal access to postal services both as regards price and on-time delivery. The SPP finds that the Member States are capable of meeting the objective of abolishing exclusive and special rights in their national postal sectors and to ensure that the postal services are covered by the universal service obligation. Furthermore, SPP finds that that objective cannot be better achieved at Community level.

11. Did you find any breach on the proportionality principle?

No

12. Did you adopt a reasoned opinion for non-compliance? (If yes please enclose a copy with your report to the COSAC secretariat)

No

13. Did you find the Commission's justification with regard to the subsidiarity principle satisfactory?

Yes

14. Did you find the Commission's justification with regard to the proportionality principle¹ satisfactory?

Yes

15. Did you encounter any specific difficulties during the examination?

No

16. Any other comments?

No

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