

**Question for written answer E-003553/2018
to the Commission**

Rule 130

André Elissen (ENF) and Auke Zijlstra (ENF)

Subject: Non-existence of EU powers in the field of social affairs

The European Union has no powers in the field of social security (Articles 3, 4 and 5 TFEU). The Netherlands' Minister for Social Affairs and Employment, Mr Koolmees, has stated that he regards paternity leave as a matter for the Member States. Despite that fact, the Council has decided to draft legislation on this subject.

1. On what legal basis and which article(s) of the Treaty will the Commission base the forthcoming legislation?
2. Does the Commission agree that social security is certainly not an exclusive competence of the European Union, and that subsidiarity can apply only if Member States themselves cannot achieve the intended objective at central, regional or local level?
3. Can the Commission give reasons why Member States in general, and the Netherlands in particular, are unable to regulate paternity leave themselves and why the national sovereignty of Member States in this field should be violated?