



Directorate-General for the Presidency
Directorate for Relations with National Parliaments
Legislative Dialogue Unit

Brussels, 5 March 2014

Subject: State of Play on reasoned opinions and contributions submitted by national Parliaments under Protocol No 2 of the Lisbon Treaty.

Protocol No 2 of the Lisbon Treaty sets out a review mechanism involving national Parliaments with regard to proposed legislation which does not fall under the exclusive competence of the European Union. Thus, national Parliaments/Chambers may review such proposed legislation and to issue a "reasoned opinion" if they consider that a draft EU legislative act does not comply with the principle of subsidiarity. In such a case a national Parliament/Chamber should present its views in writing to the Presidents of the Parliament, Council and Commission within eight weeks from the transmission of the last linguistic version of the draft legislative act in question.

In the majority of cases, submissions from national Parliaments go beyond the issue of subsidiarity, discussing the substantive merits of proposals. In light of this, the Committee on Legal Affairs, which is responsible for issues in relation to compliance with the principle of subsidiarity, has provided the following definitions:

- "Reasoned opinions" are submissions which indicate the non-compliance of a draft legislative act with the principle of subsidiarity and have been communicated to the European Parliament within the eight week deadline referred to in Article 6 of Protocol No 2 of the Treaty of Lisbon.
- "Contributions" indicate any other submissions which do not fulfil the criteria listed above for a reasoned opinion.

Pursuant to Rule 38a(3) of the Rules of Procedure, all reasoned opinions are referred to the Committee(s) responsible for the draft legislative act and forwarded for information to the Committee on Legal Affairs. Contributions are referred to the Committee(s) responsible for the draft legislative act (Rule 130(4) of the Rules of Procedure).

This note provides an update of submissions received by the European Parliament in the context of Protocol No 2 during the period 29 January - 4 March 2014.

All national Parliament documents officially received by the EP are now available in the new "Connect" database on the EP intranet: <http://www.connect.ep.parl.union.eu>.

I. FACTS & FIGURES

Since the entry into force of the Lisbon Treaty a total of **462 draft legislative acts** have been **sent to national Parliaments** for examination under the terms of Protocol No 2 of the Treaty of Lisbon. 458 of those draft legislative acts are Commission proposals, while the remaining 4 are Council initiatives. In response, the European Parliament has received a total of **1692 submissions** from national Parliaments. Of these, **282 are reasoned opinions** while the remaining **1410 are contributions**.

Since the previous update on the State of Play regarding Protocol No. 2, the European Parliament has received 5 new reasoned opinions and 47 new contributions on a total of 20 different legislative proposals.

COM(year)	Draft legislative acts submitted to NPs and referred to the EP responsible committee(s)	Reasoned Opinions	Contributions	Total number of submissions
COM(2010)	90	41	299	340
COM(2011)	155	77	524	601
COM(2012)	79	71	224	295
COM(2013)	128	93	363	456
COM(2014)	10	0	0	0
All COM (years)	462	282	1410	1692

For the complete list of all reasoned opinions and contributions sent to the European Parliament since the entry into force of the Treaty of Lisbon please visit the following Intranet site:

http://www.connect.ep.parl.union.eu/parnaweb/cms/Subsidiarity_1

II. DRAFT LEGISLATIVE ACTS ELICITING NUMEROUS REASONED OPINIONS AND/OR CONTRIBUTIONS FROM NATIONAL PARLIAMENTS (29 JANUARY 2014 - 4 MARCH)¹

IMCO COD/2013/0410 CORREIA DE CAMPOS António Fernando(S&D) COM(2013)796: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 515/97 of 13 March 1997 on mutual assistance between the administrative authorities of the Member States and cooperation between the latter and the Commission to ensure the correct application of the law on customs and agricultural matters

One reasoned opinion from the Spanish *Cortes*

Deadline for reasoned opinions: 29 January 2014.

¹ In this section reference is made to draft legislative acts for which at least one reasoned opinion or four contributions have been presented during the period under examination. On the other hand, the actual reasoned opinions and contributions mentioned in the text refer to all of these submissions received to-date.

LIBE COD/2013/0407 WEBER Renate (EPP) COM(2013)821: Proposal for a Directive of the European Parliament and of the Council on the strengthening of certain aspects of the presumption of innocence and of the right to be present at trial in criminal proceedings

One reasoned opinion from the British House of Commons

Four contributions from the Portuguese Parliament, the Italian Senate, the Italian Chamber of Deputies and the Spanish *Cortes*

Deadline for reasoned opinions: 12 February 2014.

LIBE COD/2013/0408 ROMERO LÓPEZ Carmen (S&D) COM(2013)822: Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings

One reasoned opinion from the Dutch *Tweede Kamer*

Five contributions from the Portuguese Parliament, the Italian Senate, the Italian Chamber of Deputies, the Spanish *Cortes* and the Austrian *Bundesrat*

Deadline for reasoned opinions: 12 February 2014.

LIBE COD/2013/0409 DE JONG Cornelis (GUE/NGL) COM(2013)824: Proposal for a Directive of the European parliament and of the Council on provisional legal aid for suspects or accused persons deprived of liberty and legal aid in European arrest warrant proceedings

Four contributions from the Portuguese Parliament, the Italian Senate, the Italian Chamber of Deputies and the Spanish *Cortes*

Deadline for reasoned opinions: 12 February 2014.

AGRI COD/2013/0433 COM(2013)892: Proposal for a Directive of the European Parliament and of the Council on the cloning of animals of the bovine, porcine, ovine, caprine and equine species kept and reproduced for farming purposes

Four contributions from the Portuguese Parliament, the Italian Senate, the Spanish *Cortes* and the Austrian *Bundesrat*

Deadline for reasoned opinions: 17 February 2014.

AGRI APP/2013/0434 COM(2013)893: Proposal for a Council Directive on the placing on the market of food from animal clones

One reasoned opinion from the British House of Commons

Three contributions from the Portuguese Parliament, the Italian Senate and the Spanish *Cortes*

Deadline for reasoned opinions: 17 February 2014.

ENVI COD/2013/0435 NICHOLSON James (ECR) COM(2013)894: Proposal for a Regulation of the European Parliament and of the Council on novel foods

Two reasoned opinions from the French Assembly and the French Senate

Three contributions from the Portuguese Parliament, the Italian Senate and the Spanish *Cortes*

Deadline for reasoned opinions: 17 February 2014.

ENVI COD/2013/0442 HIBNER Jolanta Emilia (EPP) COM(2013)919: Proposal for a Directive of the European Parliament and of the Council on the limitation of emissions of certain pollutants into the air from medium combustion plants

Four contributions from the Portuguese Parliament, the Polish *Sejm*, the Polish Senate and the Spanish *Cortes*

Deadline for reasoned opinions: 17 February 2014.

ENVI COD/2013/0443 GIRLING Julie (ECR) COM(2013)920: Proposal for a Directive of the European Parliament and of the Council on the reduction of national emissions of certain atmospheric pollutants and amending Directive 2003/35/EC

Five contributions from the Portuguese Parliament, the Polish *Sejm*, the Polish Senate, the Italian Senate and the Spanish *Cortes*

Deadline for reasoned opinions: 17 February 2014.

III. DRAFT LEGISLATIVE ACTS SUBJECT TO PROTOCOL No 2 ON THE DRAFT AGENDA OF THE JANUARY PLENARY PART-SESSION (10 - 13 MARCH 2014)²

ECON COD/2011/0006 BALZ Burkhard(EPP) COM(2011)0008: Proposal for a Directive of the European Parliament and of the Council amending Directives 2003/71/EC and 2009/138/EC in respect of the powers of the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority

Two contributions from the Portuguese Parliament and the Italian Senate.

ECON COD/2012/0364 STOLOJAN Theodor Dumitru (EPP)COM(2013)0782: Proposal for a Regulation of the European Parliament and of the Council on establishing a Union programme to support specific activities in the field of financial reporting and auditing for the period of 2014-2020

One contribution from the Portuguese Parliament.

ECON COD/2013/0181 EPPINK Derk Jan (ECR) COM(2013)0342: Proposal for a Regulation of the European Parliament and of the Council on the provision and quality of statistics for the macroeconomic imbalances procedure

Three contributions from the Portuguese Parliament, the Italian Senate and the Spanish *Cortes*.

EMPL COD/2013/0124 BAUER Edit (EPP) COM(2013)0236: Proposal for a Directive of the European parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers

Five contributions from the Portuguese Parliament, the Italian Senate, the Spanish *Cortes*, the Czech Senate and the Romanian Chamber.

ENVI COD/2012/0267 LIESE Peter (EPP) COM(2012)0541: Proposal for a Regulation of the European Parliament and of the Council on in vitro diagnostic medical devices

Two contributions from the Portuguese Parliament and the Italian Senate.

ENVI COD/2012/0266 ROTH-BEHRENDT Dagmar(S&D) COM(2012)0542: Proposal for a Regulation of the European Parliament and of the Council on medical devices, and amending Directive 2001/83/EC, Regulation (EC) No 178/2002 and Regulation (EC) No 1223/2009

Two contributions from the Portuguese Parliament and the Italian Senate.

² Information contained in this section is provisional and subject to change following decisions by the Conference of Presidents or the Plenary. Information is presented in alphabetical order on the basis of the acronym of the committees concerned. The number of reasoned opinions and contributions mentioned refers to the total number of these submissions received to-date.

ENVI COD/2012/0278 BÉLIER Sandrine (Greens/EFA) COM(2012)0576:

Proposal for a Regulation of the European Parliament and of the Council on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization in the Union

Three reasoned opinions from the Italian Senate, the Swedish Parliament and the French Senate

Two contributions from the Portuguese Parliament and the French Assembly.

ENVI COD/2012/0297 ZANONI Andrea (EPP) COM(2012)0628:

Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/92/EU on the assessment of the effects of certain public and private projects on the environment

Four contributions from the Portuguese Parliament, the Italian Senate, the Czech Senate and the Irish Parliament.

ENVI COD/2012/0305 EICKHOUT Bas (Greens/EFA) COM(2012)0643:

Proposal for a Regulation of the European Parliament and of the Council on fluorinated greenhouse gases

Two contributions from the Portuguese Parliament and the Czech Senate.

IMCO COD/2012/0283 WEILER Barbara (S&D) COM(2012)0584:

Proposal for a Directive of the European Parliament and of the Council on the harmonization of the laws of the Member States relating to the making available on the market of radio equipment

Two contributions from the Portuguese Parliament and the Italian Senate.

IMCO COD/2013/0027 SCHWAB Andreas (EPP) COM(2013)0048:

Proposal for a Directive of the European Parliament and of the Council concerning measures to ensure a high common level of network and information security across the Union

One reasoned opinion from the Swedish Parliament

Four contributions from the Portuguese Parliament, the Romanian Senate, the German *Bundesrat* and the Czech Senate.

IMCO COD/2013/0213 COLLIN-LANGEN Birgit (EPP) COM(2013)0449:

Proposal for a Directive of the European Parliament and of the Council on electronic invoicing in public procurement

Four contributions from the Portuguese Parliament, the Romanian Chamber, the Spanish *Cortes* and the German *Bundesrat*.

INTA COD/2013/0279 MOREIRA Vital (S&D) COM(2013)0579: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 471/2009 on Community statistics relating to external trade with non-member countries as regards conferring of delegated and implementing powers

One contribution from the Spanish *Cortes*.

ITRE COD/2013/0022 SARTORI Amalia (EPP) COM(2013)0040: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency

One contribution from the Portuguese Parliament.

LIBE COD/2011/0365 MARINESCU Marian-Jeanm (EPP) COM(2011)0750: Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for external borders and visa

Two contributions from the Portuguese Parliament and the Italian Senate.

LIBE COD/2011/0366 GUILLAUME Sylvie (S&D) COM(2011)0751: Proposal for a Regulation of the European Parliament and of the Council establishing the Asylum and Migration Fund

Three contributions from the Portuguese Parliament, the Spanish *Cortes* and the Italian Senate.

LIBE COD/2011/0367 FONTANA Lorenzo (EFD) COM(2011)0752: Proposal for a Regulation of the European Parliament and of the Council laying down general provisions on the Asylum and Migration Fund and on the instrument for financial support for police cooperation, preventing and combating crime, and crisis management

Two contributions from the Portuguese Parliament and the Italian Senate.

LIBE COD/2011/0368 IACOLINO Salvatore (EPP) COM(2011)0753: Proposal for a Regulation of the European Parliament and of the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management

Two contributions from the Portuguese Parliament and the Italian Senate.

LIBE COD/2012/0010 DROUTSAS Dimitrios (S&D) COM(2012)0010: Proposal for a Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data

Two reasoned opinions from the Swedish Parliament and the German *Bundesrat*

Six contributions from the Portuguese Parliament, the Czech Senate, the Belgian Chamber, Spanish *Cortes*, the Italian Senate and the Estonian Parliament.

LIBE COD/2012/0011 ALBRECHT Jan Philipp (Greens/EFA) COM(2012)0011: Proposal for a Regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation)

Five reasoned opinions from the Swedish Parliament, German *Bundesrat* the French Senate, the Italian Chamber of Deputies and the Belgian Chamber

Four contributions from the Portuguese Parliament, the Czech Senate, the Italian Senate and the Estonian Parliament.

LIBE COD/2013/0024 KLEVA KEKUŠ Mojca(S&D) COM(2013)0044: Proposal for a Regulation of the European Parliament and of the Council on information accompanying transfers of funds

Four contributions from the Portuguese Parliament, the Czech Senate, the Romanian Chamber and the Spanish *Cortes*.

LIBE COD/2013/0025 KARI Š Krišj nis(EPP) COM(2013)0045: Proposal for a Directive of the European Parliament and of the Council on the prevention of the use of the financial system for the purpose of money laundering and terrorist financing

Five contributions from the Portuguese Parliament, the Czech Senate, the Romanian Chamber, the German *Bundesrat* and the Spanish *Cortes*.

LIBE APP/2013/0255 IACOLINO Salvatore (EPP) COM(2013) 534: Proposal for a Council Regulation on the establishment of the European Public Prosecutor's Office (EPPO).

Thirteen reasoned opinions from the Czech Senate, the Dutch *Tweede Kamer*, the Dutch *Eerste Kamer*, the UK House of Commons, the UK House of Lords, the Irish Parliament, the Hungarian Parliament, the Romanian Chamber of Deputies, the Slovenian National Assembly, the French Senate, the Cypriot Parliament, the Swedish Parliament and the Maltese Parliament.

Eight contributions from the Polish Senate, the Portuguese Parliament, the German *Bundesrat*, Romanian Senate, the Italian Senate, the Finnish Parliament, the Spanish *Cortes* and the French Assembly.

N.B. As the number of reasoned opinions exceeded the threshold for triggering the compulsory review procedure ("yellow card"), the Commission conducted a review during November 2013. By Communication dated 27 November 2013 (COM (2013) 851) the Commission presented the findings of its review, dismissing the claims that the subsidiarity principle had been breached and deciding accordingly that the proposal would be maintained as it was drafted.

TRAN COD/2012/0184 KUHN Werner (EPP) COM(2012)0380: Proposal for a Regulation of the European Parliament and of the Council on periodic roadworthiness tests for motor vehicles and their trailers and repealing Directive 2009/40/EC

Five reasoned opinions from the Dutch *Tweede Kamer*, the Dutch *Eerste Kamer*, the Swedish Parliament, the Cypriot Parliament and the French Senate

Six contributions from the Portuguese Parliament, the Czech Senate, the German *Bundesrat*, the Belgian Chamber, the British *House of Commons* and the Irish Parliament.

TRAN COD/2012/0185 SAVISAAR-TOOMAST Vilja (EPP) COM(2012)0381: Proposal for a Directive of the European Parliament and of the Council amending Council Directive 1999/37/EC on the registration documents for vehicles

Three reasoned opinions from the Dutch *Tweede Kamer*, the Dutch *Eerste Kamer*, and the Cypriot Parliament

Three contributions from the Portuguese Parliament, the Czech Senate and the Belgian Chamber.

TRAN COD/2012/0186 SEHNALOVÁ Olga (S&D) COM(2012)0382: Proposal for a Regulation of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC . Annex to the Proposal for a Regulation of the European Parliament and of the Council on the technical roadside inspection of the roadworthiness of commercial vehicles circulating in the Union and repealing Directive 2000/30/EC

Three reasoned opinions from the Dutch *Tweede Kamer*, the Dutch *Eerste Kamer*, and the Cypriot Parliament

Five contributions from the Portuguese Parliament, the Czech Senate and the Belgian Chamber, the German *Bundesrat* and the Irish Parliament.

TRAN COD/2013/0092 TAYLOR Keith (Greens/EFA) COM(2013)174: Proposal for a Regulation of the European Parliament and of the Council on multiannual funding for the action of the European Maritime Safety Agency in the field of response to pollution caused by ships and to marine pollution caused by oil and gas

Three contributions from the Portuguese Parliament, the Italian Senate and the Spanish *Cortes*.

TRAN COD/2013/0187 SASSOLI David-Maria (S&D) COM(2013)409: Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services

One reasoned opinion from the Maltese Parliament

Four contributions from the Portuguese Parliament, the Czech Senate, the Italian Chamber of Deputies and the Spanish *Cortes*.

TRAN COD/2013/0186 MARINESCU Marian-Jean (EPP) COM(2013)410:
Proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast)

One reasoned opinion from the Maltese Parliament

Five contributions from the Portuguese Parliament, the Czech Senate, the Italian Chamber of Deputies, the Italian Senate and the Spanish *Cortes*.

TRAN COD/2013/0297 CRAMER Michael (Greens/EFA) COM(2013)611:
Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 91/2003 of the European Parliament and of the Council of 16 December 2002 on rail transport statistics, as regards the collection of data on goods, passengers and accidents

One contribution from the Spanish *Cortes*.
