

EBPOΠΕЙCΚИ ΠΑΡΛΑΜΕΗΤ PARLAMENTO EUROPEO EVROPSKÝ PARLAMENT EUROPA-PARLAMENTET
EUROPÄISCHES PARLAMENT EUROOPA PARLAMENT EYPΩΠΑΪΚΟ ΚΟΙΝΟΒΟΥΛΙΟ EUROPEAN PARLIAMENT

PARLEMENT EUROPÉEN PARLAIMINT NA hEORPA PARLAMENTO EUROPEO EIROPAS PARLAMENTS

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

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National Parliaments' internal procedures for subsidiarity checks

Foreword

The Lisbon Treaty confers on an EU national Parliament/Chamber a new power to issue a "reasoned opinion" on whether it considers that a draft EU legislative act breaches the principle of subsidiarity. In such cases, a national Parliament/Chamber should, within eight weeks from the transmission of the last language version of the draft legislative act, present its views in writing to the Presidents of the Parliament, Council and Commission. Reasoned opinions indicate the non-compliance of a draft legislative act with the principle of subsidiarity and have been submitted to the European Parliament within eight weeks deadline referred to in Article 6 of Protocol N°2 of the Treaty of Lisbon, in accordance with the applicable provisions adopted by national Parliaments.

This table summarises the internal procedures of each national Parliament/Chamber. The document was produced using replies from national Chambers/Parliaments to the questionnaire for the Thirteenth Bi-annual Report of COSAC as an initial information source and then completed or confirmed by the websites of the national Parliaments. Following this, it was amended and updated based on feedback from the National Parliament Representatives.

The table firstly outlines the procedure for the adoption of a reasoned opinion, indicating the role of the European Affairs Committee, the sector-specific committees and the plenary. It is followed by a description of the procedure for the transmission of a reasoned opinion, including the format of the document and the signatory party/parties. Where possible, the table provides hyperlinks to the relevant Rules of Procedure. Finally, a comments column is included in order to outline any other necessary information, such as possible future changes to the procedure or any specificities of the procedure of a particular Chamber/Parliament. Examples from those national Parliaments/Chambers who have already submitted reasoned opinions are available in the annex.

In order to ensure highest level of clarity and legibility, standardised terms of references have been used throughout, such as "sector-specific committee" and "plenary resolution", despite the fact that many Chambers/Parliaments use their own specific terminology. Links to the Rules of Procedure which can be used by those wishing to research the particular terms used by specific Chambers/Parliaments have been included where possible.

The Legislative Dialogue Unit welcomes any additional feedback or updated information.

National Parliament	Procedure for adoption	Procedure for transmission	Comments	Links to relevant rules of procedure/related documents
Austrian <i>Nationalrat</i>	Opinions are: drafted and adopted by the EU Subcommittee (power delegated to it from the EU Main Committee)	 Opinions are: in the form of a letter signed by the President of the Nationalrat (sent by email from EU-Koordination <u>EU-Koordination@parlament.gv.at</u>) 		Austrian Federal Constitution (amended to reflect the Treaty of Lisbon) (Paragraph 23 g and h on subsidiarity check) http://bit.ly/19j2FK (in German)
Austrian <i>Bundesrat</i>	Opinions are: • drafted and adopted by the EU committee	 Opinions are: in the form of a letter signed by the President of the Bundesrat (sent by email from EU-Koordination <u>EU-Koordination@parlament.gv.at</u>) 		Austrian Federal Constitution (amended to reflect the Treaty of Lisbon) (Paragraph 23 g and h on subsidiarity check) http://bit.ly/19j2FK (in German) Rules of Procedure of the Austrian Bundesrat http://bit.ly/dFJ8dR (in German)

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Belgian Chamber	Opinions are: drafted by the Task Force for Analysis of EU-Documents (an administrative body in the Department of European Affairs of the Chamber) submitted to and then adopted by the sector-specific committee in the Chamber sometimes adopted by the plenary, if deemed necessary by one-third of the sector-specific committee members	Opinions are: • in the form of a report • co-signed by the Rapporteur and the Chair of the Committee	If competent, the regional Parliaments can formulate a subsidiarity opinion. (according to a cooperation agreement between all the Belgian parliamentary assemblies with regard to the subsidiarity procedure and in correspondence with the Declaration n°51 of Belgium added to the Treaty of Lisbon)	Chamber Rules of Procedure (Article 37bis on subsidiarity): http://bit.ly/a4M1Fx (in French)
Belgian Senate	Opinions are: drafted by the sector specific committee taking into account the advice of the Legal Service of the Belgian Senate always adopted by the plenary	Opinions are: • published as an official parliamentary document followed by the extensive report	The Institutional Affairs Committee of the Senate has been given the task of drafting a resolution for the revision of the Belgian Constitution to insert a new article concerning the national and regional Parliaments' subsidiarity check powers. N.B.: The whole procedure might be reviewed in the framework of the Institutional Reform	Senate Rules of Procedure (Article 85 on Federal Advisory Committee on European Affairs but no detail on subsidiarity): http://bit.ly/f1ftns (in French)

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Bulgarian Parliament	Opinions are: drafted by the EU affairs committee in consultation with sector-specific committees. adopted by the EU affairs committee.	Opinions are: • in the form of a report • accompanied by a cover letter, signed by the Speaker of the Parliament	A working group in the Parliament is currently drafting potential amendments to the Rules of organisation and procedure of the National Assembly, including additional and more detailed procedure for subsidiarity checks	Rules of Procedure & Organisation, Chapter 10 on Parliamentary monitoring and control of European Union Affairs: http://bit.ly/gckrzh
Cypriot	Opinions are: • drafted and adopted by the European Affairs Committee	Opinions are: • in the form of a report	It is not required to amend the Rules of Procedure to adopt a special procedure for subsidiarity checks.	
Czech Chamber	Opinions are: • drafted by the European Affairs Committee, in consultation with sector-specific committees • sometimes adopted by the plenary, on the request of the Committee Chair	 Opinions are: in the form of a resolution, signed by the Committee Chair, Committee Rapporteur and Committee Verifier accompanied by a cover letter, signed by the Speaker of the Chamber 	The Constitution of the Czech Republic contains a provision for the two chambers to establish a joint body for the purposes of European scrutiny (Article 10b)	Chamber Rules of Procedure (Rule 109d-h on subsidiarity check): http://bit.ly/gNDKZd Constitution of the Czech Republic (Article 10b) http://bit.ly/fHZp9V

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Czech Senate	Opinions are: drafted by the EU Affairs Committee always adopted by the plenary	Opinions are: • in the form of a resolution, signed by the Senate President and Senate Verifier	The Constitution of the Czech Republic contains a provision for the two chambers to establish a joint body for the purposes of European scrutiny. (Article 10b). However, such a joint body currently does not exist	Senate Rules of Procedure (Section 119a to 119s on subsidiarity check): http://bit.ly/ZD7dp5
Danish Parliament	Opinions are: drafted by the sector-specific committee (preliminary draft) finalised and adopted by the European Affairs Committee adopted following a joint meeting of the two committees if there is a discrepancy between their opinions	Opinions are: in the form of a single letter signed by the Chair of the European Affairs Committee		EU Committee Rules of Procedure (p148-152 for subsidiarity check procedure): http://bit.ly/bXhpfB (in Danish)
Dutch Tweede Kamer	Opinions are: drafted by the EU Affairs Committee in consultation with sector- specific committees always adopted by the plenary	 Opinions are: in the form of a single letter signed by the President of the Tweede Kamer sometimes transmitted as a joint letter with the Eerste Kamer 		

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Dutch <i>Eerste</i> Kamer	Opinions are: drafted by the sector-specific committees always adopted by the plenary	 Opinions are: in the form of a single letter signed by the President of the Eerste Kamer sometimes transmitted as a joint letter with the Tweede Kamer 		Procedural rules for the ESO Committee: http://bit.ly/daBk2v
Estonian Parliament	Opinions are: • drafted by the European Union Affairs Committee • <u>always</u> adopted by the plenary	 Opinions are: in the form of a resolution accompanied by a cover letter signed by the Speaker 		Rules of Procedure § 152 (6) http://bit.ly/fgmEs6
Finnish Parliament	Opinions are: • drafted by the Grand Committee • <u>always</u> adopted by the plenary	 Opinions are: in the form of a resolution accompanied by the Committee report also accompanied by a cover letter signed by the Speaker and countersigned by the Secretary General (or their respective deputies) 		Rules of Procedure of the Grand Committee Art 18a Rules of Procedure of the Finnish Parliament Art 30: http://bit.ly/hTA5LJ

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French Assembly	Opinions are: drafted by the European Affairs Committee, but any Assembly member has the right to propose an opinion rejected, accepted or amended by the sector-specific committee within 15 days after receiving the draft sometimes adopted by the plenary (if requested by the Conference of Presidents)	Opinions are: • transmitted by the President of the Assembly		Assembly Rules of Procedure (Article 151-1 -151-12): http://bit.ly/8XVmzi (in French)
French Senate	 Opinions are: proposed by the European Affairs Committee or by any Senator drafted by the European Affairs Committee, then adopted by the sector- specific committee sometimes debated and adopted by the plenary at any stage (if requested by a President of a political group) 	 Opinions are: accompanied by a cover letter accompanied by the committee report on the meeting on the proposal signed by the Chair of the European Affairs Committee 		Senate Rules of Procedure (Chapter 4bis, article 73): http://bit.ly/d2PtLx (in French)

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German <i>Bundestag</i>	 Opinions are: usually drafted by the sector-specific committee, the EU Affairs Committee shall be given opportunity to state its opinion may be drafted by the EU Affairs Committee, if the proposal deals with accession, Treaty changes or general questions of European integration usually adopted by the plenary in exceptional circumstances adopted by the EU Affairs Committee, if authorised by the plenary	 Opinions are: in the form of a detailed letter which outlines the main points of the resolution accompanied by the report of the sector-specific committee also accompanied by a single-sheet cover letter signed by the President of the Bundestag 		Responsibility for Integration Act (legal basis of the <i>Bundestag</i> 's subsidiarity check powers, Sections 11 & 12): http://bit.ly/eDnKLe Rules of Procedure of the German Bundestag (Rule 93a par. 1): http://bit.ly/f0oSLC

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German <i>Bundesrat</i>	Opinions are: drafted by the sector-specific committee subsequently debated and voted on by the EU Affairs Committee usually adopted by the plenary in exceptional circumstances adopted by the Chamber for European Affairs (e.g.urgent or confidential cases)	Opinions are: • in the form of a resolution • accompanied by a cover letter • signed by the Bundesrat President	Decisions of the Chamber for European Affairs, where the federal states hold the same number of votes as they do in plenary, are considered to be decisions of the Bundesrat plenary.	Responsibility for Integration Act (legal basis of the <i>Bundesrat</i> 's subsidiarity check powers, Sections 11 & 12): http://bit.ly/eDnKLe
Greek Parliament	Opinions are: • drafted and adopted by the sector-specific committee and the Special Standing Committee for European Affairs in a joint sitting	Opinions are: • in the form of a report		
Hungarian Parliament	Opinions are: • drafted by the Committee on European Affairs • <u>always</u> adopted by the plenary	Opinions are: • in the form of a resolution.		Standing Orders of the Hungarian National Assembly (Article 134/D on the enforcement of the principle of subsidiarity) http://bit.ly/gobo60

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Irish <i>Dáil</i>	Opinions are: drafted by the Joint Committee on European Scrutiny (in consultation with the Joint Committee on European Affairs and other sector-specific committees) always adopted by the Plenary	 Opinions are: in the form of a report transmitted by the Speaker of the House (<i>Ceann Comhairle</i>) accompanied by the text of the motion 	Membership of the Joint Committee on European Scrutiny is drawn from the <i>Dáil</i> and Senate. Any reasoned opinion adopted by the committee is considered separately by both chambers.	Orders of Reference (Rules of Procedure) for the Joint Committee: http://bit.ly/aHwnlB The rules concerning reasoned opinions are interim arrangements and are set to be formalised in due course.
Irish Senate	Opinions are: drafted by the Joint Committee on European Scrutiny (in consultation with the Joint Committee on European Affairs and other sector-specific committees) always adopted by the Plenary	Opinions are: • in the form of a report • transmitted by the Speaker of the House (Cathaoirleach) • accompanied by the text of the motion	Membership of the Joint Committee on European Scrutiny is drawn from the <i>Dáil</i> and Senate. Any reasoned opinion adopted by the committee is considered separately by both chambers.	Orders of Reference (Rules of Procedure) for the Joint Committee: http://bit.ly/aHwnlB The rules concerning reasoned opinions are interim arrangements and are set to be formalised in due course.
Italian Chamber	Opinions are: drafted and adopted by the EU Policies Committee sometimes adopted by the plenary (if requested by the Government, a fifth of the members of the EU Policies Committee or by a tenth of the members of the Chamber)	Opinions are: • in the form of a report • accompanied by a cover letter signed by the Speaker of the Chamber		Committee on the Rules of Procedures - Opinion of 6 October 2009 http://bit.ly/m02shF (in Italian) Committee on the Rules of Procedures - Opinion of 14 July 2010 http://bit.ly/mTGl9i (in Italian)

National arliament	Procedure for adoption	Procedure for transmission	Comments	Links to relevant rules of procedure/related documents
Italian Senate	Opinions are: drafted both by the sector-specific committee and/or by the EU Policies Committee; in case the former does not issue any opinion, the latter can still do so sometimes adopted by the plenary (if requested by the Governement or one third of the committee)	 Opinions are: in the form of a report by the sector-specific committee and/or by the EU Policies Committee accompanied by a cover letter signed by the Speaker of the Senate 		Rules of the Senate Art. 144, §5: http://bit.ly/gACk6a
Latvian Parliament	 Opinions are: drafted and adopted by the European Affairs Committee, European Affairs Committee might request the sectorspecific committees to provide opinion 	Opinions are: • in the form of an opinion • accompanied by a cover letter • signed by the Chair of the European Affairs Committee		Rules of Procedure Title VII. http://bit.ly/hwrcEu

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Lithuanian Parliament	Opinions are: • drafted by the Committee on European Affairs or Committee on Foreign Affairs based on the following: - conclusions of a sector- specific committee; - an opinion of the Government; • possibly deliberated in a joint meeting with the sector-specific committee • always approved by a plenary statement	 Opinions are: in the form of an extract from the relevant report of the European Affairs Committee or the Committee on Foreign Affairs accompanied by a cover letter signed by the Chair of the European Affairs Committee also accompanied by a plenary statement 	According to the Statute of the Seimas, there are two procedures for debating and monitoring the application of the principle of subsidiarity: control of the principle of subsidiarity of the draft legislative acts, and dispute of the legality of the legislative acts of the European Union (infringing the principle of subsidiarity).	Parliament Rules of Procedures (Article 180(6) discusses subsidiarity checks): http://bit.ly/Q0NJTJ

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Luxembourg Parliament	 Opinions are: drafted by the sector-specific committee; may be drafted at the request of a political group, a group of non-attached members, or other non-attached members usually adopted by the plenary (by simple majority) sometimes adopted by a simple majority of the Conference of Presidents, in case the 8 week deadline does not allow time for a plenary vote 	Opinions are: • in the form of a resolution • signed by the President of the Chamber and countersigned by the Secretary General • sent by email from the address europe@chd.lu		Rules of Procedure (Chapter 16 discusses subsidiarity check) http://bit.ly/g7oAfD (in French)
Maltese Parliament	Opinions are drafted by the Foreign and European Affairs Committee (FEAC) in conjunction with a subsidiarity legal expert - once adopted by the FEAC, it is referred to the Speaker and subsequently approved by the House Business Committee, chaired by the Speaker - the opinion is then laid on the Table of the House by the Speaker	Opinions are - in the form of a report accompanied by a covering letter signed by the Speaker of the Parliament	The reply received from the Commission is laid on the Table of the House by the Speaker.	http://bit.ly/10GVGUL

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Polish <i>Sejm</i>	Opinions are: • submitted by the EU Affairs Committee or by a group of 15 members • voted in first reading by the EU Affairs Committee • always adopted by the plenary (no amendments are allowed at this stage)	 Opinions are: in the form of a resolution with a detailed statement accompanied by a cover letter signed by the Sejm Marshal (the Speaker of the House) sent by email 		Resolution of the Sejm of Republic of Poland of 25th February 2011 containing changes in the Rules of Procedure (see Art. 148cc) (in Polish): http://bit.ly/hWOOgd
Polish Senate	Opinions are: • drafted by the EU Affairs Committee and/or a sector-specific committee • <u>always</u> debated and voted on by the plenary	 Opinions are: in the form of a detailed statement accompanied by a cover letter signed by the Speaker of the Polish Senate sent by email and post 		Rules and Regulations of the Senate, Observing the Principle of Subsidiarity, Art. 75d and Art. 75e: http://bit.ly/h0z1hg
Portuguese Parliament	Opinions are: • drafted by the European Affairs Committee, after the sector-specific committee has produced its report • usually adopted by the plenary	Opinions are: • in the form of a resolution • usually accompanied by the report of the sector-specific committee • accompanied by a cover letter signed by the Speaker of the Assembly of the Republic • sent by email		Law no.43/2006, dated 25 August 2006 Monitoring, assessment and pronouncement by the Assembly of the Republic within the scope of the process of constructing the European Union: http://bit.ly/g6mye5 Scrutiny Procedure approved by the European Affairs Committee in the 20th January 2010. http://bit.ly/keJX6g

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Romanian Chamber	 Opinions are: drafted by the sector-specific committee finalised by the European Affairs Committee endorsed by the Standing Bureau and may be referred to the Plenary for a vote 		The decision of the Chamber to establish the mechanism of subsidiarity check hasn't been implemented into the Rules of Procedure.	
Romanian Senate	 Opinions are: drafted and voted by the sector-specific committees and/or European Affairs Committee based on this report, a detailed summary (including a courtesy translation into English) is drafted by the Directorate for European Affairs (administrative body). This later document is sent to the plenary and becomes reasoned opinion after vote. 	Opinions are: • in a form of a letter signed by the Speaker of the Senate		DECISION of the Senate of 4th April 2011 Concerning the rules of procedures on the subsidiarity checking of European Union documents, based on the Treaty of Lisbon provisions regarding the role of national parliaments

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Slovakian Parliament	Opinions are: • drafted by the European Affairs Committee, who may consult a sector-specific committee		The specific procedure for subsidiarity checks are due to be elaborated as part of the amendment of the Constitutional Act No. 397/2004 Coll. on cooperation between the Parliament and Government concerning the European Union and the amendment of the Rules of Procedure are on the agenda (1st reading) of the upcoming plenary session (1 February 2011)	
Slovenian National Assembly	 Opinions are: drafted by the sector-specific committee adopted by the EU Affairs Committee or the Committee on Foreign Affairs sometimes adopted by a majority in the Plenary if deemed necessary by the EU Affairs Committee or the Committee on Foreign Affairs 	Opinions are: In the form of a report from the Committee or a resolution of the Plenary Accompanied by a cover letter signed by the Speaker of the parliament	Changes to the Rules of Procedures concerning subsidiarity checks were adopted at the plenary session in December and published in the Official Journal on 24.12.2010.	Adopted amendments to the Rules of Procedure: http://bit.ly/ecvaRs (in Slovenian)

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Slovenian National Council	Opinions are: drafted by the EU Affairs Committee in consultation with a sector-specific committee adopted by the plenary	Opinions are: in the form of a report accompanied by a cover letter signed by the Speaker of the parliament	The specific procedures for subsidiarity checks have not yet been adopted.	
Spanish Congress and Senate	Opinions are: drafted and adopted by the Cortes Generales' Joint Committee for the European Union, but two Parliamentary Groups or a fifth of the members of the Joint Committee may also table an opinion to the Joint Committee sometimes debated and voted in both Plenaries, if either of the Chambers decide to recall the final vote	Opinions are: in the form of a report accompanied by a cover letter signed by the Speaker of the Congress	Act 8/1994 of 19 May, as amended by Act 24/2009 of 22 December and Act 38/2010 of 20 December, regulates, according to the Lisbon Treaty, the new powers of the Joint Congress of Deputies - Senate Committee, called the Joint Committee for the European Union	Act 8/1994 of 19 May as amended by Act 24/2009 of 22 December and Act 38/2010 of 20 December http://bit.ly/h9JqNL (in Spanish)
Swedish Parliament	Opinions are: drafted by the sector-specific committee always adopted by the plenary	 Opinions are: in the form of a report accompanied by a cover letter signed by the Speaker of the Parliament and the Secretary General 	The reasoned opinion is annexed to the committee statement.	Chapter 10 of The Riksdag Act (legal basis for conduct of EU business, Article 6 deals with subsidiarity checks): http://bit.ly/Qlp4Ne

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UK House of Commons	Opinions are: drafted by the European Scrutiny Committee always adopted by a majority vote in the plenary	 Opinions are: in the form of a report accompanied by a letter quoting the plenary motion signed by the House Clerk (Secretary-General) 		Standing Orders of the House of Commons (Rule 143 deals with the European Scrutiny Committee but no specific formal rule on subsidiarity): http://bit.ly/cCN7CO
UK House of Lords	Opinions are: drafted by the EU Committee, but can also be drafted by individual members of the House always debated and voted on in the plenary	Opinions are: • in the form of a report • always translated into French • accompanied by a letter quoting the plenary motion • signed by the House Clerk (Secretary-General)		EU Committee's webpage on subsidiarity, including outline of procedure: http://bit.ly/anFCB3