



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

Brussels, 8 January 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 4 December 2013- 3 January 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 **439 draft legislative acts** have been **sent to national Parliaments** for examination under the terms of Protocol No 2 of the Treaty of Lisbon. 435 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 **1546 submissions** from national Parliaments. Of these, **276 are reasoned opinions** while the remaining **1270 are contributions**.

Since the previous update on the State of Play regarding Protocol No. 2, the European Parliament has received 1 new reasoned opinion and 20 new contributions on a total of 13 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	221	292
COM(2013)	115	87	226	313
All COM (years)	439	276	1270	1546

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 (4 DECEMBER 2013 - 3 JANUARY 2014)¹

ECON CNS/2013/0343 STREJČEK Ivo (ECR) COM(2013) 721: Proposal for a Council directive amending Directive 2006/112/EC on the common system of value added tax as regards a standard VAT return

Two reasoned opinions from the French Senate and the German *Bundesrat*.

One contribution from the Portuguese Parliament.

Deadline for reasoned opinions: 2 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.

ENVI COD/2013/0344 LIESE Peter (EPP) COM(2013) 722: Proposal for a directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a scheme for greenhouse gas emission allowance trading within the Community, in view of the implementation by 2020 of an international agreement applying a single global market-based measure to international aviation emissions

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

Deadline for reasoned opinions: 17 December 2013.

JURI COD/2013/0365 SZÁJER József (EPP) COM(2013) 751: Proposal for a regulation of the European Parliament and of the Council adapting to Article 290 and 291 of the Treaty on the Functioning of the European Union a number of legal acts providing for the use of the regulatory procedure with scrutiny

Four contributions from the Austrian *Nationalrat*, the German *Bundesrat*, the Portuguese Parliament and the Spanish *Cortes*.

Deadline for reasoned opinions: 26 December 2013.

III. DRAFT LEGISLATIVE ACTS SUBJECT TO PROTOCOL No 2 ON THE DRAFT AGENDA OF THE JANUARY PLENARY PART-SESSION (13-16 JANUARY 2014)²

CONT COD/2011/0454 MACOVEI Monica Luisa (PPE) COM(2011)914: Proposal for a regulation of the European Parliament and of the Council on the Hercule III programme to promote activities in the field of the protection of the European Union's financial interests.

One contribution from the Italian Senate.

ECON COD/2011/0297 McCARTHY Arlene (S&D) COM(2011)654: Proposal for a directive of the European Parliament and of the Council on criminal sanctions for insider dealing and market manipulation.

One reasoned opinion from the German *Bundesrat*.

Six contributions from the Portuguese Parliament, the Belgian Chamber of Representatives, the Romanian Chamber of Deputies, the German *Bundestag*, the Czech Chamber of Deputies and the Italian Senate.

ECON COD/2012/0029 SWINBURNE Kay (ECR) COM(2013)0073: Proposal for a regulation of the European Parliament and of the Council on improving securities settlement in the European Union and on central securities depositories (CSDs) and amending Directive 98/26/EC

Two contributions from the Portuguese Parliament and from the Czech Chamber of Deputies.

ECON COD/2012/0360 LANGEN Werner (PPE) COM(2012)360: Insurance mediation Recast.

Three contributions from the Portuguese Parliament, the Italian Senate and the German *Bundesrat*.

ENVI COD/2012/0231 BARTOLOZZI Paolo (PPE) COM(2011)530: Proposal for a regulation of the European Parliament and of the Council on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products.

One reasoned opinion from the Luxembourg Parliament.

Three contributions from the Portuguese Parliament, the Romanian Chamber of Deputies 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/2012/0260 GIRLING Julie (ECR) COM(2012)530: Proposal for a directive of the European Parliament and of the Council amending Council Directive 2001/110/EC relating to honey.

Two contributions from the Portuguese Parliament and the Italian Senate.

IMCO COD/2011/0439 TARABELLA Marc (S&D) COM(2011)895: Proposal for a directive of the European Parliament and of the Council on procurement by entities operating in the water, energy, transport and postal services sectors.

Two reasoned opinions from the Swedish Parliament and the UK House of Commons.

Five contributions the Portuguese Parliament, the Italian Chamber of Deputies, the German *Bundesrat*, the Czech Senate and the Italian Senate.

IMCO COD/2011/0438 TARABELLA Marc (S&D) COM(2011)896: Proposal for a directive of the European Parliament and of the Council on public procurement.

Two reasoned opinions from the Swedish Parliament and the UK House of Commons.

Six contributions the Portuguese Parliament, the Italian Chamber of Deputies, the Belgian Chamber of Representatives, the German *Bundesrat*, the Czech Senate and the Italian Senate.

IMCO COD/2011/437 JUVIN Philippe (PPE) COM(2011)897: Proposal for a directive of the European Parliament and of the Council on the award of concession contracts.

Three reasoned opinions from the Spanish Cortes, the Austrian *Bundesrat* and the German *Bundesrat*.

Seven contributions the Portuguese Parliament, the Italian Chamber of Deputies, the German *Bundesrat*, the Austrian *Bundesrat*, the Czech Senate, the Polish Senate and the Italian Senate.

JURI COD/2011/284 BERLINGUER Luigi (S&D) & LEHNE Klaus-Heiner (PPE) COM(2011) 635: Proposal for a regulation of the European Parliament and of the Council on a Common European Sales Law.

Four reasoned opinions from the German Bundestag, the UK House of Commons, the Belgian Senate and the Austrian *Bundesrat*.

Seven contributions from the Portuguese Parliament, the Belgian Chamber of Deputies, the Romanian Chamber of Deputies, the Bulgarian Parliament, the Italian Senate, the German *Bundesrat* and the Czech Senate.