



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

Brussels, 9 April 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 5 March - 8 April 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 **472 draft legislative acts** have been **sent to national Parliaments** for examination under the terms of Protocol No 2 of the Treaty of Lisbon. 468 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 **1723 submissions** from national Parliaments. Of these, **282 are reasoned opinions** while the remaining **1441 are contributions**.

Since the previous update on the State of Play regarding Protocol No. 2, the European Parliament has received 32 new contributions on a total of 21 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	380	473
COM(2014)	20	0	14	14
<b>All COM (years)</b>	<b>472</b>	<b>282</b>	<b>1441</b>	<b>1723</b>

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](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 (5 MARCH 2014 - 8 APRIL)<sup>1</sup>

**ENVI COD/2014/011 AUCONIE Sophie (EPP) COM(2014)020:** Proposal for a Decision of the European Parliament and of the Council concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and amending Directive 2003/87/EC.

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

**Deadline for reasoned opinions:** 02 April 2014.

<sup>1</sup> 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.

**III. DRAFT LEGISLATIVE ACTS SUBJECT TO PROTOCOL No 2 ON THE DRAFT AGENDA FOR DEBATE, PLENARY PART-SESSION (14 - 17 APRIL 2014)<sup>2</sup>**

**AGRI COD/2013/0136 PAULSEN Marit (ALDE) COM(2013)260:** Proposal for a Regulation of the European Parliament and of the Council on Animal Health.

**One reasoned opinion** from the Austrian *Bundesrat*.

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

**CULT COD/2013/0162 VERGIAT Marie-Christine (GUE) COM(2013)311:** Proposal for a Directive of the European Parliament and of the Council on the return of cultural objects unlawfully removed from the territory of a Member State (Recast).

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

**ECON COD/2012/0150 HÖKMARK Gunnar (EPP) COM(2012)280:** Proposal for a Directive of the European Parliament and of the Council establishing a framework for the recovery and resolution of credit institutions and investment firms and amending Council Directives 77/91/EEC and 82/891/EC, Directives 2001/24/EC, 2002/47/EC, 2004/25/EC, 2005/56/EC, 2007/36/EC and 2011/35/EC and Regulation (EU) No 1093/2010.

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

**ECON COD/2013/0185 SCHWAB Andreas (EPP) COM(2013)404:** Proposal for a Directive of the European Parliament and of the Council on certain rules governing actions for damages under national law for infringements of the competition law provisions of the Member States and of the European Union.

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

**ECON COD/2013/0214 KRATSA-TSAGAROPOULOU Rodi (EPP) COM(2013)462:** Proposal for a Regulation of the European Parliament and of the Council on European Long-term Investment Funds.

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

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<sup>2</sup> 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.

**ECON CNS/2013/0400 KLEVA KEKUS Mojca (S&D) COM(2013)814:** Proposal for a Directive of the European Parliament and of the Council amending Directive 2011/96/EU on the common system of taxation applicable in the case of parent companies and subsidiaries of different Member States.

**Two contributions** from the Portuguese Parliament and the Spanish *Cortes*.

**EMPL COD/2012/0061 JAZLOWIECKA Danuta (EPP) COM(2012)131:** Proposal for a Directive of the European parliament and of the Council on the enforcement of Directive 96/71/EC concerning the posting of workers in the framework of the provision of services.

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

**ENVI COD/2013/0239 STAES Bart (Greens/ALE) COM(2013)516:** Proposal for a Regulation of the European Parliament and of the Council on amending Regulation (EC) NO 1013/2006 on shipments of waste.

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

**ENVI COD/2013/0371 AUKEN Margrete (Greens/ALE) COM(2013)761:** Proposal for a Directive of the European Parliament and of the Council amending Directive 94/62/EC on packaging and packaging waste to reduce the consumption of lightweight plastic carrier bags.

**Two contributions** from the Czech Senate and the Italian Senate.

**IMCO COD/2013/0049 SCHALDEMOSE Christel (S&D) COM(2013)0078:** Proposal for a Regulation of the European Parliament and of the Council on consumer product safety and repealing Council Directive 87/357/EEC and Directive 2001/95/EC.

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

**JURI COD/2013/0110 BALDASSARRE Raffaele (EPP) COM(2013)207:** Proposal for a Directive of the European Parliament and of the Council amending Council Directives 78/660/EEC and 83/349/EEC as regards disclosure of nonfinancial and diversity information by certain large companies and groups.

**One reasoned opinion** from the Estonian Parliament.

**Four contributions** from the Portuguese Parliament, the Spanish *Cortes*, the French Senate and the German *Bundesrat*.

**LIBE COD/2013/0106 COELHO Carlos (EPP) COM(2013)197:** Proposal for a Regulation of the European Parliament and of the Council establishing, establishing rules for the surveillance of the external sea borders in the context of operational cooperation coordinated by the European Agency for the Management of Operational Cooperation at the External Borders of the Members States of the European Union.

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

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