

9 February 2009

**Note
on suggestions
from national parliaments
for the proposals of the
European Commission
to be the subjects
of the COSAC-coordinated
subsidiarity checks in 2009**



Prepared by the COSAC Secretariat and presented to:

Meeting of the COSAC Chairpersons

10 February 2009
Prague

Suggestions from national parliaments for the proposals of the European Commission to be the subjects of the COSAC-coordinated subsidiarity checks in 2009

The XL COSAC in Paris in November 2008 welcomed the fact that national parliaments considered the pilot exercises necessary in advance of the implementation of the Treaty of Lisbon and therefore determined to continue these exercises. It also considered that the COSAC meetings were the appropriate forum for political exchanges on subsidiarity¹.

Previously, under the Slovenian and the French Presidencies, COSAC decided to conduct **subsidiarity checks** on the following **two proposals** selected from the Commission's Legislative and Work Programme for 2008:

- **Proposal for a directive on standards of quality and safety of human organs intended for transplantation** (the subsidiarity check was completed on 6 February 2009 and its results will be discussed at the XLI COSAC meeting in May 2009 in Prague), and
- **Proposal for a regulation on the applicable law, jurisdiction, recognition of decisions and administrative measures in the area of successions and wills** (adoption of this Proposal by the Commission is foreseen for 24 March 2009).

On 9 December 2008 the French Presidency invited national parliaments to submit to the COSAC Presidency those proposals listed in the Commission's Legislative and Work Programme for 2009 that they wished to subject to a subsidiarity check in 2009.

By 5 February 2009, the Czech Presidency, which is in charge of organising the selection procedure, had received written answers from the following **21 national parliaments or chambers** (representing 18 Member States): the Austrian Parliament, the Belgian *Sénat*, the Bulgarian *Narodno Sabranie*, the Czech *Poslanecká Sněmovna*, the Czech *Senát*, the Dutch Parliament, the Irish *Houses of the Oireachtas*, the Italian *Camera dei Deputati*, the Italian *Senato della Repubblica*, the French *Assemblée nationale*, the French *Sénat*, the German *Bundesrat*, the Greek *Vouli ton Ellinon*, the Lithuanian *Seimas*, the Luxembourg *Chambre des Députés*, the Maltese *Kamra tad-Deputati*, the Polish *Senat*, the Portuguese *Assembleia da República*, the Slovakian *Národná Rada*, the Slovenian *Državni zbor*, and the UK *House of Lords*.

The table below lists **all the suggestions** submitted by parliaments or chambers regardless of the fact that some of them, at least partially, are **non-legislative** and thus **would not be subject to the subsidiarity provisions** of the Protocol on the Application of the Principles of Subsidiarity and Proportionality, annexed to the Treaty of Lisbon.

Based on Article 10.6 of the COSAC Rules of Procedure², in order to ensure equal treatment of unicameral and bicameral parliaments, a suggestion from a unicameral parliament is allocated two votes, while a suggestion from a chamber of a bicameral parliament is allocated one vote. Where a Member State with a bicameral parliament is indicated, but the chamber is not, both chambers made a joint suggestion.

The suggestions most frequently proposed are listed at the top of the table.

¹ Paragraph 3.7 of the Conclusions of the XL COSAC.

² Article 10.6 provides that for the purposes of voting on COSAC contributions, each delegation has two votes.

**Suggestions from national parliaments
for the COSAC-coordinated subsidiarity checks in 2009**

Estimated time of adoption	Title of a proposal	Type of proposal	National parliaments or chambers and total votes
1 July 2009	Proposal for a Framework Decision on procedural rights in criminal proceedings (2009/JLS/047)	Legislative proposal	24: AT, BG, BE <i>Sénat</i> , CZ <i>Senát</i> , DE <i>Bundesrat</i> , EL, IE, IT <i>Camera dei Deputati</i> , FR <i>Assemblée nationale</i> , LT, MT, NL, PL <i>Senat</i> , SK, SL <i>Državni zbor</i> , UK House of Lords
10 March 2009	Proposal for a Council Framework Decision on combating sexual exploitation of children and child pornography (2009/JLS/004)	Legislative proposal	12: AT, CZ <i>Poslanecká Sněmovna</i> , CZ <i>Senát</i> , EL, IT <i>Camera dei Deputati</i> , IT <i>Senato della Repubblica</i> , LT, NL
September 2009	Framework decision on providing assistance to crime victims in the EU (2009/JLS/006)	Legislative proposal	12: AT, CZ <i>Senát</i> , EL, IT <i>Camera dei Deputati</i> , FR <i>Assemblée nationale</i> , FR <i>Sénat</i> , LT, MT
18 February 2009	Proposal for a regulation of the European Parliament and of the Council establishing a European Asylum Support Office (2009/JLS/044)	Legislative proposal	9: EL, CZ <i>Senát</i> , IT <i>Senato della Repubblica</i> , LU, FR <i>Assemblée nationale</i> , PT
10 March 2009	Proposal for a Council Framework Decision on preventing and combating trafficking in human beings and protecting victims (2009/JLS/008)	Legislative proposal	9: AT, CZ <i>Poslanecká Sněmovna</i> , CZ <i>Senát</i> , EL, IT <i>Camera dei Deputati</i> , LT
September 2009	Proposal for a Framework Decision on measures to fight cybercrime (2009/JLS/048)	Legislative proposal	9: AT, CZ <i>Senát</i> , CZ <i>Poslanecká Sněmovna</i> , EL, IT <i>Camera dei Deputati</i> , LT
September 2009	Proposal for the amendment of the Council Directive 2004/80/EC relating to compensation to crime victims (2009/JLS/002)	Legislative proposal	9: AT, CZ <i>Senát</i> , EL, IT <i>Camera dei Deputati</i> , FR <i>Sénat</i> , LT
December 2009	Proposal for a Regulation of the European Parliament and of the Council amending regulation (EC) No 44/2001 on jurisdiction, recognition and enforcement of judgements in civil and commercial matters (Brussels I) (2009/JLS/013)	Legislative proposal	8: AT, CZ <i>Senát</i> , LU, NL, SL <i>Državni zbor</i>
March 2009	Supervision of EU financial markets (2009/MARKT/047)	Legislative measures	6: CZ <i>Senát</i> , FR <i>Sénat</i> , NL, PT
July 2009	Council recommendation on cross-border aspects of childhood immunisation (2009/SANCO/005)	Legislative proposal	4: BE <i>Sénat</i> , FR <i>Sénat</i> , SL <i>Državni zbor</i> , UK House of Lords
2nd half of 2009	Financial markets for the future package (2009/MARKT/046)	Legislative measures	4: BG, CZ <i>Senát</i> , FR <i>Sénat</i>
To be determined	Proposal for a Directive on cutting accountancy burdens for small businesses	Legislative action	4: BG, IT <i>Camera dei Deputati</i> , PL <i>Senate</i>
February 2009	Proposal of a Legal Instrument to underpin development of the Shared Environmental Information System (2008/ENV/014)	To be determined	2: EL
December 2009	Community initiative on work-related musculoskeletal disorders	Recast	2: NL
To be determined	A European Framework for recovery	Legislative and non-legislative measures	2: BG

July 2009	Proposal for a Commission initiative on Alzheimer	Non-legislative	2: MT
25 February 2009	Revision of Directive 2000/35/EC of the European Parliament and Council of 29 June 2000 on combating late payment in commercial transactions (2009/ENTR/006)	Legislative proposal	1: BE <i>Sénat</i>
2nd half of 2009	Follow-up initiative to the White Paper on Damage Actions for breach of the EC antitrust rules (2009/COMP/023)	To be determined	1: DE <i>Bundesrat</i>
June 2009	Commission Communication on enforcement of the consumer <i>acquis</i>	Non-legislative action	1: DE <i>Bundesrat</i>