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ANNEXES 1 to 3

**ANNEXES**

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**REPORT FROM THE COMMISSION**

**ANNUAL REPORT 2018**

**ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND  
PROPORTIONALITY AND ON RELATIONS WITH NATIONAL PARLIAMENTS**

## ANNEX 1

### List of Commission documents on which the Commission received reasoned opinions<sup>1</sup> regarding compliance with the subsidiarity principle from national Parliaments in 2018

Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) <sup>2</sup>	National chamber submitting reasoned opinions
1	COM(2018) 147 and COM(2018) 148  Proposal for a Council Directive laying down rules relating to the <b>corporate taxation of a significant digital presence</b> ; Proposal for Council Directive on the common system of a <b>digital services tax on revenues resulting from the provision of certain digital services</b>	4	7	DK <i>Folketing</i> (2 votes)  IE <i>Dáil Éireann and Seanad Éireann</i> (2 votes)  MT <i>Kamra tad-Deputati</i> (2 votes)  NL <i>Tweede Kamer</i> (1 vote)
2	COM(2018) 277  Proposal for a Regulation of the European Parliament and of the Council on <b>streamlining measures for advancing the realisation of the trans-European transport network</b>	4	6	CZ <i>Senát</i> (1 vote)  DE <i>Bundestag</i> (1 vote)  IE <i>Dáil Éireann and Seanad Éireann</i> (2 votes)  SE <i>Riksdag</i> (2 votes)
3	COM(2017) 753  Proposal for a Directive of the European Parliament and of the Council on the <b>quality of water intended for human consumption</b> (recast)	4	5	AT <i>Bundesrat</i> (1 vote)  CZ <i>Poslanecká sněmovna</i> (1 vote)  IE <i>Dáil Éireann and Seanad Éireann</i> (2 votes)  UK <i>House of Commons</i> (1 vote)
4	COM(2018) 639  Proposal for a Directive of the European Parliament and of the Council <b>discontinuing seasonal changes of time</b> and repealing Directive 2000/84/EC	3	4	DK <i>Folketing</i> (2 votes)  UK <i>House of Commons</i> (1 vote)  UK <i>House of Lords</i> (1 vote)
5	COM(2018) 51  Proposal for a Regulation of the European Parliament and of the Council on <b>health technology assessment</b> and amending Directive 2011/24/EU	3	3	CZ <i>Poslanecká sněmovna</i> (1 vote)  DE <i>Bundestag</i> (1 vote)  FR <i>Sénat</i> (1 vote)

<sup>1</sup> To qualify as a reasoned opinion as defined in Protocol No 2, an opinion must state why the national Parliament considers that a legislative proposal does not comply with the principle of subsidiarity and be sent to the Commission generally within eight weeks of the transmission of the legislative proposal to national Parliaments in all official languages.

<sup>2</sup> Under Protocol No 2, each national Parliament has two votes; in the case of a bicameral system, each chamber has one vote. Where reasoned opinions represent at least a third (for proposals under Article 76 of the Treaty on the Functioning of the European Union a quarter) of all votes allocated to the national Parliaments, the so-called "yellow card" threshold is reached and the draft legislative act must be reviewed. 19 out of 56 (18 out of 54, after the withdrawal of the United Kingdom from the European Union) votes represent a third of all votes allocated.

	<b>Commission document</b>	<b>Title</b>	<b>Number of reasoned opinions (Protocol No 2)</b>	<b>Number of votes (Protocol No 2)<sup>2</sup></b>	<b>National chamber submitting reasoned opinions</b>
6	COM(2018) 184 and COM(2018) 185	Proposal for a Directive of the European Parliament and of the Council on <b>representative actions for the protection of the collective interests of consumers</b> , and repealing Directive 2009/22/EC; Proposal for a Directive of the European Parliament and of the Council amending Council Directive 93/13/EEC of 5 April 1993, Directive 98/6/EC of the European Parliament and of the Council, Directive 2005/29/EC of the European Parliament and of the Council and Directive 2011/83/EU of the European Parliament and of the Council as regards <b>better enforcement and modernisation of EU consumer protection rules</b>	3 <sup>3</sup>	3	AT <i>Bundesrat</i> (1 vote)  SE <i>Riksdag</i> (2 votes)
7	COM(2017) 648	Proposal for a Directive of the European Parliament and of the Council amending Directive 92/106/EEC on the establishment of common <b>rules for certain types of combined transport of goods between Member States</b>	1	2	SE <i>Riksdag</i> (2 votes)
8	COM(2017) 795	Proposal for a Regulation of the European Parliament and of the Council laying down rules and procedures for <b>compliance with and enforcement of Union harmonisation legislation on products</b> and amending Regulations (EU) No 305/2011, (EU) No 528/2012, (EU) 2016/424, (EU) 2016/425, (EU) 2016/426 and (EU) 2017/1369 of the European Parliament and of the Council, and Directives 2004/42/EC, 2009/48/EC, 2010/35/EU, 2013/29/EU, 2013/53/EU, 2014/28/EU, 2014/29/EU, 2014/30/EU, 2014/31/EU, 2014/32/EU, 2014/33/EU, 2014/34/EU, 2014/35/EU, 2014/53/EU, 2014/68/EU and 2014/90/EU of the European Parliament and of the Council	1	2	SE <i>Riksdag</i> (2 votes)

<sup>3</sup> While the SE Riksdag sent a single reasoned opinion covering both proposals COM(2018) 184 and COM(2018) 185, the AT Bundesrat sent two distinct reasoned opinions, one for each proposal. So, while both the package and each proposal taken individually received two reasoned opinions, the total number of reasoned opinions counted in relation to this package is three.

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) <sup>2</sup>	National chamber submitting reasoned opinions
9	COM(2017) 797	Proposal for a Directive of the European Parliament and of the Council on <b>transparent and predictable working conditions</b> in the European Union	1	2	SE <i>Riksdag</i> (2 votes)
10	COM(2018) 131	Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority	1	2	SE <i>Riksdag</i> (2 votes)
11	COM(2018) 173	Proposal for a Directive of the European Parliament and of the Council on <b>unfair trading practices in business-to-business relationships in the food supply chain</b>	1	2	SE <i>Riksdag</i> (2 votes)
12	COM(2018) 213	Proposal for a Directive of the European Parliament and of the Council laying down rules <b>facilitating the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences</b> and repealing Council Decision 2000/642/JHA	1	2	SE <i>Riksdag</i> (2 votes)
13	COM(2018) 274	Proposal for a Directive of the European Parliament and of the Council amending Directive 2008/96/EC on <b>road infrastructure safety management</b>	1	2	SE <i>Riksdag</i> (2 votes)
14	COM(2018) 325 and COM(2018) 327	Proposal for a Council Decision on the <b>system of own resources</b> of the European Union; Proposal for a Council Regulation laying down <b>implementing measures for the system of own resources</b> of the European Union	1	2	SE <i>Riksdag</i> (2 votes)
15	COM(2018) 373	Proposal for a Regulation of the European Parliament and of the Council on a <b>mechanism to resolve legal and administrative obstacles in a cross-border context</b>	1	2	SE <i>Riksdag</i> (2 votes))
16	COM(2018) 380	Proposal for a Regulation of the European Parliament and of the Council on the European <b>Globalisation Adjustment Fund</b> (EGF)	1	2	SE <i>Riksdag</i> (2 votes)

	<b>Commission document</b>	<b>Title</b>	<b>Number of reasoned opinions (Protocol No 2)</b>	<b>Number of votes (Protocol No 2)<sup>2</sup></b>	<b>National chamber submitting reasoned opinions</b>
17	COM(2018) 478 and COM(2018) 480	Amended proposal for a Regulation of the European Parliament and of the Council on establishing a <b>framework for interoperability between EU information systems (borders and visa)</b> and amending Council Decision 2004/512/EC, Regulation (EC) No 767/2008, Council Decision 2008/633/JHA, Regulation (EU) 2016/399, Regulation (EU) 2017/2226, Regulation (EU) 2018/XX [the ETIAS Regulation], Regulation (EU) 2018/XX [the Regulation on SIS in the field of border checks] and Regulation (EU) 2018/XX [the eu-LISA Regulation]; Amended proposal for a Regulation of the European Parliament and of the Council on establishing a <b>framework for interoperability between EU information systems (police and judicial cooperation, asylum and migration)</b> and amending [Regulation (EU) 2018/XX [the Eurodac Regulation],] Regulation (EU) 2018/XX [the Regulation on SIS in the field of law enforcement], Regulation (EU) 2018/XX [the ECRIS-TCN Regulation] and Regulation (EU) 2018/XX [the eu-LISA Regulation]	1	2	IE <i>Dáil Éireann and Seanad Éireann</i> (2 votes)
18	COM(2017) 660	Proposal for a Directive of the European Parliament and of the Council amending Directive 2009/73/EC concerning <b>common rules for the internal market in natural gas</b>	1	1	FR <i>Sénat</i> (1 vote)
19	COM(2017) 772	Proposal for a Decision of the European Parliament and of the Council amending Decision No 1313/2013/EU on a <b>Union Civil Protection Mechanism</b>	1	1	CZ <i>Poslanecká sněmovna</i> (1 vote)

	<b>Commission document</b>	<b>Title</b>	<b>Number of reasoned opinions (Protocol No 2)</b>	<b>Number of votes (Protocol No 2)<sup>2</sup></b>	<b>National chamber submitting reasoned opinions</b>
20	COM(2018) 392	Proposal for a Regulation of the European Parliament and of the Council establishing rules on support for <b>strategic plans to be drawn up by Member States under the Common agricultural policy</b> (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council	1	1	FR <i>Assemblée nationale</i> (1 vote)
21	COM(2018) 633	Amended proposal for a Regulation of the European Parliament and of the Council on the <b>European Union Agency for Asylum</b> and repealing Regulation (EU) No 439/2010 - A contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018	1	1	IT <i>Senato della Repubblica</i> (1 vote)
22	COM(2018) 640	Proposal for a Regulation of the European Parliament and of the Council on <b>preventing the dissemination of terrorist content online</b> - A contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018	1	1	CZ <i>Poslanecká sněmovna</i> (1 vote)
<b>TOTAL number of reasoned opinions received</b>			<b>37</b>		

## ANNEX 2

### Number of opinions received by the Commission in 2018 per national Parliament/Chamber (political dialogue and subsidiarity control mechanism)

Member State	Chamber	Total number of opinions <sup>4</sup>	Number of which were reasoned opinions (Protocol No 2)
Portugal	<i>Assembleia da República</i>	99	0
Czech Republic	<i>Senát</i>	81	1
Spain	<i>Las Cortes Generales: Senado de España and Congreso de los Diputados</i>	53 <sup>5</sup>	0
Germany	<i>Bundesrat</i>	52	0
Romania	<i>Camera Deputaţilor</i>	48	0
Romania	<i>Senatul</i>	45	0
Czech Republic	<i>Poslanecká sněmovna</i>	37	4
France	<i>Sénat</i>	24	2
Italy	<i>Senato della Repubblica</i>	18	1
Sweden	<i>Riksdag</i>	15	12
United Kingdom	House of Lords	14 <sup>6</sup>	1
Italy	<i>Camera dei Deputati</i>	13	0
Ireland	<i>Houses of the Oireachtas: Dáil and Seanad Éireann</i>	12 <sup>7</sup>	4
France	<i>Assemblée nationale</i>	11	1
Austria	<i>Bundesrat</i>	10	3
Poland	<i>Sejm Rzeczypospolitej Polskiej</i>	7	0
Poland	<i>Senat Rzeczypospolitej Polskiej</i>	6	0
Slovakia	<i>Národná rada</i>	4	0
Netherlands	<i>Tweede Kamer</i>	3	1
Hungary	<i>Országgyűlés</i>	3	0
Denmark	<i>Folketing</i>	2	2
Germany	<i>Bundestag</i>	2	2
United Kingdom	House of Commons	2	2
Lithuania	<i>Seimas</i>	2	0
Netherlands	<i>Eerste Kamer</i>	2	0
Malta	<i>Kamra tad-Deputati</i>	1	1
Belgium	<i>Sénat de Belgique / Belgische Senaat</i>	1	0

<sup>4</sup> Including both opinions under the 'political dialogue' and reasoned opinions received from national Parliaments.

<sup>5</sup> All joint opinions from the two chambers.

<sup>6</sup> Including 13 opinions for which no Commission reply was expected.

<sup>7</sup> All joint opinions from the two chambers.

<b>Member State</b>	<b>Chamber</b>	<b>Total number of opinions<sup>4</sup></b>	<b>Number of which were reasoned opinions (Protocol No 2)</b>
Belgium	<i>Chambre des Représentants de Belgique / Belgische Kamer van volksvertegenwoordigers</i>	1	0
Croatia	<i>Hrvatski Sabor</i>	1	0
Austria	<i>Nationalrat</i>	0	0
Bulgaria	<i>Narodno Sabranie</i>	0	0
Cyprus	<i>Vouli ton Antiprosopon</i>	0	0
Estonia	<i>Riigikogu</i>	0	0
Finland	<i>Eduskunta</i>	0	0
Greece	<i>Vouli ton Ellinon</i>	0	0
Latvia	<i>Saeima</i>	0	0
Luxembourg	<i>Chambre des Députés</i>	0	0
Slovenia	<i>Državni svet</i>	0	0
Slovenia	<i>Državni zbor</i>	0	0
<b>TOTAL</b>		<b>569</b>	<b>37</b>

### ANNEX 3

#### **Commission documents generating the highest number of opinions<sup>8</sup> received by the Commission in 2018 (political dialogue and subsidiarity control mechanism)**

Commission document		Title	Total number of opinions <sup>9</sup>	Number of which were reasoned opinions (Protocol 2)
1	COM(2018) 51	Proposal for a Regulation of the European Parliament and of the Council on health technology assessment and amending Directive 2011/24/EU	10	3
2	COM(2017) 753	Proposal for a Directive of the European Parliament and of the Council on the quality of water intended for human consumption (recast)	8	4
3	COM(2018) 148	Proposal for a Council Directive on the common system of a digital services tax on revenues resulting from the provision of certain digital services	8	4
4	COM(2018) 131	Proposal for a Regulation of the European Parliament and of the Council establishing a European Labour Authority	8	1
5	COM(2018) 173	Proposal for a Directive of the European Parliament and of the Council on unfair trading practices in business-to-business relationships in the food supply chain	8	1
6	COM(2018) 392	Proposal for a Regulation of the European Parliament and of the Council establishing rules on support for strategic plans to be drawn up by Member States under the Common agricultural policy (CAP Strategic Plans) and financed by the European Agricultural Guarantee Fund (EAGF) and by the European Agricultural Fund for Rural Development (EAFRD) and repealing Regulation (EU) No 1305/2013 of the European Parliament and of the Council and Regulation (EU) No 1307/2013 of the European Parliament and of the Council	8	1

<sup>8</sup> The table ranks all Commission documents for which at least seven opinions were received. In some cases, the opinion also concerned other Commission documents.

<sup>9</sup> Including both opinions under the 'political dialogue' and reasoned opinions received from national Parliaments.

Commission document		Title	Total number of opinions <sup>9</sup>	Number of which were reasoned opinions (Protocol 2)
7	COM(2018) 394	Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) No 1308/2013 establishing a common organisation of the markets in agricultural products, (EU) No 1151/2012 on quality schemes for agricultural products and foodstuffs, (EU) No 251/2014 on the definition, description, presentation, labelling and the protection of geographical indications of aromatised wine products, (EU) No 228/2013 laying down specific measures for agriculture in the outermost regions of the Union and (EU) No 229/2013 laying down specific measures for agriculture in favour of the smaller Aegean islands	8	0
8	COM(2018) 147	Proposal for a Council Directive laying down rules relating to the corporate taxation of a significant digital presence	7	4
9	COM(2018) 277	Proposal for a Regulation of the European Parliament and of the Council on streamlining measures for advancing the realisation of the trans-European transport network	7	4
10	COM(2018) 640	Proposal for a Regulation of the European Parliament and of the Council on preventing the dissemination of terrorist content online - A contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018 Fund	7	1
11	COM(2018) 367	Proposal for a Regulation of the European Parliament and of the Council establishing 'Erasmus': the Union programme for education, training, youth and sport and repealing Regulation (EU) No 1288/2013	7	0
12	COM(2018) 393	Proposal for a Regulation of the European Parliament and of the Council on the financing, management and monitoring of the common agricultural policy and repealing Regulation (EU) No 1306/2013	7	0
13	COM(2018) 476	Proposal for a Regulation of the European Parliament and of the Council establishing the European Defence Fund	7	0
14	COM(2017) 824	Proposal for a Council Directive laying down provisions for strengthening fiscal responsibility and the medium-term budgetary orientation in the Member States	7	0