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From:	Secretary-General of the European Commission, signed by Mr Jordi AYET PUIGARNAU, Director
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To:	Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.:	COM(2017) 600 final - ANNEX 1
Subject:	Annex to the report from the Commission Annual Report 2016 on Subsidiarity and Proportionality

Delegations will find attached document COM(2017) 600 final - ANNEX 1.

Encl.: COM(2017) 600 final - ANNEX 1



EUROPEAN
COMMISSION

Brussels, 30.6.2017
COM(2017) 600 final

ANNEX 1

ANNEX

to the

REPORT FROM THE COMMISSION

**Annual Report 2016
on Subsidiarity and Proportionality**

Annex

List of Commission documents on which the Commission received reasoned opinions¹ regarding compliance with the subsidiarity principle from national Parliaments in 2016

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) ²	National chamber submitting reasoned opinions
1	COM(2016) 128	Proposal for a Directive amending Directive 96/71/EC of The European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services	14	22	BG <i>Narodno sabranie</i> (2 votes) HR <i>Hrvatski sabor</i> (2 votes) CZ <i>Poslanecká sněmovna</i> (1 vote) CZ <i>Senát</i> (1 vote) DK <i>Folketing</i> (2 votes) EE <i>Riigikogu</i> (2 votes) HU <i>Országgyűlés</i> (2 votes) LV <i>Saeima</i> (2 votes) LT <i>Seimas</i> (2 votes) PL <i>Sejm</i> (1 vote) PL <i>Senat</i> (1 vote) RO <i>Camera Deputaților</i> (1 vote) RO <i>Senat</i> (1 vote) SK <i>Národná rada</i> (2 votes)

¹ 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 within eight weeks of the transmission of the legislative proposal to national Parliaments.

² 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 TFEU 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 votes represent a third of all votes allocated.

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2)²	National chamber submitting reasoned opinions
2	COM(2016) 683 ³	Proposal for a Council Directive on a Common Consolidated Corporate Tax Base (CCCTB)	8	12	DK <i>Folketing</i> ⁴ (2 votes) IE <i>Dáil Éireann</i> ⁵ (1 vote) IE <i>Seanad Éireann</i> ⁶ (1 vote) LU <i>Chambre des Députés</i> (2 votes) MT <i>Kamra tad-Deputati</i> (2 votes) NL <i>Eerste Kamer</i> ⁷ (1 vote) NL <i>Tweede Kamer</i> (1 vote) SE <i>Riksdag</i> (2 votes)

³ The reasoned opinions from the DK *Folketing*, the IE *Dáil Éireann* and the IE *Seanad Éireann* concerning this Commission document jointly concerned COM(2016) 685 as well. The reasoned opinion from the NL *Eerste Kamer* jointly concerned COM(2016) 685 and COM(2016) 687 as well.

⁴ As noted above, this reasoned opinion from the DK *Folketing* jointly concerned COM(2016) 683 and COM(2016) 685.

⁵ As noted above, this reasoned opinion from the IE *Dáil Éireann* jointly concerned COM(2016) 683 and COM(2016) 685.

⁶ As noted above, this reasoned opinion from the IE *Seanad Éireann* jointly concerned COM(2016) 683 and COM(2016) 685.

⁷ As noted above, this reasoned opinion from the NL *Eerste Kamer* jointly concerned COM(2016) 683, COM(2016) 685 and COM(2016) 687.

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2)²	National chamber submitting reasoned opinions
3	COM(2016) 685 ⁸	Proposal for a Council Directive on a Common Corporate Tax Base	8	12	DK <i>Folketing</i> ⁹ (2 votes) IE <i>Dáil Éireann</i> ¹⁰ (1 vote) IE <i>Seanad Éireann</i> ¹¹ (1 vote) LU <i>Chambre des Députés</i> (2 votes) MT <i>Kamra tad-Deputati</i> (2 votes) NL <i>Eerste Kamer</i> ¹² (1 vote) NL <i>Tweede Kamer</i> (1 vote) SE <i>Riksdag</i> (2 votes)

⁸ The reasoned opinions from the DK *Folketing*, the IE *Dáil Éireann* and the IE *Seanad Éireann* concerning this Commission document jointly concerned COM(2016) 683 as well. The reasoned opinion from the NL *Eerste Kamer* jointly concerned COM(2016) 683 and COM(2016) 687 as well.

⁹ As noted above, this reasoned opinion from the DK *Folketing* jointly concerned COM(2016) 683 and COM(2016) 685.

¹⁰ As noted above, this reasoned opinion from the IE *Dáil Éireann* jointly concerned COM(2016) 683 and COM(2016) 685.

¹¹ As noted above, this reasoned opinion from the IE *Seanad Éireann* jointly concerned COM(2016) 683 and COM(2016) 685.

¹² As noted above, this reasoned opinion from the NL *Eerste Kamer* jointly concerned COM(2016) 683, COM(2016) 685 and COM(2016) 687.

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2)²	National chamber submitting reasoned opinions
4	COM(2016) 270	Proposal for a Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)	8	10	<i>CZ Poslanecká sněmovna</i> (1 vote) <i>CZ Senát</i> (1 vote) <i>HU Országgyűlés</i> (2 votes) <i>IT Senato della Repubblica</i> (1 vote) <i>PL Sejm</i> (1 vote) <i>PL Senat</i> (1 vote) <i>RO Camera Deputaților</i> (1 vote) <i>SK Národná rada</i> (2 votes)
5	COM(2016) 53 ¹³	Proposal for a Decision on establishing an information exchange mechanism with regard to intergovernmental agreements and non-binding instruments between Member States and third countries in the field of energy and repealing Decision No 994/2012/EU	4	6	<i>AT Bundesrat</i> ¹⁴ (1 vote) <i>FR Sénat</i> (1 vote) <i>MT Kamra tad-Deputati</i> (2 votes) <i>PT Assembleia da República</i> (2 votes)
6	COM(2016) 283	Proposal for a Regulation on cooperation between national authorities responsible for the enforcement of consumer protection laws	4	6	<i>AT Bundesrat</i> (1 vote) <i>BG Narodno sabranie</i> (2 votes) <i>CZ Poslanecká sněmovna</i> (1 vote) <i>SE Riksdag</i> (2 votes)

¹³ The reasoned opinion from the *AT Bundesrat* concerning this Commission document jointly concerned COM(2016) 52 as well.

¹⁴ As noted above, this reasoned opinion from the *AT Bundesrat* jointly concerned COM(2016) 52 and COM(2016) 53.

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2)²	National chamber submitting reasoned opinions
7	COM(2016) 378	Proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment	3	4	BG <i>Narodno sabranie</i> (2 votes) CZ <i>Poslanecká sněmovna</i> (1 vote) CZ <i>Senát</i> (1 vote)
8	COM(2016) 687 ¹⁵	Proposal for a Council Directive amending Directive (EU) 2016/1164 as regards hybrid mismatches with third countries	3	4	NL <i>Eerste Kamer</i> ¹⁶ (1 vote) NL <i>Tweede Kamer</i> (1 vote) SE <i>Riksdag</i> (2 votes)
9	COM(2016) 26	Proposal for a Council Directive laying down rules against tax avoidance practices that directly affect the functioning of the internal market	2	4	MT <i>Kamra tad-Deputati</i> (2 votes) SE <i>Riksdag</i> (2 votes)
10	COM(2015) 613	Proposal for a Regulation on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council	2	3	IT <i>Senato della Repubblica</i> (1 vote) MT <i>Kamra tad-Deputati</i> (2 votes)
11	COM(2016) 198	Proposal for a Directive amending Directive 2013/34/EU as regards disclosure of income tax information by certain undertakings and branches	2	3	IE <i>Dáil Éireann</i> (1 vote) SE <i>Riksdag</i> (2 votes)

¹⁵ The reasoned opinion from the NL *Eerste Kamer* jointly concerned COM(2016) 683 and COM(2016) 685 as well.

¹⁶ As noted above, this reasoned opinion from the NL *Eerste Kamer* jointly concerned COM(2016) 683, COM(2016) 685 and COM(2016) 687.

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2)²	National chamber submitting reasoned opinions
12	COM(2015) 595 ¹⁷	Proposal for a Directive amending Directive 2008/98/EC on waste	2	2	AT <i>Bundesrat</i> (1 vote) FR <i>Sénat</i> ¹⁸ (1 vote)
13	COM(2015) 750	Proposal for a Directive amending Council Directive 91/477/EEC on control of the acquisition and possession of weapons	1	2	SE <i>Riksdag</i> (2 votes)
14	COM(2016) 25	Proposal for a Council Directive amending Directive 2011/16/EU as regards mandatory automatic exchange of information in the field of taxation	1	2	SE <i>Riksdag</i> (2 votes)
15	COM(2016) 551	Proposal for a Regulation establishing a common framework for European statistics relating to persons and households, based on data at individual level collected from samples	1	2	SE <i>Riksdag</i> (2 votes)
16	COM(2016) 589	Proposal for a Regulation amending Regulations (EU) No 1316/2013 and (EU) No 283/2014 as regards the promotion of Internet connectivity in local communities	1	2	SE <i>Riksdag</i> (2 votes)
17	COM(2016) 590	Proposal for a Directive establishing the European Electronic Communications Code	1	2	SE <i>Riksdag</i> (2 votes)

¹⁷ The reasoned opinion from the FR *Sénat* concerning this Commission document jointly concerned COM(2015) 594 and COM(2015) 596 as well.

¹⁸ As noted above, this reasoned opinion from the FR *Sénat* jointly concerned COM(2015) 594, COM(2015) 595 and COM(2015) 596.

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2)²	National chamber submitting reasoned opinions
18	COM(2016) 686	Proposal for a Council Directive on Double Taxation Dispute Resolution Mechanisms in the European Union	1	2	SE <i>Riksdag</i> (2 votes)
19	COM(2015) 594 ¹⁹	Proposal for a Directive amending Directive 1999/31/EC on the landfill of waste	1	1	FR <i>Sénat</i> ²⁰ (1 vote)
20	COM(2015) 596 ²¹	Proposal for a Directive amending Directive 94/62/EC on packaging and packaging waste	1	1	FR <i>Sénat</i> ²² (1 vote)
21	COM(2015) 634 ²³	Proposal for a Directive on certain aspects concerning contracts for the supply of digital content	1	1	FR <i>Sénat</i> ²⁴ (1 vote)
22	COM(2015) 635 ²⁵	Proposal for a Directive on certain aspects concerning contracts for the online and other distance sales of goods	1	1	FR <i>Sénat</i> ²⁶ (1 vote)

¹⁹ The reasoned opinion from the FR *Sénat* concerning this Commission document jointly concerned COM(2015) 595 and COM(2015) 596 as well.

²⁰ As noted above, this reasoned opinion from the FR *Sénat* jointly concerned COM(2015) 594, COM(2015) 595 and COM(2015) 596.

²¹ The reasoned opinion from the FR *Sénat* concerning this Commission document jointly concerned COM(2015) 594 and COM(2015) 595 as well.

²² As noted above, this reasoned opinion from the FR *Sénat* jointly concerned COM(2015) 594, COM(2015) 595 and COM(2015) 596.

²³ The reasoned opinion from the FR *Sénat* concerning this Commission document jointly concerned COM(2015) 635 as well.

²⁴ As noted above, this reasoned opinion from the FR *Sénat* jointly concerned COM(2015) 634 and COM(2015) 635.

²⁵ The reasoned opinion from the FR *Sénat* concerning this Commission document jointly concerned COM(2015) 634 as well.

²⁶ As noted above, this reasoned opinion from the FR *Sénat* jointly concerned COM(2015) 634 and COM(2015) 635.

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2)²	National chamber submitting reasoned opinions
23	COM(2016) 52 ²⁷	Proposal for a Regulation concerning measures to safeguard the security of gas supply and repealing Regulation (EU) No 994/2010	1	1	AT <i>Bundesrat</i> ²⁸ (1 vote)
24	COM(2016) 289	Proposal for a Regulation on addressing geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC	1	1	AT <i>Bundesrat</i> (1 vote)
25	COM(2016) 465	Proposal for a Directive laying down standards for the reception of applicants for international protection (recast)	1	1	IT <i>Senato della Repubblica</i> (1 vote)
26	COM(2016) 491	Proposal for a Regulation establishing a Union certification system for aviation security screening equipment	1	1	UK House of Commons (1 vote)
Number of reasoned opinions on Commission documents counted individually ²⁹		74			

²⁷ The reasoned opinion from the AT *Bundesrat* concerning this Commission document jointly concerned COM(2016) 53 as well.

²⁸ As noted above, this reasoned opinion from the AT *Bundesrat* jointly concerned COM(2016) 52 and COM(2016) 53.

²⁹ This number contains reasoned opinions jointly concerning more than one Commission document: one reasoned opinion from the FR *Sénat* jointly concerning COM(2015) 594, COM(2015) 595 and COM(2015) 596; one reasoned opinion from the FR *Sénat* jointly concerning COM(2015) 634 and COM(2015) 635; one reasoned opinion

Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) ²	National chamber submitting reasoned opinions
TOTAL number of reasoned opinions received³⁰	65			

from the AT *Bundesrat* jointly concerning COM(2016) 52 and COM(2016) 53; one reasoned opinion from the NL *Eerste Kamer* jointly concerning COM(2016) 683, COM(2016) 685 and COM(2016) 687; one reasoned opinion from the DK *Folketing* jointly concerning COM(2016) 683 and COM(2016) 685; one reasoned opinion from the IE *Dáil Éireann* jointly concerning COM(2016) 683 and COM(2016) 685 and one reasoned opinion from the IE *Seanad Éireann* jointly concerning COM(2016) 683 and COM(2016) 685.

³⁰ To calculate the total number of reasoned opinions, the Commission counts by number of reasoned opinions received. Reasoned opinions jointly concerning more than one Commission document therefore only count as one reasoned opinion.