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COVER NOTE

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

No. Cion doc.: COM(2018) 490 final

Subject: ANNEX to the REPORT FROM THE COMMISSION
ANNUAL REPORT 2017 ON THE APPLICATION OF THE PRINCIPLES
OF SUBSIDIARITY AND PROPORZIONALITY

Delegations will find attached document COM(2018) 490 final ANNEX.

Encl.: COM(2018) 490 final



EUROPEAN
COMMISSION

Brussels, 23.10.2018
COM(2018) 490 final

ANNEX

ANNEX

to the

REPORT FROM THE COMMISSION

ANNUAL REPORT 2017

**ON THE APPLICATION OF THE PRINCIPLES OF SUBSIDIARITY AND
PROPORTIONALITY**

**List of Commission documents
on which the Commission received reasoned opinions¹
regarding compliance with the subsidiarity principle from national Parliaments in 2017**

	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)861	Proposal for a Regulation of the European Parliament and of the Council on the internal market for electricity (recast)	11	13	DE <i>Bundesrat</i> (1 vote) DE <i>Bundestag</i> (1 vote) AT <i>Bundesrat</i> (1 vote) ES <i>Cortes Generales</i> (2 votes) FR <i>Sénat</i> (1 vote) HU <i>Országgyűlés</i> (2 votes) PL <i>Sejm</i> (1 vote) PL <i>Senat</i> (1 vote) CZ <i>Poslanecká sněmovna</i> (1 vote) RO <i>Camera Deputaţilor</i> (1 vote) RO <i>Senatul</i> (1 vote)
2	COM(2016)822	Proposal for a Directive of the European Parliament and of the Council on a proportionality test before adoption of new regulation of professions	5	5	DE <i>Bundestag</i> (1 vote) DE <i>Bundesrat</i> (1 vote) AT <i>Bundesrat</i> (1 vote) FR <i>Assemblée nationale</i> (1 vote) FR <i>Sénat</i> (1 vote)
3	COM(2017)253	Proposal for a Directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU	4	4	NL <i>Eerste Kamer</i> (1 vote) NL <i>Tweede Kamer</i> (1 vote) PL <i>Sejm</i> (1 vote) PL <i>Senat</i> (1 vote)

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 in all official languages.

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 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 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
4	COM(2016)821	Proposal for a Directive of the European Parliament and of the Council on the enforcement of the Directive 2006/123/EC on services in the internal market, laying down a notification procedure for authorisation schemes and requirements related to services , and amending Directive 2006/123/EC and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System	4	4	DE <i>Bundestag</i> (1 vote) DE <i>Bundesrat</i> (1 vote) FR <i>Assemblée nationale</i> (1 vote) FR <i>Sénat</i> (1 vote)
5	COM(2016)864	Proposal for a Directive of the European Parliament and of the Council on common rules for the internal market in electricity (recast)	3	4	AT <i>Bundesrat</i> (1 vote) HU <i>Országgyűlés</i> (2 votes) PL <i>Senat</i> (1 vote)
6	COM(2016)863	Proposal for a Regulation of the European Parliament and of the Council establishing a European Union Agency for the Cooperation of Energy Regulators (recast)	3	3	DE <i>Bundestag</i> (1 vote) FR <i>Sénat</i> (1 vote) RO <i>Senatul</i> (1 vote)
7	COM(2016)765	Proposal for a Directive of the European Parliament and of the Council amending Directive 2010/31/EU on the energy performance of buildings	2	2	NL <i>Eerste Kamer</i> (1 vote) NL <i>Tweede Kamer</i> (1 vote)
8	COM(2016)723	Proposal for a Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU	2	2	IE <i>Seanad Éireann</i> (1 vote) IE <i>Dáil Éireann</i> (1 vote)
9	COM(2016)823	Proposal for a Directive of the European Parliament and of the Council on the legal and operational framework of the European services e-card	2	2	DE <i>Bundestag</i> (1 vote) AT <i>Bundesrat</i> (1 vote)
10	COM(2016)824	Proposal for a Regulation of the European Parliament and of the Council introducing a European services e-card and related administrative facilities	2	2	DE <i>Bundestag</i> (1 vote) AT <i>Bundesrat</i> (1 vote)

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) ²	National chamber submitting reasoned opinions
11	COM(2017)647	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1073/2009 on common rules for access to the international market for coach and bus services	2	4	ES <i>Cortes Generales</i> (2 votes) IE Houses of the <i>Oireachtas</i> (2 votes)
12	COM(2016)815	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 883/2004 on the coordination of social security systems and Regulation (EC) No 987/2009 laying down the procedure for implementing Regulation (EC) No 883/2004	1	1	FR <i>Sénat</i> (1 vote)
13	COM(2017)275	Proposal for a Directive of the European Parliament and of the Council amending Directive 1999/62/EC on the charging of heavy goods vehicles for the use of certain infrastructures	1	1	AT <i>Bundesrat</i> (1 vote)
14	COM(2017)278	Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/22/EC as regards enforcement requirements and laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector	1	1	PL <i>Senat</i> (1 vote)
15	COM(2016)750	Proposal for a Regulation of the European Parliament and of the Council on the definition, presentation and labelling of spirit drinks, the use of the names of spirit drinks in the presentation and labelling of other foodstuffs and the protection of geographical indications for spirit drinks	1	1	IT <i>Senato della Repubblica</i> (1 vote)
16	COM(2017)477	Proposal for a Regulation of the European Parliament and of the Council on ENISA, the " EU Cybersecurity Agency ", and repealing Regulation (EU) 526/2013, and on Information and Communication Technology cybersecurity certification (" Cybersecurity Act ")	1	1	FR <i>Sénat</i> (1 vote)

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) ²	National chamber submitting reasoned opinions
17	COM(2017)495	Proposal for a Regulation of the European Parliament and of the Council on a framework for the free flow of non-personal data in the European Union	1	1	FR <i>Sénat</i> (1 vote)
18	COM(2016)850	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 575/2013 as regards the leverage ratio, the net stable funding ratio, requirements for own funds and eligible liabilities, counterparty credit risk, market risk, exposures to central counterparties, exposures to collective investment undertakings, large exposures, reporting and disclosure requirements and amending Regulation (EU) No 648/2012	1	2	SE <i>Riksdag</i> (2 votes)
19	COM(2016)854	Proposal for a Directive of the European Parliament and of the Council amending Directive 2013/36/EU as regards exempted entities, financial holding companies, mixed financial holding companies, remuneration, supervisory measures and powers and capital conservation measures	1	2	SE <i>Riksdag</i> (2 votes)
20	COM(2017)331	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1095/2010 establishing a European Supervisory Authority (European Securities and Markets Authority) and amending Regulation (EU) No 648/2012 as regards the procedures and authorities involved for the authorisation of CCPs and requirements for the recognition of third-country CCPs	1	2	SE <i>Riksdag</i> (2 votes)

	Commission document	Title	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2)²	National chamber submitting reasoned opinions
21	COM(2017)536	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) No 1093/2010, Regulation (EU) No 1094/2010, Regulation (EU) No 1095/2010 Regulation (EU) No 345/2013, Regulation (EU) No 346/2013, Regulation (EU) No 600/2014, Regulation (EU) 2015/760, Regulation (EU) 2016/1011, and Regulation (EU) 2017/1129 (proposals strengthening the reform of the European Union's supervisory architecture)	1	2	SE <i>Riksdag</i> (2 votes)
22	COM(2016)683	Proposal for a Council Directive on a Common Consolidated Corporate Tax Base	1	1	UK <i>House of Commons</i> (1 vote)
23	COM(2016)685	Proposal for a Council Directive on a Common Corporate Tax Base	1	1	UK <i>House of Commons</i> (1 vote)
TOTAL number of reasoned opinions received			52		