

*Courtesy translation*



THE SENATE  
OF THE PARLIAMENT OF THE CZECH REPUBLIC  
12<sup>TH</sup> TERM

**95<sup>TH</sup>**

**RESOLUTION OF THE SENATE**

Delivered on the 5<sup>th</sup> session held on 31<sup>st</sup> January 2019

**on the Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions The principles of subsidiarity and proportionality: Strengthening their role in the EU's policymaking (Senate Print no. K 184/11, COM(2018) 703)**

**on the Report from the Commission Annual Report 2017 on relations between the European Commission and national parliaments (Senate Print no. K 185/11, COM(2018) 491)**

**on the Report from the Commission Annual Report 2017 on the application of the principles of subsidiarity and proportionality (Senate Print no. K 186/11, COM(2018) 490)**

**The Senate**

**I.**

**1. Considers**

the safeguarding of proper compliance with the principles of subsidiarity and proportionality to be an important tool for strengthening public support for the EU policies;

**2. Therefore is of the opinion**

that the Commission should swiftly implement the changes proposed in its Communication on strengthening the role of principles of subsidiarity and proportionality in the EU's policymaking and that discussion on this topic should continue, particularly at COSAC;

## II.

### 1. **Appreciates**

that the Commission intends to explore, with the European Parliament and the Council, the possibility of excluding the Christmas/New Year period from the eight-week period to submit reasoned opinions, as repeatedly requested by national parliaments;

### 2. **Is convinced**

that the Commission should implement the exclusion in the same manner as in the case of the month of August and that proceeding in this manner can affect neither the work of the Council nor the European Parliament, since they have the option to proceed in accordance with Article 4 of Protocol on the Role of National Parliaments in the European Union, if necessary;

### 3. **Therefore requests the Government**

to propose and sponsor in the Council the adoption of a statement, by which the Council informs the Commission that it has no reservations concerning the exclusion of the period over Christmas and the New Year from the eight-week deadline in the extent of two weeks starting on 24<sup>th</sup> December, if possible;

### 4. **Is of the opinion**

that the proposed grid for assessment of subsidiarity and proportionality represents a step in the right direction, because it is not restricted to technical and economic aspects, but takes into consideration the impact of the EU action on democratic decision-making in member states and the idea of adopting decisions as close to citizens as possible;

### 5. **Welcomes**

the intention of the Commission to provide an aggregated response to reasoned opinions even where the threshold for a "yellow card" is not attained;

### 6. **Fully supports**

the extension of the period for submitting reasoned opinions to twelve weeks during a future Treaty amendment;

### 7. **Is convinced**

that the Commission should adopt other procedural changes in order to strengthen the principle of subsidiarity, that is:

- as recommended by the Task Force, the Commission should determine a deadline for responses to reasoned opinions sent by national parliaments; the deadline should commence with the end of the eight-week deadline for reasoned opinions; the month of August and any other periods excluded from the deadline for reasoned opinions should by analogy be excluded from the deadline for Commission responses;
- if the Commission decides to replace, amend or supplement a legislative act or a legislative proposal that triggered a significant number of reasoned opinions, the Commission should demonstrate in the explanatory memorandum, how have the concerns of national parliaments been taken into consideration or how have the facts or considerations relevant for the assessment of compliance of the new legislative proposal with the principle of subsidiarity changed since the adoption of the previous legislative act;
- explanatory memoranda of legislative acts should include more information from the impact assessments, particularly qualitative and quantitative analysis relevant for assessment of compliance of the legislative act with the principle of subsidiarity, so that the information is available in all official languages of the EU;

### **III.**

#### **1. Requests the Government**

to inform the Senate to what extent has article II. 3 of this resolution been taken into consideration.

#### **2. Authorises**

the President of the Senate to forward this Resolution to the European Commission.

Jaroslav Kubera  
sign manual  
President of the Senate

Pavel Štohl  
sign manual  
Senate Verifier