

**December 2009**

**Addendum to the  
Report on the Results of the  
Subsidiarity Check on the  
Proposal for a  
Council Framework Decision on the  
Right to Interpretation and to Translation in  
Criminal Proceedings**



**Prepared by the COSAC Secretariat**

**ADDENDUM TO THE REPORT  
ON THE RESULTS OF THE SUBSIDIARITY CHECK  
ON THE PROPOSAL FOR A COUNCIL FRAMEWORK DECISION  
ON THE RIGHT TO INTERPRETATION AND TO TRANSLATION  
IN CRIMINAL PROCEEDINGS**

## **1. Introduction**

The European Commission adopted the *Proposal for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings* on **8 July 2009** and published it in all the official languages of the European Union on **20 July 2009**. According to the provisions of Protocol 2 to the Treaty of Lisbon, national parliaments had **eight weeks, i.e. by 14 September 2009**, to examine the subsidiarity implications of the Proposal. Due to a summer recess some parliaments had difficulties in completing the check on time.

Due to the time constraints associated with the presentation of the report on the results of this subsidiarity check<sup>1</sup> to the XLII COSAC Meeting on 4-6 October 2009 in Stockholm, **the report analysed only the information provided by the parliaments which had completed the subsidiarity check within the eight-week deadline.**

**The Presidential Troika of COSAC** at its meeting on 4 October 2009 asked the COSAC Secretariat to draft **an addendum to the report** on the results of the subsidiarity check and include key information from the checks which had been carried out within an **additional four weeks, i.e. by 12 October 2009** (thereby disregarding the four weeks of summer recess in August for the calculation of the eight-week deadline)<sup>2</sup>.

A debate on the results of the COSAC-coordinated subsidiarity check on the *Proposal for a Council Framework Decision on the right to interpretation and to translation in criminal proceedings* took place at the XLII COSAC Meeting on 5 October 2009. COSAC was informed about the above-mentioned decision of the Presidential Troika of COSAC.

**In view of the above, this addendum deals mainly with the information received from the parliaments/chambers which completed their subsidiarity checks within the additional four week period, i.e. from 14 September to 12 October 2009.**

## **2. Participation**

**By the eight-week deadline** of 14 September 2009, **21 parliaments/chambers<sup>3</sup> from 17 Member States** had concluded the check and sent their reports to the COSAC Secretariat.

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<sup>1</sup> The report is published on the COSAC website at: <http://www.cosac.eu/en/info/earlywarning/criminalpr.pdf>

<sup>2</sup> See minutes of the Meeting of the Presidential Troika of COSAC on 4 October 2009 in Stockholm at: <http://www.cosac.eu/en/meetings/stockholm/ordinary/>

<sup>3</sup> The Austrian *Bundesrat*, the Bulgarian *Narodno Sabranie*, the *Vouli Ton Antiprosopon* of Cyprus, the Danish *Folketing*, the Dutch *Tweede Kamer* and the *Eerste Kamer*, the Irish *Houses of the Oireachtas*, the Italian *Senato della Repubblica*, the French *Sénat*, the German *Bundestag*, the Latvian *Saeima*, the Maltese *Kamra-tad-Deputati*, the Polish *Sejm* and the *Senat*, the Portuguese *Assembleia da República*, the Slovakian *Národná Rada*, the Slovenian *Državni zbor* and the *Državni svet*, the Swedish *Riksdag*, and the UK *House of Commons* and the *House of Lords*.

**By 12 October 2009**, the following additional **11 parliaments/chambers from 11 Member States** had completed the subsidiarity check:

- the Austrian *Nationalrat* (completed the check on 17 September 2009);
- the Czech *Senát* (completed the check on 7 October 2009);
- the Estonian *Riigikogu* (completed the check on 18 September 2009);
- the Finnish *Eduskunta* (completed the check on 15 September 2009);
- the French *Assemblée nationale* (completed the check on 16 September 2009);
- the German *Bundesrat*, (completed the check on 18 September 2009);
- the Hungarian *Országgyűlés*, (completed the check on 22 September 2009);
- the Lithuanian *Seimas*, (completed the check on 17 September 2009);
- the Luxembourg *Chambre des Députés* (completed the check on 23 September 2009);
- the Parliament of Romania, (completed the check on 23 September 2009);
- the Spanish *Cortes Generales* (completed the check on 15 September 2009).

**Thus, by 12 October 2009**, the COSAC Secretariat received **in total** replies from the parliaments/chambers of **25 Member States**. These replies and reasoned opinions are presented in the Annex<sup>4</sup> to the Report, which is published as a separate document.

### **3. Procedures applied**

Within the additional four weeks, *i.e.* by 12 October 2009, the subsidiarity check was carried out by 11 parliaments/chambers according to their own rules and procedures. However, the Protocol stipulates a set framework for subsidiarity checks by national parliaments which has to be followed for a national parliament's reasoned opinion to qualify for the "yellow card" and "orange card" mechanisms outlined in the Protocol.

In the vast majority of cases the subsidiarity check was conducted by the Committees on EU Affairs. In these cases the Committees were either lead committees or performed the check without involving specialised committees. In two cases the lead committees were the Committees on Legal Affairs and in one case it was the Committee on Foreign Affairs, Defence and Security.

In one case, *i.e.* in the Czech *Senát*, the final decision on the compliance of the Proposal with the principle of subsidiarity was taken by the plenary session.

Regional parliaments with legislative powers were consulted in two cases, *i.e.* by the Austrian Parliament and the Spanish *Cortes Generales*. In the latter case, the Joint Committee for the European Union had received opinions from the Regional Legislative Assemblies of Galicia, Murcia, Aragon, Catalonia and the Basque Country, which were taken into consideration by the Committee.

Given the challenges of conducting the check during a parliamentary recess, most of the parliaments/chambers found it difficult to consult non-governmental organisations, interest

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<sup>4</sup> The annex to the report is published on the COSAC website at:  
<http://www.cosac.eu/en/info/earlywarning/criminalpr.pdf/>

groups, external experts and other stakeholders. Exceptions were the Luxembourg *Chambre des Députés*, which consulted several representatives of the Luxembourg judiciary, and the Lithuanian *Seimas*, which consulted the Institute of Law<sup>5</sup>.

#### 4. Findings

The Austrian *Bundesrat* and the *Nationalrat* in their joint reply to the COSAC questionnaire indicated that they **found the Proposal in breach of the principle of subsidiarity**. The Austrian *Bundesrat* completed the check within the 8-week deadline and therefore its findings had been analysed in the report itself. The Austrian *Nationalrat*, on the other hand, completed the check after the 8-week deadline, *i.e.* on 17 September 2009.

In its **Statement to the European Commission**, the Permanent Subcommittee on EU Affairs of the Austrian *Nationalrat* pointed out the limited scope of the statement of the Commission on the question of subsidiarity. In view of the fact that the "Proposal was essentially a codification of the decisions of the European Court of Human Rights" the Committee expressed **doubts as to whether there was "an urgent need for a framework decision**, since the Member States are in any case obliged in principle to comply with the European Court of Human Rights decisions", consequently **indicating a possible breach** of the principle of subsidiarity. The Committee also found the Proposal **"problematic in terms of proportionality"** and **some of its substantive provisions "going much too far"**. The Committee therefore concluded that **"the Proposal for a Council Framework Decision on the right to interpretation and translation in criminal proceedings cannot be accepted in the present form"**.

No other parliaments/chambers which concluded the check during the additional four week period found the Proposal in breach of the principle of subsidiarity. However, the German *Bundesrat*, the French *Assemblée nationale* and the Czech *Senát* expressed concerns with regard to the legal basis and some substantive provisions of the Proposal, as well as its compliance with the principle of proportionality.

The German *Bundesrat* was of the opinion that the **extent of the provisions** proposed by the Commission in the Proposal **was not necessary**. This applied to those provisions which extended beyond the obligations arising from the European Convention on Human Rights.

The Czech *Senát* was of the opinion that **the compliance of the Proposal with this principle of subsidiarity was to be examined thoroughly with regard to the requirement of the necessity of adoption of a legal act in this area** as stated in Article 31 Paragraph 1 of the EU Treaty. The *Senát* pointed out that there is legal regulation in force within the framework of the Council of Europe and expressed its concerns about the **possible duplication of regulation**. It also stressed the need for the conformity of the Proposal with the existing legal framework developed by the Council of Europe. In addition, the Czech *Senát* was **not convinced that the Proposal was fully in accordance with the principle of proportionality** with regard to its scope and the possible financial implications for the Member States.

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<sup>5</sup> A public research institution established by the Government of Lithuania and designed to coordinate the reform of the legal system and legal institutions as well as to harmonise the process with the economic and social reform of the state.

It may be recalled that as a result of this subsidiarity check within the eight-week deadline, one chamber and two parliaments<sup>6</sup> found a possible breach of the principle of subsidiarity. They carried a total of five votes. Provided the EU Institutions disregarded the four weeks of August, thus extending the deadline until 12 October 2009, the decision of the Austrian *Nationalrat* would add one vote to the existing five votes. In any case, the **six votes would not suffice to trigger either the "yellow card" or "orange card" procedures** as laid out in Protocol 2.

Under Article 6 of the Protocol any national parliament or any chamber of a national parliament may, within a period of eight weeks, send to the Presidents of the European Parliament, the Council and the Commission a **reasoned opinion** stating why it considers that the draft in question **does not comply** with the principle of subsidiarity. Apart from the Austrian *Nationalrat* which issued a reasoned opinion (in a form of a statement) within the meaning of Protocol 2, seven other parliaments/chambers issued "reasoned opinions" generally supporting the Proposal.

Of 11 parliaments/chambers, **three found the Commission's justification** of the Proposal with regard to its compliance with the principle of subsidiarity **not entirely satisfactory**. One chamber found it partially satisfactory.

The majority of parliaments/chambers cited the **parliamentary recess as the main difficulty** encountered during this subsidiarity check. As a consequence, they completed the check after the eight-week deadline.

Finally, in its comments on the current subsidiarity check the *Parlamentul României* highlighted the "difficulty to analyse the compliance with these two principles, in the **absence of a definition and even more of a detailed description, including guidelines concerning the application of the principles of subsidiarity and proportionality.**"

## 5. Conclusion

The results of the brief analysis presented above could be summarised as follows: **the additional four weeks awarded to the parliaments/chambers instead of the four weeks of August, enabled an additional 1/3 of parliaments/chambers to conclude the subsidiarity check on time. This could amount to a substantial difference, especially in cases where the triggering of the "yellow card" or "orange card" procedures of Protocol 2 could occur.**

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<sup>6</sup> The Austrian *Bundesrat* (one vote), the Irish *Houses of the Oireachtas* (two votes) and the Maltese *Kamra tad-Deputati* (two votes).

### **Table: Key Information on the Subsidiarity Check**

(This table contains information about the subsidiarity checks completed by parliaments/chambers within 12 weeks after the publication of the Proposal in the official languages of the EU, *i.e.* 12 October 2009.

**The information on the checks completed after the 8-week deadline, *i.e.* from 14 September to 12 October 2009, is written in boldface type)**

Country, Chamber	Procedure used to conduct the check	Cooperation with other national parliaments	Publication of findings	Was a breach found?	Was a reasoned opinion issued?	Was the Commission's justification satisfactory?	Other observations
<b>Austria: <i>Nationalrat</i></b>	<b>The check was conducted by the Permanent Subcommittee on EU Affairs. The Ministry of Justice provided an explanatory memorandum and a position paper. The Minister of Justice provided a statement at the Committee meeting. Regional parliaments were consulted.</b>	No	<b>A summary of the proceedings was published on the website of the Parliament. Statements were published on IPEX.</b>	YES	<b>Yes, in a form of a Committee Statement to the European Commission.</b>	No	<b>The check was completed on 17 September 2009.</b>
<b>Austria: <i>Bundesrat</i></b>	The check was conducted by the EU Committee. The Ministry of Justice provided an explanatory memorandum and a position paper. Officials of the Ministry of Justice provided statements to the Committee. Regional parliaments were consulted.	No	A summary of the proceedings was published on the website of the Parliament. Statements were published on IPEX.	YES	Yes, in a form of a Statement of the EU Committee to the European Commission.	No. It is questionable as to whether there is an urgent need for a framework decision.	-
<b>Bulgaria: <i>Narodno Sabranie</i></b>	The final decision on check was taken by the Committee on European Affairs and Oversight of the European Funds, which received an opinion from the Committee on Legal Affairs. The Government provided an explanatory memorandum. Experts of the Ministry of Justice participated in the meetings of the Committees.	IPEX was consulted.	The report of the Committee on European Affairs and Oversight of the European Funds was published on the website of the <i>Narodno Sabranie</i> and in its news bulletin " <i>Evrovesti</i> ".	No	No	No	-

Country, Chamber	Procedure used to conduct the check	Cooperation with other national parliaments	Publication of findings	Was a breach found?	Was a reasoned opinion issued?	Was the Commission's justification satisfactory?	Other observations
<b>Cyprus:</b> <i>Vouli Ton Antiprosopon</i>	The check was conducted by the Parliamentary Committee on European Affairs. The Ministry of Justice and Public Order submitted an opinion.	IPEX was consulted.	A report will be forwarded to the EU Institutions.	No	No	No. The Commission's justification with regard to the principle of subsidiarity was deemed to have been unsatisfactory since only a very brief section in the Proposal was dedicated to the justification.	Due to the time constraints no specialised committees were involved and no opinions from interested parties were heard.
<b>Czech Republic:</b> <i>Senát</i>	<b>The check was conducted by the Committee on Foreign Affairs, Defence and Security (the designated committee) and the Committee on EU Affairs which submitted an opinion. The final decision was taken by the plenary of the <i>Senát</i>. The Government submitted an explanatory memorandum.</b>	IPEX was consulted.	<b>The resolutions are published on the website of the <i>Senát</i>.</b>	<b>No, but compliance has to be examined thoroughly with regard to certain requirements of the Proposal.</b>	Yes	<b>No. The justification by the Commission should be more thorough.</b>	<b>The check was completed on 7 October 2009.</b>
<b>Denmark:</b> <i>Folketing</i>	The check was conducted by the European Affairs Committee and the Legal Affairs Committee. The final decision was taken by the European Affairs Committee. The Government provided a subsidiarity note.	No	The findings will be made available to the public on the website of the <i>Folketing</i> .	No	Yes	Yes	-
<b>Estonia:</b> <i>Riigikogu</i>	<b>The check was conducted by the Legal Affairs Committee and the European Union Affairs Committee. The later took the final decision. The Government provided its position on the Proposal.</b>	<b>The check was followed through IPEX and the <i>Riigikogu's</i> Permanent Representative to the European Parliament</b>	<b>The minutes of the Committee meetings are available on the website of the <i>Riigikogu</i>.</b>	No	No	Yes	<b>The check was completed on 18 September 2009.</b>

Country, Chamber	Procedure used to conduct the check	Cooperation with other national parliaments	Publication of findings	Was a breach found?	Was a reasoned opinion issued?	Was the Commission's justification satisfactory?	Other observations
<b>Ireland:</b> <i>Houses of the Oireachtas</i>	The check was conducted by the Joint Committee on European Scrutiny. As this is the committee with the primary responsibility for subsidiarity checks and the scrutiny of EU legislative proposals, no other committees were involved. Information was provided by the Department of Justice.	Informal contacts were made through representatives of the National Parliament in Brussels and information on IPEX was assessed.	The reasoned opinion was posted on the website of the Joint Committee.	YES Some parts of the proposal may not comply fully with the principle of subsidiarity.	Yes	No. The Commission's justification is incomplete.	The check was undertaken during the lead-in to parliamentary recess. This is an ongoing concern regarding the publication date of proposals selected for checking.
<b>Italy:</b> <i>Senato della Repubblica</i>	The Committee on European Union Policies adopted an opinion.	Through IPEX.	The minutes of the Committee meeting were made available on the website of the <i>Senato</i> .	No	Yes	Yes	-
<b>Finland:</b> <i>Eduskunta</i>	The check was conducted by the Legal Affairs Committee. The Government provided a memo on the Proposal. An expert from the Ministry of Justice was heard at the Committee meeting.	No	The minutes of the Committee meeting including the decision are published on the website of the <i>Eduskunta</i> .	No	Yes	Yes	The check was completed on 15 September 2009.
<b>France:</b> <i>Assemblée nationale</i>	The check was conducted by the Committee on European Affairs.	Yes	The minutes of the Committee and the communication by the rapporteur are published on the website of the <i>Assemblée nationale</i> .	No	Yes	Partly	The check was completed on 16 September 2009.  The Committee questioned the legal basis of the Proposal.
<b>France:</b> <i>Sénat</i>	The check was conducted by the Committee on European Affairs.	No	The conclusions were published on the website of the <i>Sénat</i> .	No	Yes	Yes	-



Country, Chamber	Procedure used to conduct the check	Cooperation with other national parliaments	Publication of findings	Was a breach found?	Was a reasoned opinion issued?	Was the Commission's justification satisfactory?	Other observations
Germany: <i>Bundestag</i>	The Committee on Legal Affairs (the lead committee) and the Committee on European Union Affairs submitted an opinion. The final decision was taken by the plenary. The Federal Ministry of Justice and the Federal Ministry of the Interior provided written information.	No	A short summary of the decision was published on IPEX.	No	No	During the parliamentary discussions the Commission's justification was not criticised for being insufficient.	-
Germany: <i>Bundesrat</i>	The check was conducted by the Committee on European Union Questions (the lead committee) and by the Legal Affairs Committee. The final decision was taken by the plenary. The Government presented its opinion at the meetings of the committees.	IPEX was consulted.	<i>Bundesrat's</i> decisions are public and are available for public consultation via the internet.	No	Yes	No	The check was completed on 18 September 2009.
Hungary: <i>Országgyűlés</i>	The check was conducted by the Committee on European Affairs.	The Permanent Representative in Brussels and COSAC were consulted.	Minutes of the Committee meeting and a short memo were published on the Committee's website.	No	Yes	Yes, but the Commission failed to provide an accurate and detailed assessment of the possible administrative, procedural and financial burdens on national authorities.	The check was completed on 22 September 2009.
Latvia: <i>Saeima</i>	The Committee on European Affairs performed the check. Chairperson and Members of the Committee on Legal Affairs participated in the meeting of the Committee on European Affairs. The Ministry of Justice provided an opinion on the compliance of the Proposal with the principles of subsidiarity and proportionality.	Followed the course of the check in other national parliaments through IPEX and through the Permanent Representative of the <i>Saeima</i> to the EU.	A press release on the last meeting of the Committee on European Affairs was sent to the Latvian news agencies.	No	No	Yes	"The European Commission has chosen an adequate framework for developing a legislative act".

Country, Chamber	Procedure used to conduct the check	Cooperation with other national parliaments	Publication of findings	Was a breach found?	Was a reasoned opinion issued?	Was the Commission's justification satisfactory?	Other observations
<b>Lithuania: Seimas</b>	The check was conducted by the Committee on European Affairs and the Committee on Legal Affairs. The latter submitted its conclusions to the Committee on European Affairs which took the final decision. The Ministry of Justice drafted the Government position. The Ministry of the Interior and the Prosecution Service submitted their opinions.	The check was followed through IPEX and the <i>Seimas</i> Permanent Representative to the EU.	No	No	No	Yes	The check was completed on 17 September 2009.
<b>Luxembourg: Chambre des Députés</b>	The check was conducted by the Committee on Legal Affairs. Government representatives participated at two Committee meetings and provided technical details on the issue.	No	No	No	The Committee adopted an Opinion on compliance of the Proposal with the principle of subsidiarity.	Yes	The check was completed on 23 September 2009.
<b>Malta: Kamra tad-Deputati</b>	The check was conducted by the Foreign and European Affairs Committee.	Checked the position of parliaments on IPEX, where they were available in a familiar language. In other cases, contacted the IPEX correspondents.	Not immediately, but will publicise through the press and media.	YES, and beyond it. This is an instance of over-regulation and duplication. It goes beyond the issue of subsidiarity and constitutes an unwarranted measure at the level of the EU.	Yes. In a form of a Statement of the Foreign and European Affairs Committee.	The Proposal represents an instance of overregulation and duplication. It constitutes an unwarranted measure at the EU level.	The launch of the subsidiarity check coincided with a period in which the Parliament was in recess. The 8-week period in the Lisbon Treaty is not sufficient to cover periods when parliaments are in recess.
<b>The Netherlands Tweede Kamer</b>	The subsidiarity check was launched by the Temporary Committee on Subsidiarity of both Chambers of the <i>States-General</i> . The check was conducted by the Standing Committee of Justice. The final decision was taken in the Plenary of the <i>Tweede Kamer</i> .	No	The findings were published in the official Parliamentary records.	No	A brief letter to the European Commission, cc. to the European Parliament, the Council, COSAC and the NL Government.	Yes, although the justification could have been more balanced by adding a consideration to the relationship of the Proposal to the European Convention on Human Rights.	Time constraints due to the recess period made it impossible to mediate between both Chambers of the Parliament.

Country, Chamber	Procedure used to conduct the check	Cooperation with other national parliaments	Publication of findings	Was a breach found?	Was a reasoned opinion issued?	Was the Commission's justification satisfactory?	Other observations
<b>The Netherlands</b> <i>Eerste Kamer</i>	The subsidiarity check was launched by the Temporary Committee on Subsidiarity of both Chambers of the <i>States-General</i> . The Proposal was scrutinised by the Committee for the JHA Council of the <i>Eerste Kamer</i> . The final decision was taken by the plenary of the <i>Eerste Kamer</i> .	No	The findings were published on the website of the <i>Eerste Kamer</i> and on IPEX.	No, but additional information has been requested from the European Commission.	Yes	No. The <i>Eerste Kamer</i> requested additional information on the legal basis of the Proposal and on its added value in relation to the provisions of the European Convention on Human Rights and the case law based on it.	Due to the start of the Committee and Plenary meetings there was little time for carrying out the subsidiarity check.
<b>Poland: <i>Sejm</i></b>	The check was conducted by the Committee on European Union Affairs, which is a specialised body giving opinions on EU matters on behalf of the <i>Sejm</i> .	No	The opinion was published on its website. Transcript of the meeting - on the website of the <i>Sejm</i> .	No	Yes, in the form of the Committee opinion acknowledging that there is no breach.	Yes	-
<b>Poland: <i>Senat</i></b>	The final decision was taken by the Committee on European Union Affairs in cooperation with the Committee on Human Rights, the Rule of Law and Petitions. The Government submitted its written position and gave evidence at the Committee meeting.	No	A report on the subsidiarity check was published on the website of the Committee on European Union Affairs and on IPEX.	No	No	No. "The Commission has not identified all necessary arguments and those put forward in the justification are not sufficiently well formulated".	The Polish Parliament is currently considering amendments to the Rules of Procedure of both Chambers in view of the possible entry into force of the Treaty of Lisbon.
<b>Portugal: <i>Assembleia da República</i></b>	The check was conducted by the Committee on European Affairs. The Committee on Constitutional Affairs, Freedoms, Rights and Guarantees issued an opinion to the Committee on European Affairs.	IPEX was consulted.	The findings were uploaded on IPEX.	No	Yes	Yes	The 8-week period was outside the parliamentary term, limiting the capacity for a more in-depth debate. This subsidiarity check is not exactly about the same proposal national Parliaments chose to scrutinise in the framework of COSAC.

Country, Chamber	Procedure used to conduct the check	Cooperation with other national parliaments	Publication of findings	Was a breach found?	Was a reasoned opinion issued?	Was the Commission's justification satisfactory?	Other observations
<b>Romania:</b> <i>Parlamentul României</i>	The check was conducted by the Committee on European Affairs of the Parliament of Romania (the lead Committee), the Committee on Legal matters, Discipline, and Immunities of the <i>Camera Deputaților</i> and the Committee on Legal Matters, Discipline, and Immunities and Validations of the <i>Senatul</i> . The Committee on European Affairs received documents and positions from the Ministry of Justice, the Ministry of Foreign Affairs and the European Affairs Department.	IPEX was consulted.	The findings were published on the websites of both Chambers of the Parliament of Romania and on IPEX.	No	No	Yes	The check was completed on 22 September 2009.
<b>Slovakia:</b> <i>Národná Rada</i>	The Committee on European Affairs conducted the check. The Ministry of Justice provided a preliminary opinion on the Proposal.	No	A press conference was held after the committee meeting and a resolution was published on the Parliament's website.	No	No	Yes	Encountered difficulties due to parliamentary recess.
<b>Slovenia:</b> <i>Državni zbor</i>	The Committee on Domestic Policy, Public Administration and Justice conducted the check and adopted an opinion. The final decision was taken by the Committee on EU Affairs. The Government provided an explanatory memorandum. State Secretary of the Ministry of Justice presented verbal communication at the meeting of the Committee on DPPAJ.	No	The report was published on IPEX.	No	No	No	-

Country, Chamber	Procedure used to conduct the check	Cooperation with other national parliaments	Publication of findings	Was a breach found?	Was a reasoned opinion issued?	Was the Commission's justification satisfactory?	Other observations
<b>Slovenia:</b> <i>Državni svet</i>	The check was conducted by the Commission for International Relations and European Affairs. The Ministry of Justice presented verbal evidence at the meeting of the Commission.	No	No	No	No	Yes	Eight-week period coincided with summer parliamentary recess.
<b>Spain:</b> <i>Cortes Generales</i>	<b>The check was conducted by the Joint EU Committee of the Cortes Generales. Five Regional Legislative Assemblies provided opinions which were taken into consideration by the Committee. The Government, through the Secretary of State for Constitutional and Parliamentary Affairs, forwarded a report on the Proposal.</b>	No	<b>The debate was broadcasted and web streamed and a full transcript was published in the Parliamentary Journal. The Resolution was published in the Parliamentary Official Journal.</b>	No	Yes	<b>No objections were tabled regarding the Commission's justification.</b>	<b>The check was completed on 15 September 2009.</b>
<b>Sweden:</b> <i>Riksdag</i>	The Committee on Justice examined the Proposal. The Government did not provide information this time, but previously, <i>i.e.</i> on 8 May and 4 December 2008 the Ministry of Justice informed some members of the Committee on the future Proposal.	IPEX was consulted.	The findings were noted in the record of the Committee meeting and published on IPEX.	No	No	Yes	-
<b>United Kingdom:</b> <i>House of Commons</i>	The check was conducted by the European Scrutiny Committee. The Ministry of Justice provided an Explanatory Memorandum, but the Committee has asked for further information on the issue.	At official level the Committee was consulted by Ireland's Houses of the <i>Oireachtas</i> Joint Committee on European Scrutiny.	The findings were published in the Report to the House of Commons. The Report will also be uploaded on IPEX.	No	No	No. The justification was not satisfactory in the Commission's explanatory memorandum. The analysis in the Commission's Impact Assessment was more helpful.	Parliamentary summer recess ends on 9 October. But for the fact that the Committee has decided to meet in September, it would not have been able to respect the eight-week deadline for submission of a reasoned opinion.

Country, Chamber	Procedure used to conduct the check	Cooperation with other national parliaments	Publication of findings	Was a breach found?	Was a reasoned opinion issued?	Was the Commission's justification satisfactory?	Other observations
<b>United Kingdom:</b> <i>House of Lords</i>	The check was conducted by the Sub-Committee on Law and Institutions (Sub-Committee E) of the European Union Committee. The European and External Affairs Committee of the National Assembly for Wales provided a response. The Government provided an Explanatory Memorandum.	No	Updates on progress will be available on the website of the Committee and via IPEX.	No	No	No. The justification given under the heading "Subsidiarity" in the Commission's explanatory memorandum is inadequate.	Due to the summer recess, special arrangements had to be made to enable the Committee to consider the issue of subsidiarity. The recess also made coordination with the House of Commons and the three regional legislatures difficult.