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ANNEXES 1 to 3

ANNEXES

to the

REPORT FROM THE COMMISSION

ANNUAL REPORT 2021

**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 opinions¹ regarding compliance with the subsidiarity principle from national Parliaments in 2021

Commission documents	Titles	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) ²	National chamber submitting reasoned opinions
'Fit for 55' package:				
COM(2021) 557	Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652	9 ³	5	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes) SE <i>Riksdag</i> (2 votes) CZ <i>Senát</i> (1 vote)
COM(2021) 568	Proposal for a Regulation of the European Parliament and of the Council establishing a Social Climate Fund		4	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes) SE <i>Riksdag</i> (2 votes)
COM(2021) 551	Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union, Decision (EU) 2015/1814 concerning the establishment and operation of a		3	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes) CZ <i>Senát</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 generally 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. Since the withdrawal of the United Kingdom, 18 out of 54 votes represent a third of all votes allocated. Moreover, the Commission has committed to produce aggregate responses to reasoned opinions issued by national Parliaments representing seven or more votes.

³ This package received nine Reasoned Opinions in total. The CZ *Senát* issued four reasoned opinions (one on COM(2021) 551, one on COM(2021) 557 and COM(2021) 558, one on COM(2021) 559 and one on COM(2021) 563). The IE Houses of the *Oireachtas* issued two reasoned opinions (one on COM(2021) 551, COM(2021) 554, COM(2021) 555, COM(2021) 557, COM(2021) 558 and COM(2021) 568 and one on COM(2021) 552, COM(2021) 556, COM(2021) 559, COM(2021) 561, COM(2021) 562 and COM(2021) 567). The SE *Riksdag* issued two reasoned opinions (one on COM(2021) 557 and one on COM(2021) 568). The FR *Sénat* issued one reasoned opinion on COM(2021) 554.

Commission documents	Titles	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) ²	National chamber submitting reasoned opinions
COM(2021) 554	<p>market stability reserve for the Union greenhouse gas emission trading scheme and Regulation (EU) 2015/757</p> <p>Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2018/841 as regards the scope, simplifying the compliance rules, setting out the targets of the Member States for 2030 and committing to the collective achievement of climate neutrality by 2035 in the land use, forestry and agriculture sector, and (EU) 2018/1999 as regards improvement in monitoring, reporting, tracking of progress and review</p>		3	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes) FR <i>Sénat</i> (1 vote)
COM(2021) 558	Proposal for a Directive of the European Parliament and of the Council on energy efficiency (recast)		3	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes) CZ <i>Senát</i> (1 vote)
COM(2021) 552	Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC as regards aviation's contribution to the Union's economy-wide emission reduction target and appropriately implementing a global market-based measure		2	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes)
COM(2021) 555	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030 contributing to climate action to meet commitments under the Paris Agreement		2	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes)
COM(2021) 556	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2019/631 as regards strengthening the CO ₂ emission performance standards for new passenger cars and new light commercial vehicles in line with the Union's increased climate		2	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes)

Commission documents	Titles	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) ²	National chamber submitting reasoned opinions
COM(2021) 561	ambition Proposal for a Regulation of the European Parliament and of the Council on ensuring a level playing field for sustainable air transport		2	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes)
COM(2021) 562	Proposal for a Regulation of the European Parliament and of the Council on the use of renewable and low-carbon fuels in maritime transport and amending Directive 2009/16/EC		2	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes)
COM(2021) 567	Proposal for a Decision of the European Parliament and of the Council amending Directive 2003/87/EC as regards the notification of offsetting in respect of a global market-based measure for aircraft operators based in the Union		2	IE Houses of the <i>Oireachtas</i> : <i>Dáil</i> and <i>Seanad Éireann</i> (2 votes)
COM(2021) 559	Proposal for a Regulation of the European Parliament and of the Council on the deployment of alternative fuels infrastructure, and repealing Directive 2014/94/EU of the European Parliament and of the Council		1	CZ <i>Senát</i> (1 vote)
COM(2021) 563	Proposal for a Council Directive restructuring the Union framework for the taxation of energy products and electricity (recast)		1	CZ <i>Senát</i> (1 vote)
New Pact on Migration and Asylum:		2 ⁴		
COM(2020) 610	Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund]		3	SK <i>Národná Rada</i> (2 votes) IT <i>Senato della Repubblica</i> (1 vote)
COM(2020) 611	Amended proposal for a Regulation of the European Parliament and of the Council		1	IT <i>Senato della Repubblica</i> (1 vote)

⁴ This package received two Reasoned Opinions in total. The SK *Národná Rada* issued one Reasoned Opinion on COM(2020) 610. The IT *Senato della Repubblica* issued one Reasoned Opinion on COM(2020) 610, COM(2020) 611, COM(2020) 612, COM(2020) 613 and COM(2020) 614.

Commission documents	Titles	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) ²	National chamber submitting reasoned opinions
COM(2020) 612	establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU Proposal for a Regulation of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817		1	IT <i>Senato della Repubblica</i> (1 vote)
COM(2020) 613	Proposal for a Regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum		1	IT <i>Senato della Repubblica</i> (1 vote)
COM(2020) 614	Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and of Regulation (EU) XXX/XXX [Resettlement Regulation], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818		1	IT <i>Senato della Repubblica</i> (1 vote)
COM(2020) 682	Proposal for a Directive of the European Parliament and of the Council on adequate minimum wages in the European Union	1	2	MT <i>Kamra tad-Deputati</i> (2 votes)
COM(2020) 749	Proposal for a Council Directive amending Directive 2006/112/EC as regards conferral of implementing powers to the Commission to determine the meaning of the terms used in certain provisions of that Directive	1	2	SE <i>Riksdagen</i> (2 votes)
COM(2020) 725	Proposal for a Regulation of the European Parliament and of the Council on a reinforced role for the European Medicines Agency	1	1	FR <i>Sénat</i> (1 vote)

Commission documents	Titles	Number of reasoned opinions (Protocol No 2)	Number of votes (Protocol No 2) ²	National chamber submitting reasoned opinions
	in crisis preparedness and management for medicinal products and medical devices			
COM(2020) 726	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control	1	1	FR <i>Sénat</i> (1 vote)
COM(2020) 727	Proposal for a Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU	1	1	FR <i>Sénat</i> (1 vote)
TOTAL number of Reasoned Opinions received		16		

ANNEX 2

Number of opinions received by the Commission in 2021 per national Parliament/Chamber (political dialogue and subsidiarity control mechanism)

Member State	Chamber	Total number of opinions ⁵	Number of which were reasoned opinions (Protocol No 2)
Spain	<i>Las Cortes Generales: Senado de España and Congreso de los Diputados</i>	57	0
Portugal	<i>Assembleia da República</i>	54	0
Czech Republic	<i>Senát</i>	47	4
Romania	<i>Camera Deputaţilor</i>	27	0
Germany	<i>Bundesrat</i>	24	0
Romania	<i>Senat</i>	18	0
France	<i>Sénat</i>	17	4
Netherlands	<i>Eerste Kamer</i>	17	0
Czech Republic	<i>Poslanecká sněmovna</i>	12	0
Italy	<i>Camera dei Deputati</i>	12	0
Poland	<i>Senat</i>	12	0
Sweden	<i>Riksdagen</i>	12	3
Italy	<i>Senato della Repubblica</i>	11	1
Malta	<i>Kamra tad-Deputati</i>	6	1
France	<i>Assemblée nationale</i>	5	0
Hungary	<i>Országgyűlés</i>	4	0
Ireland	<i>Houses of the Oireachtas: Dáil and Seanad Éireann</i>	4	2
Slovakia	<i>Národná rada</i>	3	1
Austria	<i>Bundesrat</i>	2	0
Austria	<i>Nationalrat</i>	2	0
Belgium	<i>Sénat de Belgique / Belgische Senaat</i>	2	0
Denmark	<i>Folketinget</i>	2	0
Greece	<i>Vouli ton Ellinon</i>	2	0
Lithuania	<i>Seimas</i>	2	0
Netherlands	<i>Tweede Kamer</i>	2	0
Bulgaria	<i>Narodno Sabranie</i>	1	0
Finland	<i>Eduskunta</i>	1	0
Croatia	<i>Hrvatski Sabor</i>	1	0
Poland	<i>Sejm</i>	1	0

⁵ Including both opinions under the ‘political dialogue’ and reasoned opinions received from national Parliaments.

Member State	Chamber	Total number of opinions⁵	Number of which were reasoned opinions (Protocol No 2)
Belgium	<i>Chambre des Représentants de Belgique / Belgische Kamer van volksvertegenwoordigers</i>	0	0
Germany	<i>Bundestag</i>	0	0
Cyprus	<i>Vouli ton Antiprosopon</i>	0	0
Estonia	<i>Riigikogu</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
TOTAL		360	16

ANNEX 3

Commission documents generating the highest number of opinions⁶ received by the Commission in 2021 (political dialogue and subsidiarity control mechanism)

Commission document		Title	Total number of opinions ⁷	Number of which were reasoned opinions (Protocol 2)
1	COM(2020)825	Proposal for a Regulation of the European Parliament and of the Council on a Single Market For Digital Services (Digital Services Act) and amending Directive 2000/31/EC	10	0
2	COM(2020)682	Proposal for a Directive of the European Parliament and of the Council on adequate minimum wages in the European Union	9	1
3	COM(2021)130	Proposal for a Regulation of the European Parliament and of the Council on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to facilitate free movement during the COVID-19 pandemic (Digital Green Certificate) ⁸	8	0
4	COM(2021)140	Proposal for a Regulation of the European Parliament and of the Council on a framework for the issuance, verification and acceptance of interoperable certificates on vaccination, testing and recovery to third-country nationals legally staying or legally residing in the territories of Member States during the COVID-19 pandemic (Digital Green Certificate)	8	0
5	COM(2020)610	Proposal for a Regulation of the European Parliament and of the Council on asylum and migration management and amending Council Directive (EC) 2003/109 and the proposed Regulation (EU) XXX/XXX [Asylum and Migration Fund]	7	2
6	COM(2020)842	Proposal for a Regulation of the European Parliament and of the Council on contestable and fair markets in the digital sector (Digital Markets Act)	7	0
7	COM(2021)568	Proposal for a Regulation of the European Parliament and of the Council establishing a Social Climate Fund	6	2

⁶ The table ranks all Commission documents for which at least five opinions were received. In some cases, the opinion also concerned other Commission documents.

⁷ Including both opinions under the 'political dialogue' and reasoned opinions received from national Parliaments.

⁸ Both proposals COM(2021)130 and COM(2021)140 were adopted by the co-legislators under the title '*EU Digital COVID Certificate*'.

Commission document		Title	Total number of opinions ⁷	Number of which were reasoned opinions (Protocol 2)
8	COM(2020)611	Amended proposal for a Regulation of the European Parliament and of the Council establishing a common procedure for international protection in the Union and repealing Directive 2013/32/EU	6	1
9	COM(2020)690	Commission Work Programme 2021 A Union of vitality in a world of fragility	6	0
10	COM(2021)93	Proposal for a Directive of the European Parliament and of the Council to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms	6	0
11	COM(2021)551	Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/87/EC establishing a system for greenhouse gas emission allowance trading within the Union, Decision (EU) 2015/1814 concerning the establishment and operation of a market stability reserve for the Union greenhouse gas emission trading scheme and Regulation (EU) 2015/757	5	2
12	COM(2021)554	Proposal for a Regulation of the European Parliament and of the Council amending Regulations (EU) 2018/841 as regards the scope, simplifying the compliance rules, setting out the targets of the Member States for 2030 and committing to the collective achievement of climate neutrality by 2035 in the land use, forestry and agriculture sector, and (EU) 2018/1999 as regards improvement in monitoring, reporting, tracking of progress and review	5	2
13	COM(2021)557	Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2018/2001 of the European Parliament and of the Council, Regulation (EU) 2018/1999 of the European Parliament and of the Council and Directive 98/70/EC of the European Parliament and of the Council as regards the promotion of energy from renewable sources, and repealing Council Directive (EU) 2015/652	5	2
14	COM(2021)558	Proposal for a Directive of the European Parliament and of the Council on energy efficiency (recast)	5	2

Commission document		Title	Total number of opinions ⁷	Number of which were reasoned opinions (Protocol 2)
15	COM(2020)612	Proposal for a Regulation of the European Parliament and of the Council introducing a screening of third country nationals at the external borders and amending Regulations (EC) No 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817	5	1
16	COM(2020)613	Proposal for a Regulation of the European Parliament and of the Council addressing situations of crisis and force majeure in the field of migration and asylum	5	1
17	COM(2020)614	Amended proposal for a Regulation of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of biometric data for the effective application of Regulation (EU) XXX/XXX [Regulation on Asylum and Migration Management] and of Regulation (EU) XXX/XXX [Resettlement Regulation], for identifying an illegally staying third-country national or stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes and amending Regulations (EU) 2018/1240 and (EU) 2019/818	5	1
18	COM(2020)749	Proposal for a Council Directive amending Directive 2006/112/EC as regards conferral of implementing powers to the Commission to determine the meaning of the terms used in certain provisions of that Directive	5	1
19	COM(2020)725	Proposal for a Regulation of the European Parliament and of the Council on a reinforced role for the European Medicines Agency in crisis preparedness and management for medicinal products and medical devices	5	1
20	COM(2020)726	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 851/2004 establishing a European Centre for disease prevention and control	5	1
21	COM(2020)727	Proposal for a Regulation of the European Parliament and of the Council on serious cross-border threats to health and repealing Decision No 1082/2013/EU	5	1
22	COM(2020)767	Proposal for a Regulation of the European Parliament and of the Council on European data governance (Data Governance Act)	5	0

Commission document		Title	Total number of opinions⁷	Number of which were reasoned opinions (Protocol 2)
23	COM(2021)206	Proposal for a Regulation of the European Parliament and of the Council laying down harmonised rules on artificial intelligence (Artificial Intelligence Act) and amending certain union legislative acts	5	0