

Scrutiny of documents coming from the European Union and monitoring compliance with the principle of subsidiarity in the Cortes Generales (ES)

Date	Responsible body or unit	Description of the procedure
1) Day 1	Secretariat of the Joint Committee for the EU, Area III of the Directorate for Committees of the Congress of Deputies	<p>Direct transmission, via email, of the draft legislative act by the Commission, the Council or the European Parliament, according to article 4 of Protocol No. 2 of the Treaty on the Functioning of the EU (TFEU).</p> <p>These acts are sent together with the "lettre de saisine", evaluating the respect of the subsidiarity and proportionality principles by the proposal, according to article 5 of Protocol No. 2 of the TFEU.</p> <p>Both documents are sent in Spanish, English and French, as requested by the Cortes Generales.</p> <p>These documents are sent to the Secretariat of the Joint Committee for the EU, which is the Committee in charge of the subsidiarity checks in the Cortes Generales, as stated in article 3.j) of Law 8/1994, 19 May 1994, regulating the Joint Committee for the European Union, after its reform by Law 24/2009, 22 December 2009, which adapted the first to the Treaty of Lisbon.</p>
2) Day 2, or as a soon as possible	Secretariat of the Joint Committee for the EU	<p>As soon as the draft legislative act is received, the Secretariat of the Joint Committee for the EU sends it via email, together with the annexed documents, to the Parliamentary Assemblies in the Autonomous Communities, according to article 6.1 Law 8/1994, for the purposes of knowledge and the possible sending of a reasoned opinion on the principle of subsidiarity.</p> <p>Regional Parliaments have 4 weeks to send their opinions to the Cortes Generales.</p> <p>Even if the opinions sent by regional Parliaments do not bind the Cortes Generales, as article 6.1 of Protocol No. 2 of the TFEU states, they will be referred in the reasoned opinion eventually approved by the Cortes Generales.</p>
3) By Monday of the next sitting week	Secretariat of the Joint Committee for the EU	<p>An electronic index, listing all the received draft legislative acts, is sent every Monday of a sitting week to the members of the bureau of the Joint Committee for the European Union and the spokespersons of the political groups in the Cortes Generales.</p> <p>Besides draft legislative acts, this index includes:</p> <ul style="list-style-type: none"> <li>• other documents sent to the Cortes Generales by the European institutions</li> </ul>

		<ul style="list-style-type: none"> <li>• reports on the proposals sent by the Government</li> <li>• subsidiarity reports sent by the Autonomous Communities (both reasoned opinions and positive reports).</li> </ul> <p>All documents received since the last meeting of the bureau and spokespersons and before 20h of the previous Friday are included in this index.</p>
	Representative of the Cortes Generales to the European Union	As stated in the agreement adopted by the Bureau and the Spokespersons of the Joint Committee for the EU, on 26 February 2013, the referred index is also sent every week, via the representative of the Cortes Generales to the EU, to all Spanish MEPs.
4) Every sitting week	Representative of the Cortes Generales to the European Union	A weekly report listing the subsidiarity alerts from other national Parliaments is sent by the parliamentary representative in Brussels, to inform the bureau and spokespersons of the Joint Committee before they decide on the initiatives which will be scrutinised.
5) At least 48 hours after the distribution of the documentation	Members of the bureau of the Joint Committee for the EU (Chair, the two Vice Chairs and the two Secretaries) and the spokespersons of the political groups	<p>The bureau of the Joint Committee and the spokespersons decide, jointly and on behalf of the full Committee, on the procedure to be applied in each proposal, either (1) acknowledging the proposal, or (2) appointing a rapporteur who will elaborate a report on the referred proposal.</p> <p>This meeting is held at least twice a month, according to article 7 of the Resolution approved by the bureaux of the Congress of Deputies and of the Senate on 27 May 2010, developing Law 8/1994 (Official Parliamentary Bulletin of the Cortes Generales, A Series, no. 312, 8 June 2010), even if in practice this meeting is held every sitting week of the Cortes Generales.</p> <p>The decision is adopted by applying the principle of weighted vote, according to the number of votes represented by each group in the full House.</p> <p>(1) In those cases where the proposal is acknowledged, no further action is deemed necessary by the Joint Committee, the subsidiarity check is thus considered to have been finalised on the referred initiative, on a provisional basis.</p> <p>This provisional character ends 4 weeks after the remission of the proposal. In the meanwhile, 2 parliamentary groups or one-fifth of the Committee members may still request the subsidiarity check to be opened. The decision of the bureau and the spokespersons may also change for various reasons,</p>

		<p>as for instance, in case regional Parliaments send negative reports.</p> <p>(2) The bureau and the spokespersons may decide to start the procedure to approve a reasoned opinion, in that case, a rapporteur is appointed.</p> <p>The rapporteur is appointed by the bureau, and even if article 8 of the Resolution developing Law 8/1994 allows both individual and collegial rapporteurs, in practice the bureau appoints only individual rapporteurs. The rapporteur, who is a member of the Congress or the Senate being also a member of the Joint Committee to the EU, will be in charge of scrutinising the documentation and proposing a report or opinion to the Joint Committee.</p> <p>The criteria to allocate the rapporteurs between the different parliamentary groups is not regulated, the bureau and the spokespersons are thus allowed to decide freely on this issue.</p>
6) As soon as the subsidiarity starts	Government of Spain	<p>The Resolution developing Law 8/1994 states that when needed, the Joint Committee may ask the Government to send a report on a given proposal.</p> <p>Given the short deadlines applying in this procedure, the report shall be sent to the Cortes Generales as soon as possible, or at the latest before two weeks.</p> <p>The practice has evolved towards the Government automatically sending a report on every proposal.</p>
7) Right after the draft report or reasoned opinion is proposed	Secretariat of the Joint Committee for the EU	<p>Immediately after the proposal of a report or reasoned opinion by the rapporteur, the Secretariat of the Joint Committee, following article 8.4 of the Resolution developing Law 8/1994, distributes it to the members of the Committee, and a term of 5 days starts, during which alternative proposals, amendments or requests for the Plenary to vote on the issue, may be tabled.</p> <p>The beginning of the subsidiarity check is published in IPEX (Interparliamentary EU information exchange, <a href="http://www.ipex.eu">www.ipex.eu</a>).</p>
8) 5 days after distribution of the proposal	Secretariat of the Joint Committee for the EU	A session of the Joint Committee for the EU is convened.
9) The week after the session was convened	Joint Committee for the EU or	<p>Debate and vote of the proposed report or opinion in the Joint Committee for the EU.</p> <p>The Plenary of the Congress of Deputies or the Senate will vote on this procedure only when the full House of one of the Chambers reserves the final decision for itself, pursuant article 149 Rules of Procedure of the Congress of Deputies,</p>

	<p>Plenary of the Congress of Deputies and of the Senate</p>	<p>and article 130 Rules of Procedure of the Senate. In that case, both Chambers will adopt a decision on the proposed reasoned opinion in the Plenary. So far, this procedure has never been applied.</p> <p>The procedure applied in the Committee is the following: after the rapporteur has presented the proposal, the spokespersons of the amending groups are allowed to take the floor, eventually followed by the spokespersons of the other groups.</p> <p>Finally, the proposal, with the eventual agreed amendments, is voted. Single majority is required for the proposal to be accepted.</p>
<p>10) Immediately after the report or reasoned opinion is approved</p>	<p>Secretariat of the Joint Committee for the EU</p>	<p>After its approval, the report or reasoned opinion is published in the Official Parliamentary Bulletin of the Cortes Generales and sent to the European institutions. It is also sent to the Government, pursuant article 5.3 of the Law 8/1995.</p> <p>The report or reasoned opinion is published in IPEX, completing the updates regarding the referred initiative. In case of reasoned opinions, an English translation is published in IPEX alongside the Spanish original version.</p>