

**THE PARLIAMENT OF THE CZECH REPUBLIC**  
**SENATE**

**Evaluation of the COSAC Subsidiarity Check on the Proposal for a Directive of the European Parliament and of the Council on standards of quality and safety of human organs intended for transplantation**

**Procedures:**

**1. Which parliamentary committees were involved in the subsidiarity check and how?**

The committee responsible – Committee on EU Affairs – invited all the members of the Committee on Health and Social Policy to discuss the proposal at a joint meeting held on 7 January 2009.

**2. Was the plenary involved?**

Yes, the plenary deliberated on the Proposal and approved the final resolution on 8 January 2009.

**3. At which level the final decision was taken and who signed it?**

The final decision was approved by the plenary session and signed by the President of the Senate.

**4. Which administrative services of your parliament were involved and how (please specify)?**

European Union Unit and EU Committee advisor

**5. Did your government provide any information on the compliance of the Proposal with the principle of subsidiarity?**

No. The government delivered standard Explanatory Memorandum without any particular reference to the compliance with the above mentioned principle.

**6. In case of a bicameral parliament, did you coordinate the subsidiarity check with the other chamber?**

No.

**7. Did you consult your regional parliaments with legislative powers?**

There are no regional parliaments in the Czech Republic.

**8. Did you consult any non-governmental organisations, interest groups, external experts or other stakeholders?**

No.

**9. What was the chronology of events?**

11 December 2008: Receipt of the Proposal by the Senate

22 December 2008: Receipt of the draft Government Explanatory Memorandum

- 7 January 2009: Debate in Committee on EU Affairs  
8 January 2009: Debate in the plenary session  
13 January 2009: Submission of translated resolution to COSAC and the Commission together with the questionnaire

**10. Did you cooperate with other national parliaments in the process? If so, by what means?**

Cooperation by means of standard procedures through permanent representatives of national parliaments in Brussels and consultation of the IPEX web pages.

**11. Did you publicise your findings? If so, by what means?**

Not in any special way. The resolution of the Senate has been published on the Senate and IPEX web pages and forwarded to the government.

**12. Has your parliament introduced any procedural changes with regard to subsidiarity check mechanism since September 2008? If so, please specify how.**

No adaptations have been made, but they are being considered. Changes to the Rules of Procedure of the Senate, or draft Act on the Principles of Conduct and Relations between both Chambers and in their External Relations – as the case may be – are envisaged. They are aimed at strengthening the link between parliamentary scrutiny and Government responsibility in EU affairs, especially in sensitive issues like the transfer of competences (*passerelle*, flexibility clause). The proposed changes were approved by the Senate and are currently prepared for debate by the designated bodies of the Chamber of Deputies.

**Findings:**

**13. Did you find any breach of the principle of subsidiarity?**

No.

**14. Did you adopt a reasoned opinion on the Proposal? (If so, please enclose a copy)**

Yes, reasoned opinion of conformity with the principle (copy enclosed).

**15. Did you find the Commission's justification with regard to the principle of subsidiarity satisfactory?**

Yes.

**16. Did you encounter any specific difficulties during this subsidiarity check?**

The date of the issue just before the Christmas Holidays put a strain on planning of debates on the proposal due to the parliamentary schedule. To assure that the deadline is kept, the specialized committee was not

formerly asked for an opinion but was instead invited to the meeting of the Committee on EU Affairs.

**17. Any other comments?**

No.

13 January 2009