



**Hungarian National Assembly
Committee on European Affairs**

Reasoned opinion concerning the subsidiarity check

of the Proposal for Directive of the European Parliament and of the Council
on standards of quality and safety of human organs intended for transplantation
COM (2008) 818, 2008/238/COD

Following the thorough examination of the proposal by the secretariat of the Committee on European Affairs and the experts of the political groups, the Committee on European Affairs discussed the proposal on its meeting of 24 February 2009.

The Committee on European Affairs finds that the Commission's justifications with regard to the subsidiarity and proportionality principles are formal and only reflect the relevant wording of the EC-Treaty without any further explanation.

The Explanatory Memorandum does not refer to the subsidiarity principles and the recital 23 of the Preamble does not go beyond the wording of EC-Treaty. Point 2.) of the attached Impact Assessment on subsidiarity contains a brief declaration regarding the basis for Community competence in the field covered by the Proposal, without any further detailed reasoning.

The Committee considers that the Proposal includes only a formal justification, but it concludes that the breach of subsidiarity was not found since the scope of the envisaged harmonisation seem to comply with the provisions of the EC-Treaty and respects the relevant competence of the Member States.