

**Jean-Claude Juncker**  
President  
European Commission

Brussels  
Rue de la Loi 170  
B-1049  
Belgium

Subject: Reasoned opinion of the Hungarian National Assembly

*Dear Mr. President,*

On behalf of the Speaker of the Hungarian National Assembly, I have the honour to inform you Mr. President that the Hungarian National Assembly carried out the examination of the enforcement of the principle of subsidiarity in conformity with Article 6 of Protocol No. 2 on the application of the principles of subsidiarity and proportionality attached to the Treaties of the European Union as well as the relevant regulations of Act XXXVI of 2012 on the Hungarian National Assembly and Resolution No. 10/2014. (II. 24.) on certain provisions of the Rules of Procedures with regard to the Proposal for a Regulation of the European Parliament and of the Council establishing a crisis relocation mechanism and amending Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third country national or a stateless person [COM(2015) 450; 2015/0218(COD)], hereinafter referred to as Proposal.

The resolution adopted by the Hungarian National Assembly on 3 November 2015 declares that the Proposal does not comply with the principle of subsidiarity, therefore the reasoned opinion by virtue of Article 6 of Protocol No. 2 on the application of the principles of subsidiarity and proportionality is hereby forwarded to you.

The reasoned opinion of the Hungarian National Assembly – based on the report No. B/6622 submitted by the Committee on European Affairs on 13 October 2015 – is summarised as follows:

- Article 78(2)e) of the Treaty on the Functioning of the European Union (TFEU) constitutes inappropriate legal basis for the establishment of the crisis relocation mechanism. The Union measure could be primarily based on Article 352 TFEU.
- Article 33a(1) of the Proposal confers exclusive competence upon the European Commission concerning the establishment and activation of the crisis mechanism, whereas Article 78(3) TFEU provides competence in emergency situations for the Council.

- The empowerment concerning the exercise of the European Commission's competence exceeds the limitation enshrined in Article 290 TFEU. A practically automatic and centralised procedure would enter into force without providing consultation with the Member State(s) concerned and lacking the active participation of the Council.
- The more efficient procedure and the added-value of the eventual application of the crisis relocation mechanism compared to the measures adopted under Article 78(3) TFEU are not sufficiently justified by the European Commission. Moreover, the submission of the Proposal isn't sufficiently justified in view of the ongoing and in 2016 foreseeably closing thorough review of the Regulation 604/2013/EU.

Enclosed please find the resolution of the Hungarian National Assembly and the report of the Committee on European Affairs which together represent the full text of the reasoned opinion.

Budapest, 3 November 2015

Yours sincerely,

Dr. János Latorcai