



REPUBLIC OF LATVIA SAEIMA
EUROPEAN AFFAIRS COMMITTEE

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On the subsidiarity and proportionality check

The participants of the COSAC Chairpersons meeting on 7 July 2008 in Paris agreed to carry out the subsidiarity check on the Proposal for a Directive of the European Parliament and the Council on standards of quality and safety for the donation, procurement, testing, preservation, transport and characterisation of human organs.

Accordingly, the Saeima (Parliament) of the Republic of Latvia has carried out a subsidiarity and proportionality check concerning the final version of the Proposal for a Directive of the European Parliament and the Council COM (2008) 818 on standards of quality and safety of human organs for transplantation.

On 4 February 2009 the given issue was examined and final decision was taken by the Saeima European Affairs Committee. The Saeima European Affairs Committee's initial assessment about observance of subsidiarity and proportionality principles is as follows: the European Commission has chosen an adequate framework for developing legislative acts. Taking into consideration the above-mentioned, the Saeima European Affairs Committee considers that the final wording of the Proposal for a Directive of the European Parliament and the Council COM (2008) 818 on standards of quality and safety of human organs for transplantation complies with the principles of subsidiarity and proportionality.

In order to facilitate the compilation of the replies, we have structured our reply in the form of answers to the questions posed in the aide-mémoire prepared by the COSAC Secretariat.

Annex: A copy in English (three pages) of the opinion of the Saeima European Affairs Committee on the subsidiarity and proportionality check for the final wording of the Proposal for a Directive of the European Parliament and the Council COM (2008) 818 on standards of quality and safety of human organs for transplantation.

Sincerely,

Vaira Paegle

Chairperson of the Saeima
European Affairs Committee

Opinion of the Saeima European Affairs Committee on the subsidiarity and proportionality check for the final wording of the Proposal for a Directive of the European Parliament and the Council COM (2008) 818 on standards of quality and safety of human organs for transplantation

Procedure:

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

The Saeima European Affairs Committee and Public Health Subcommittee of the Social and Employment Matters Committee considered the proposal.

2. Was the plenary involved?

The given issue has not been on the agenda of Saeima plenary meetings.

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

Final decision was taken by Saeima European Affairs Committee and covering letter signed by Chairperson of the Saeima European Affairs Committee.

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

The Saeima European Affairs Committee and Public Health Subcommittee of the Social and Employment Matters Committee. Other administrative services of the Saeima were not involved in the scrutiny process.

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

On the part of the Latvian government, the Ministry for Health was involved in the scrutiny process. Ministry for Health provided opinion regarding the observation of the principles of subsidiarity and proportionality in the given item.

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

Latvia has a unicameral parliament.

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

Since the given proposal does not lie within the competence of Latvian local governments, local governments were not consulted on this issue.

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

In view of the specific nature of the issue, other external actors were not involved in the examination.

9. What was the chronology of events?

On 10 December 2008, the Saeima European Affairs Committee transmitted a letter to the Ministry of Health of the Republic of Latvia and Public Health Subcommittee of the Social and Employment Matters Committee with a request to assess the

compatibility of the given proposal with the principles of subsidiarity and proportionality.

On 29 January 2009, the Saeima European Affairs Committee received the opinion of the Latvian Ministry of Health regarding the observation of the principles of subsidiarity and proportionality in the given proposal. And on 30 January 2009, the Saeima European Affairs Committee received the opinion of the Saeima Social and Employment Matters Committee.

On 4 February 2009 the issue was examined and final decision was taken by the Saeima European Affairs Committee.

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

While preparing its opinion on subsidiarity and proportionality check the Saeima European Affairs Committee did not directly cooperate with other EU national parliaments. European Affairs Committee followed subsidiarity and proportionality checks in other EU parliaments through IPEX and Permanent Representative to the EU of the Parliament of Latvia.

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

The conclusions were not published; however, a press release on the last meeting of the European Affairs Committee during which the subsidiarity and proportionality check was discussed was prepared and sent to the Latvian news agencies.

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

Parliament has not introduced any procedural changes regarding to subsidiarity check mechanism since September 2008.

Findings:

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

Breaches of the subsidiarity and proportionality principles were not detected.

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

Taking into account the fact that no breaches of the subsidiarity and proportionality principles were detected, the Saeima opinion on the given item was not adopted.

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

The justification put forward by the European Commission is satisfactory.

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

No.

17. Any other comments?

The Saeima European Affairs Committee's initial assessment about observance of subsidiarity and proportionality principles is as follows: the European Commission has chosen an adequate framework for developing legislative acts. Taking into

consideration the above-mentioned, the Saeima European Affairs Committee considers that the final wording of the Proposal for a Directive of the European Parliament and the Council COM (2008) 818 on standards of quality and safety of human organs for transplantation complies with the principles of subsidiarity and proportionality; and the regulation of the said issue falls within the competence of the European Commission.

The European Affairs Committee also concluded that, while discussing the text of the said draft legislative act, it will be necessary to evaluate the conformity of its norms to the principles of subsidiarity and proportionality. Cause Article 152(5) of the EC Treaty proclaim that “measures referred to in [Article 152(4)(a)] shall not affect national provisions on the donation or medical use of organs”.