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INST 87
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COVER NOTE

From: The Irish Parliament
date of receipt: 2 March 2017
To: Donald Tusk, President of the Council of the European Union

Subject: Proposal for a Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU
[doc. 14875/16 JUSTCIV 310 EJUSTICE 191 ECOFIN 1120 COMPET 617 EMPL 500 SOC 823 CODEC 1744 - COM(2016) 723 final]
- Reasoned opinion on the application of the Principles of Subsidiarity and Proportionality

Delegations will find attached a copy of the above-mentioned opinion.

Cathaoirleach Seanad Éireann



Chairman of Seanad Éireann

28 February, 2017

Mr. Donald Tusk
President of the Council of the European Union
Council of the European Union
Rue de la Loi 175
1048 Brussels
Belgium

Re: Reasoned opinion of Seanad Éireann on Proposal for a *Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU - COM(2016)723*

Dear President Tusk,

I am writing to inform you that Seanad Éireann, at its meeting today, considered the Proposal for a *Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU - COM(2016)723*, and is of the opinion that the proposal does not comply with the principle of subsidiarity.

Under Standing Orders of Seanad Éireann, a Joint Committee was conferred with the power to consider the above Proposal for compliance with subsidiarity. The Committee was obliged under Standing Orders to report back to Seanad Éireann if it was of the opinion that the proposal did not comply with the principle of subsidiarity. The Committee duly reported to the Seanad and a motion on the Report of the Committee was considered and adopted by the Seanad at its meeting today.

In accordance with Standing Orders, I have enclosed a copy of the Resolution of Seanad Éireann and a copy of the Report of the Committee with the Reasoned Opinion. I have also sent this letter to the Presidents of the European Parliament, the Council and the Irish Minister for Finance.

Yours sincerely,

Denis O'Donovan.
Cathaoirleach.

Seanad Éireann
Teach Laighean
Shráid Chill Dara
Baile Átha Cliath 2

Tel: 353-1-618 3227 Fax: 353-1-618 4101
E-mail: cathaoirleach@oireachtas.ie Web: www.cathaoirleach.ie

Seanad Éireann
Leinster House
Kildare Street
Dublin 2

That Seanad Éireann:

- (1) notes the agreed Report of the Joint Committee on Justice and Equality under Standing Order 107 on the Proposal for a Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU - *COM(2016)723* which was laid before Seanad Éireann on 16 February 2017 in accordance with Standing Order 107(3)(b);
- (2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that the Proposal for a Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU - *COM(2016)723* do not comply with the principle of subsidiarity for the reasons set out in paragraph 3 of the Report, and
- (3) notes that, pursuant to Standing Order 107(3)(d), a copy of this Resolution together with the reasoned opinion and the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.”.

Senator Jerry Buttimer.

MOTION FOR INCLUSION ON SEANAD ORDER PAPER

“Go ndéanann Seanad Éireann:

- (1) an Tuarascáil chomhaontaithe a thabhairt dá aire ón gComhchoiste um Dhlí agus Ceart agus Comhionannas faoi Bhuan-Ordú 107 maidir leis an Togra le haghaidh Treoir ó Pharlaimint na hEorpa agus ón gComhairle maidir le creatha coisctheacha athstruchtúrúcháin, dara deis agus bearta chun éifeachtacht nósanna imeachta athstruchtúrúcháin, dócmhainneachta agus urscaoilte a mhéadú agus lena leasaítear Treoir 2012/30/AE - COM(2016)723 a leagadh faoi bhráid Dháil Éireann ar an 16 Feabhra 2017 de réir Seanad Bhuan-Ordú 107(3)(b);
- (2) ag féachaint don Tuarascáil réamhráite, agus le linn a feidhmeanna faoi alt 7(3) d’Acht an Aontais Eorpaigh, 2009 a fheidhmiú, an tuairim a shealbhú nach ndéanann an Togra le haghaidh Treoir ó Pharlaimint na hEorpa agus ón gComhairle maidir le creatha coisctheacha athstruchtúrúcháin, dara deis agus bearta chun éifeachtacht nósanna imeachta athstruchtúrúcháin, dócmhainneachta agus urscaoilte a mhéadú agus lena leasaítear Treoir 2012/30/AE - COM(2016)723 prionsabal na coimhdeachta a chomhlíonadh ar na cúiseanna atá leagtha amach i mír 3 den Tuarascáil; agus
- (3) a thabhairt dá aire, de bhun Bhuan-Ordú 107(3)(d), go gcuirfear cóip den Rún seo mar aon leis an tuairim réasúnaithe agus an Tuarascáil réamhráite chuig Uachtarán Pharlaimint na hEorpa, Uachtarán na Comhairle agus Uachtarán an Choimisiúin.”.

An Seanadóir Jerry Buttimer.

Ceann Comhairle



Speaker of Dáil Éireann

Mr. Donald Tusk
President of the Council of the European Union
Council of the European Union
Rue de la Loi 175
1048 Brussels
Belgium

28 February 2017

Re: Reasoned opinion of Dáil Éireann on Proposal for a *Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU - COM(2016)723*

Dear President Tusk,

I am writing to inform you that Dáil Éireann, at its meeting today, considered the Proposal for a *Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU - COM(2016)723*, and is of the opinion that the proposal does not comply with the principle of subsidiarity.

Under Standing Orders of Dáil Éireann, a Joint Committee was conferred with the power to consider the above Proposal for compliance with subsidiarity. The Committee was obliged under Standing Orders to report back to Dáil Éireann if it was of the opinion that the proposal did not comply with the principle of subsidiarity. The Committee duly reported to the Seanad and a motion on the Report of the Committee was considered and adopted by the Seanad at its meeting today.

In accordance with Standing Orders, I have enclosed a copy of the Resolution of Dáil Éireann and a copy of the Report of the Committee with the Reasoned Opinion. I have also sent this letter to the Presidents of the European Parliament, the Council and the Irish Minister for Finance.

Yours sincerely,

Seán Ó Fearghail, TD
Ceann Comhairle

Dáil Éireann
Dublin 2
Tel: 01 618 3343
Fax: 01 618 4100

Email:
ceann.comhairle@oireachtas.ie
Website:
www.ceanncomhairle.ie

“That Dáil Éireann:

- (1) notes the agreed Report of the Joint Committee on Justice and Equality under Standing Order 114 on the Proposal for a Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU - COM(2016)723 which was laid before Dáil Éireann on 16 February 2017 in accordance with Standing Order 114(3)(b);
- (2) having regard to the aforementioned Report, and in exercise of its functions under section 7(3) of the European Union Act 2009, is of the opinion that the Proposal for a Directive of the European Parliament and of the Council on preventive restructuring frameworks, second chance and measures to increase the efficiency of restructuring, insolvency and discharge procedures and amending Directive 2012/30/EU - COM(2016)723 do not comply with the principle of subsidiarity for the reasons set out in paragraph 3 of the Report, and
- (3) notes that, pursuant to Standing Order 114(4), a copy of this Resolution together with the reasoned opinion and the aforementioned Report shall be sent to the Presidents of the European Parliament, the Council and the Commission.”.

Deputy Caoimhghín Ó Caoláin, Chairman of the Committee.

MOTION FOR INCLUSION ON DÁIL ORDER PAPER

“Go ndéanann Dáil Éireann:

- (4) an Tuarascáil chomhaontaithe a thabhairt dá aire ón gComhchoiste um Dhlí agus Ceart agus Comhionannas faoi Bhuan-Ordú 114 maidir leis an Togra le haghaidh Treoir ó Pharlaimint na hEorpa agus ón gComhairle maidir le creatha coisctheacha athstruchtúrúcháin, dara deis agus bearta chun éifeachtacht nósanna imeachta athstruchtúrúcháin, dócmhainneachta agus urscaoilte a mhéadú agus lena leasaítear Treoir 2012/30/AE - COM(2016)723a leagadh faoi bhráid Dháil Éireann ar an 16 Feabhra 2017 de réir Bhuan-Ordú 114(3)(b);
- (5) ag féachaint don Tuarascáil réamhráite, agus le linn a feidhmeanna faoi alt 7(3) d’Acht an Aontais Eorpaigh, 2009 a fheidhmiú, an tuairim a shealbhú nach ndéanann an Togra le haghaidh Treoir ó Pharlaimint na hEorpa agus ón gComhairle maidir le creatha coisctheacha athstruchtúrúcháin, dara deis agus bearta chun éifeachtacht nósanna imeachta athstruchtúrúcháin, dócmhainneachta agus urscaoilte a mhéadú agus lena leasaítear Treoir 2012/30/AE - COM(2016)723 prionsabal na coimhdeachta a chomhlíonadh ar na cúiseanna atá leagtha amach i mír 3 den Tuarascáil; agus
- (6) a thabhairt dá aire, de bhun Bhuan-Ordú 114(3)(d), go gcuirfear cóip den Rún seo mar aon leis an tuairim réasúnaithe agus an Tuarascáil réamhráite chuig Uachtarán Pharlaimint na hEorpa, Uachtarán na Comhairle agus Uachtarán an Choimisiúin.”.

An Teachta Caoimghín Ó Caoláin, Cathaoirleach an Choiste.
