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**Annex to the
7th biannual report
of COSAC:
National Parliaments'
replies to the questionnaire**



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QUESTIONNAIRE: 7TH BIENNIAL REPORT

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

The XXXVI COSAC in Helsinki suggested in its Conclusions that after the completion of its second subsidiarity and proportionality check, COSAC should undertake an evaluation of best practice in relation to the checks as well as on how national parliaments can improve their cooperation in this regard.

The two subsidiarity and proportionality checks conducted by COSAC so far concern a Commission proposal on jurisdiction and applicable law in matrimonial matters¹ as well as a Commission proposal on the liberalisation of postal services². The results of these checks are each contained in a report of the COSAC Secretariat.

As stipulated in the conclusions of the XXXVI COSAC in Helsinki, parliaments regard the monitoring of the principles of subsidiarity and proportionality in the framework of COSAC useful. In its conclusions COSAC furthermore welcomes the decisions of the European Council of June 2006 as well as of the Conference of Speakers of July 2006 to encourage national parliaments to reinforce cooperation in the monitoring of subsidiarity issues under the auspices of COSAC.

The aim of this chapter is to undertake an evaluation of the two subsidiarity and proportionality checks that have been initiated by COSAC. This evaluation could prepare the ground for improvements regarding the procedure applied to possible future checks.

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which may have been the "lessons learned"? Please specify.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

¹ COM(2006) 399 final

² COM (2006) 594 final

1.3. Do you consider that your parliaments should be in a position to react to Commission proposals within a period of the six weeks?³

1.4. Did the protocol on subsidiarity and proportionality annexed to Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well?

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

XXXVI COSAC in Helsinki suggested in its conclusions that COSAC should draw up an initial evaluation of the dialogue between the Commission and national parliaments. This evaluation should be based on the experience gathered with regard to the Commission's initiative of direct transmission of COM documents to national parliaments that came into force on 1 September 2006.

According to this initiative that was officially announced in the Commission's Communication "A Citizens' Agenda" of 10 May 2006⁴ the Commission transmits directly all new proposals and consultation papers to national parliaments and invites them to react so as to improve the process of policy formulation. The Commission furthermore expressed its commitment to take into account the views submitted by national parliaments.

³ The Protocol on the role of the national parliaments in the European Union as attached to the Treaty of Amsterdam states that, except in cases of urgency, a six-week period shall elapse between a legislative proposal being made available in all languages by the Commission and the date when it is placed on a Council agenda for decision.

⁴ COM(2006) 211 final

The 6th bi-annual report already provided an overview on the measures national parliaments have taken with regard to the reception of and response to documents sent by the Commission. The 7th bi-annual report will provide a follow-up on the procedures applied by national parliaments and will have a closer look on the experience parliaments have gathered especially with regard to the Commission's reactions towards their statements.

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission, namely if it has implied a change in attitude in the way to deal with European affairs?

2.2. Do you get new relevant information through this mechanism that you didn't receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

2.3. Has your parliament scrutinized only the legislative proposals or also consultation documents, working documents, etc?

2.4. Has your parliament sent to the Commission any comments so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or concerning any additional proposals?

If yes: 2.4.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

2.4.2. To whom did your parliament sent its comments – to the Commission only, or copy also to the Council, the European Parliament, and the COSAC Secretariat?

2.4.3. Were these comments uploaded to IPEX?

2.4.4. Did the opinions sent by your parliament concern only the legislative proposals or also consultation documents, working documents, etc?

2.4.5. Did the opinions relate to only matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

2.4.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

2.4.7. Are you satisfied with the responses given by the Commission and do you think that your opinions were taken into consideration by its services?

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

CHAPTER 3: THE FUTURE OF EUROPE

This chapter will give an overview on the state of the debate and the latest developments with regard to the constitutional process in order to prepare the discussion of the issue at the XXXVII COSAC meeting in Berlin. Reactions of parliaments to the Berlin declaration commemorating the 50th anniversary of the Treaty of Rome will be taken into account if available.

There will be no questionnaire on this Chapter as such. However should you have any observations that you would like to transmit for the information of the secretariat, please feel free to do so.

CHAPTER 4: CLIMATE CHANGE AND CLIMATE PROTECTION - THE ROLE OF THE EU

Chapter 4 will provide background information for the debate on climate change and climate protection and the role of the European Union. There will be no questionnaire on this Chapter as such. However should you have any observations that you would like to transmit for the information of the secretariat, please feel free to do so.

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1. Austria

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The subsidiarity checks provided added value in that respect that both the scope of scrutiny and the addressee of a possible statement (the European Commission) were different from the normal way in which national parliaments scrutinize their governments. In addition – as national parliaments all over Europe participated at the same time – a kind of common spirit is evolving.

Due to the general elections in autumn 2006 the Austrian Parliament could not participate in the subsidiarity check on divorce matters, neither could the Nationalrat participate in the subsidiarity check on postal services. However, the Bundesrat did scrutinize the Commission proposal on the liberalisation of postal services on 12 December 2006.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

Not yet. For the subsidiarity check the normal way of EU scrutiny was used. However the rules of procedure of the Nationalrat were changed in 2005 in order to allow documents coming directly from EU institutions to be put on the agenda of the EU committee (until then this only applied to those EU documents sent by government). Future modifications of the rules of procedure would probably depend on the fate of the constitutional treaty.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Yes.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Protocol No. 30 of the Amsterdam Treaty provides quite a good basis for the application of subsidiarity and proportionality. If we think about further clarification of the principles we should first be aware that the constitutional treaty – in spite of setting up a procedure – is not very detailed on that.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The basis for the meeting of the EU committee of the Bundesrat was an expertise of the EU and International Service of the Austrian Parliament. The legal base was checked as well – an exclusive Community competence would have prevented a further check on subsidiarity, but not one on proportionality.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

For the time being future checks could follow under the umbrella of COSAC. However, sooner or later parliaments should consider this new possibility of addressing the commission part of their “normal” EU scrutiny work. Then COSAC together with the IPEX website could form valuable instruments for the exchange of information and best practises.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

1-2 checks/year could be conducted annually. The selection through the annual legislative and working programme of the Commission seems to be a feasible way (as in 2006).

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

Yes, as the direct transmission together with the invitation to react brings national parliaments and Commission into a direct relationship. However, there was no need for a change in attitude towards dealing with EU affairs.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

It is not necessarily new information, but Commission documents enter parliament a little bit earlier. As soon as a significant number of parliaments starts to use this new instrument and coordinates its application the scrutiny role of parliaments will be reinforced.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The EU and International Service provides the chairmen of the EU committees of both chambers with a list of incoming documents of the Commission. There are also consultation documents included. However, first experience has shown that this kind of documents is only relevant when concrete future proposals are contained.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

The use of this new instrument would not entail that much procedural changes in terms of amending the rules of procedure but the way discussions are structured. Discussions are under way but have not yet lead to conclusive results.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

No, however, the result of debates in the EU affairs committee of the Bundesrat (no objection) were communicated to the COSAC Secretariat.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

2.5.3 Were these comments uploaded to IPEX?

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

It might be helpful if the reactions of the Commission to statements of national parliaments could be made available to other parliaments as well (eg. by including them on the IPEX website).

2. Belgium: House of Representatives

Questionnaire : 7th biannual report

1.1 The lessons learnt:

an overview and better insight of the several procedures, a.o.:

- the determination of the competent Committee;
- the cooperation with the Committee on European affairs;
- the cooperation (or not/with the) other Chamber;
- the role of the administrative staff in the analytical work and the formulation of a parliamentary opinion;
- the level of the parliamentary opinion formulation (Plenary/Committee/joint Committees, etc.)

1.2 The collective checks have sensibilized the specialised standing Committees for European affairs. It would be therefore interesting to continue some checks in other policy fields, so that all the standing Committees feel the necessity of a better follow up of European affairs.

These checks, in combination with the Barroso-initiative gave a new impetus to the House to organize in a more systematic way the scrutiny of European Commission proposals (up till now there was no systematic scrutiny).

1.3 The experimental checks showed that it is almost impossible to react within a period of six weeks. This is not considered as problematic: the systematic follow up of European decision making, needs to follow two channels:

- the Commission oriented approach;
- the Council oriented approach (influence of the National parliament via the own government).

The parliamentary follow up may be effective by focussing on both paths. Parliamentary scrutiny is thus considered to be useful throughout the “first lecture” in the European legislative process.

1.4 It is our impression that the subsidiarity principle and the standards to evaluate the subsidiarity principle are not yet fully operationalized.

The general opinion of the National Parliaments is that subsidiarity is a political and not a juridical concept. This leads parliaments to the conviction that a “political” concept is merely “emotional-subjective” and linked to feelings of sovereignty, autonomy,...But a political concept is object of “political choices” and those should made –as much as possible- via a rational (scientific) approach.

The subsidiarity principle needs then to be operationalized as an “empirical category” (by a set of indicators). This will depend on the nature of the policy proposal.

Some policy proposals ask for an analysis and evaluation of the subsidiarity principle through the “political economy” approach.

In this framework the subsidiarity-aspect of policy proposals should be analysed in terms of “scale economics” (the trade off between centralisation and decentralisation).

This example only shows how complex the subsidiarity analyses can be. Subsidiarity analyses can therefore not be reduced to a subjective-political feeling. Policy evaluation-methods need to be applied, because the definition of the subsidiarity principle in the European treaty contains, implicitly criteria of “policy effectivity”.

(The Union may only act as far as the objectives of an intended policy can not sufficiently be realized by the member states).

In order to evaluate this principle one needs to analyse the relations between the objective (subsidiarity) and the “means” (proportionality).

One cannot separate and consider both aspects independently of each other.

Some say that the objective (subsidiarity) is a political option (subjective) whilst the proportionality is a question of optimization of the instruments, once, one has put forward (politically) an objective.

But even the formulation of the policy objectives is not a mere political (subjective question), because the objective is an answer to problem-solution. Also in this context the formulation of the policy objective is a question of problem-analysis and the development of a taxonomy of policy objectives.

Thus, the above mentioned observations show that the operationalization of the subsidiarity principle is not that simple.

1.5 The subsidiarity check should be principally based on the adequacy of the proposed policy objectives and means. The legal base can then be deducted from this judgement.

1.6 Yes, See point 1.2

1.7 Two per semester.

The issues should be chosen in this way that after a term of +/- 2 years a subsidiarity case in the most important policy fields, has been treated (just to show the several methodologies to be used in function of the specific policy field).

2.1 Yes, see 1.2

2.2 The House received already the documents via the Belgian permanent representation. The added value, however is the new context created by the initiative of the European Commission. The attitude of the parliament with regard to European questions is changing, because of the expectations of the European Commission vis à vis the national parliaments.

2.3 The House of Representatives has the ambition to consider also the consultation, working and other documents.

2.4 see 1.2

2.5 Up till now, the parliament has sent only the comments formulated in the framework of the collective subsidiarity checks of the COSAC.

2.5.1 by e-mail

2.5.2 to the Commission (it is our intention to inform the Belgian Government about the existence of IPEX, so that IPEX will be also valorised as a communication channel between the parliament and the government)

2.5.3 yes

2.5.4 see 2.4

2.5.5 see 2.4

2.5.6 yes; The comments of the European Commission are uploaded to IPEX

2.5.7 we are still waiting for the reactions of the competent committee of the House to the responses of the Commission.

3. Belgium: Senate

QUESTIONNAIRE POUR LE 7e RAPPORT BIANNUEL

Réponses du Sénat de Belgique

Chapitre 1er : Evaluation des contrôles de subsidiarité et de proportionnalité

Questions:

1.1. Les deux contrôles communs de subsidiarité et de proportionnalité réalisés par la COSAC (celui en matière matrimoniale et celui concernant les services postaux) ont-ils apporté une valeur ajoutée à la façon votre parlement s'occupe des sujets européens? Quels enseignements en ont été tirés? Veuillez spécifier s.v.p.

Les deux contrôles ont amené le Sénat belge à développer une nouvelle procédure formelle du contrôle parlementaire des matières relevant de l'UE. Sur base des expériences apprises, une nouvelle procédure a été testée et formalisée et fait actuellement encore l'objet de tests de manière à être tout à fait opérationnelle après les élections fédérales belges de juin 2007, qui conduiront à la constitution d'un nouveau parlement.

1.2. Les contrôles communs ont-ils influencé la façon dont votre parlement traite les affaires européennes? Des procédures ont-elles été changées ou même modifiées spécialement pour traiter des questions de la subsidiarité et la proportionnalité ou avez-vous utilisé votre système habituel d'examen des questions européennes? Veuillez spécifier s.v.p. Des informations sur les changements que vous envisagez à l'avenir seraient appréciées.

Avant que la COSAC ne réalise ces contrôles, aucune procédure formelle d'examen parlementaire des documents UE n'existait au Sénat de Belgique. La procédure actuelle fait l'objet de tests et sera tout à fait d'application au second semestre 2007. Dès à présent, tous les documents UE font l'objet d'un examen sur base de cette nouvelle procédure.

1.3. Considérez-vous que votre parlement est devrait être en mesure de réagir aux propositions de la Commission dans un délai de six semaines?

En principe, cela ne devrait pas poser de problème si la période de six semaines court à partir du moment où les propositions sont disponibles dans les différentes langues pratiquées en Belgique (français, flamand et allemand). Cependant, comme de nombreuses propositions ne relèvent pas de la seule compétence du parlement fédéral mais également et même parfois exclusivement de la compétence des assemblées parlementaires régionales, le contrôle pose en général un problème étant donné que les assemblées régionales sont tout à fait libres de déterminer leur agenda.

1.4. Le protocole sur la subsidiarité et la proportionnalité repris dans l'annexe du traité d'Amsterdam a-t-il favorisé la procédure d'examen et clarifié les critères à appliquer?

Une meilleure définition des principes de subsidiarité et/ou de proportionnalité serait-elle utile?

Le protocole a été l'une des sources d'informations pour le développement de la procédure mais la Belgique se base essentiellement pour le contrôle parlementaire sur la Constitution européenne.

Une définition plus pointue de la teneur, de la définition et de l'application des principes de subsidiarité et de proportionnalité ne peut constituer qu'un plus.

1.5. Le principe de la subsidiarité n'est appliqué que dans les domaines dans lesquels la Communauté ne jouit pas d'une compétence exclusive. Votre parlement a-t-il également contrôlé la base légale des propositions de la Commission? Pensez-vous que la vérification de la base juridique constitue une partie intégrante du contrôle de la subsidiarité?

La base légale des propositions est peu contrôlée. Des aménagements pourraient avoir lieu en la matière. Des propositions pour un contrôle systématique de cette base légale seront faites en temps utile.

1.6. Désirez-vous que la COSAC continue à mener des contrôles de subsidiarité et de proportionnalité à l'avenir? Merci d'indiquer des raisons.

Le Sénat belge se dit favorable à de nouveaux contrôles à l'initiative de la COSAC, en temps réel afin de tester la faisabilité dans les six semaines imparties. Nous proposons que la COSAC nous fournisse une liste des propositions prioritaires, basée sur le programme législatif de la Commission européenne. Cette liste pourrait reprendre toutes les propositions susceptibles de donner lieu à un large débat en Europe ou qui pourraient changer fondamentalement le système légal de l'un (ou de plusieurs) des états membres.

C'est essentiel, puisque la COSAC, en motivant tous les parlements nationaux à examiner ces propositions et à en faire une priorité, permettrait à la Commission européenne d'avoir une vue claire des opinions en Europe.

1.7. Si vous répondez positivement à la question précédente, veuillez indiquer le nombre des contrôles que vous souhaitez réaliser chaque année et la manière dont les propositions de la Commission seraient choisies. D'autres suggestions pour améliorer la procédure seraient également appréciées.

Voir réponse point 1.6. La sélection des propositions devrait être faite par le secrétariat de la COSAC, qui prendrait en compte toutes les remarques des parlements nationaux.

Chapitre 2 : Evaluation de la coopération avec la Commission européenne

Questions:

2.1. Votre parlement estime-t-il que ce nouveau mécanisme de transmission directe des documents apporte une valeur ajoutée au dialogue avec la Commission, à savoir qu'il a entraîné un changement d'attitude envers la manière de s'occuper des affaires européennes?

Ce mécanisme a été un facteur déclenchant pour l'intérêt croissant du Sénat belge pour les affaires européennes.

2.2. Par ce mécanisme, recevez-vous de nouvelles informations que vous ne receviez pas auparavant? Pensez-vous que cette interaction avec la Commission a renforcé le rôle de votre parlement dans le traitement des affaires européennes?

Le Sénat belge reçoit beaucoup plus d'informations de la Commission et a donc le loisir de les examiner au Comité d'avis fédéral chargé des questions européennes et dans les commissions compétentes.

2.3. Votre parlement a-t-il exercé son contrôle seulement sur les propositions législatives ou a-t-il aussi considéré des documents de consultation, des documents de travail etc.?

Tous les documents sont examinés. Si l'accent est mis sur les documents législatifs, les Documents verts et les programmes d'action intéressent également les Membres du Sénat belge, car ils permettent une plus grande proactivité.

2.4. Votre parlement discute-t-il des changements de procédure lié à l'initiative de la Commission?

Comme nous testons encore la nouvelle procédure de contrôle des questions UE, la procédure en cours est constamment sujette à modifications.

2.5. Votre parlement a-t-il envoyé des commentaires à la Commission jusqu'à maintenant? (Si oui, pourriez-vous les joindre au questionnaire s.v.p.?) Ces commentaires ont-ils été envoyés dans le cadre des contrôles de subsidiarité et de proportionnalité ou ont-ils concerné des propositions supplémentaires?

Jusqu'ici, le Sénat belge a envoyé deux commentaires à la Commission. Ils concernent tous deux des contrôles menés à l'initiative de la COSAC.

Si oui: 2.5.1. Comment votre parlement a-t-il réagi (lettre du Président de la Chambre, lettre du Président de la Commission, par courriel)?

Comme suggéré par la Commission européenne, le Sénat envoie les commentaires par e-mail.

2.5.2. A qui votre parlement a-t-il envoyé ses commentaires - à la Commission seulement ou a-t-il transmis une copie au Conseil, au Parlement Européen et/ou à votre gouvernement national?

Les avis ont été envoyés à la Commission européenne et au gouvernement fédéral.

2.5.3. Ces documents ont-ils été téléchargés sur IPEX?

Les commentaires ont été téléchargés sur IPEX.

2.5.4. Les avis transmis par votre parlement ont-ils concerné seulement les propositions législatives ou ont-ils aussi concerné des documents de consultations, des documents de travail, etc.?

Les avis concernent uniquement les contrôles menés à l'initiative de la COSAC et donc les seules propositions législatives.

2.5.5. Vos avis ont-ils porté seulement sur la subsidiarité et la proportionnalité (à part les contrôles réalisés par la COSAC) ou également sur d'autres sujets?

Seul le respect de la subsidiarité et de la proportionnalité a été examiné mais le contrôle du principe de proportionnalité a été l'occasion d'une discussion sur le contenu de la proposition législative.

2.5.6. Votre parlement a-t-il déjà reçu des réponses à vos commentaires de la part de la Commission? Si oui, merci de les joindre à ce questionnaire.

La Commission a envoyé une réponse au Sénat belge à propos du premier contrôle réalisé à l'initiative de la COSAC.

2.5.7. Etes-vous satisfait des réponses de la Commission? Avez-vous des indications que vos avis ont été pris en considération par ses services?

La seule réponse de la Commission que le Sénat a reçu a été jugée satisfaisante. Elle prouve que la Commission a pris en compte les remarques du Sénat de Belgique. Il est évident qu'il faut attendre encore d'autres réponses avant de pouvoir estimer la valeur et la qualité des ces réponses.

2.6. A votre avis, de quelle manière la coopération avec la Commission peut-elle être améliorée dans le cadre de ce mécanisme?

La réponse de la Commission devrait être plus rapide. Le Sénat de Belgique est toujours en attente d'une réponse aux remarques faites dans le cadre du second contrôle effectué à l'initiative de la COSAC.

Chapitre 3 : L'avenir de l'Europe

L'avenir de l'Europe est à l'ordre du jour de toutes les réunions du Comité d'avis chargé des Questions européennes du Sénat de Belgique (briefings avec le Premier Ministre à propos des Conseils européens concernant la transposition de directives ainsi que des réunions avec des Commissaires européens, etc.).

De plus, dans le cadre du 50e anniversaire des Traités de Rome, différents événements ont été organisés autour de ce thème (notamment un débat ouvert au grand public avec M. Jacques Delors, le vendredi 16 mars 2007).

Chapitre 4 : Changement climatique et protection climatique - Le rôle de l'U.E.

Les commissions compétentes (Comité d'avis des questions européennes et Commission sociale) discutent régulièrement de cette matière à l'occasion d'auditions avec des experts et de débats avec les ministres compétents. Depuis que cette matière relève aussi des compétences des régions, les assemblées parlementaires régionales en discutent également de manière régulière.

4. Bulgaria

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The Bulgarian Parliament did not take part in the two collective subsidiarity and proportionality checks.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

Subsidiarity and proportionality checks are part of our scrutiny system.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

The Bulgarian Parliament will make the efforts to replay in the 6 weeks. However in some cases it will be quite difficult to react within the above mentioned time period.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The scrutiny procedure needs further clarification and some common COSAC rules could be quite useful.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The verification of the legal base of the draft proposals forms an integral part of the subsidiarity check but it is impossible to check all Commission proposals due to lack of capacity. So it is preferable to check only those which are more likely to contradict the subsidiarity principle.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes, because this will help to develop common COSAC rules and will stimulate the chambers to be more engaged in the subsidiarity matter.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

Four checks annually could be sufficient.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The direct transmission of documents is useful because the Parliaments receive the information needed for the scrutiny as early as possible and have more time to fulfil the procedure. The direct transmission also has positive influence on the scrutiny activities because it additionally motivates the specialised parliamentary committees to take part in the procedure.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Yes, we get some new information – analysis and some other Commission staff working documents, which are useful in dealing with European affairs.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

We also intend to scrutinize working documents, especially White and Green Papers.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

No, because we are just in the stage of introducing the European affairs scrutiny procedure.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Not yet.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

2.5.3 Were these comments uploaded to IPEX?

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

COSAC secretariat could publish the correspondence between the national parliaments and the Commission on the COSAC web site if the parliaments and the Commission agree with this proposal.

5. Cyprus

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

Yes. The two checks have significantly contributed towards the preparation of the Parliamentary Committee on European Affairs (hereinafter "the Committee") as to its role as a scrutinising body on EU matters. In fact, the two checks have been the first experience of the Committee regarding the subsidiarity and proportionality control.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The Committee is at the present time the committee which mainly deals with the scrutiny of EU matters. During the checks it was the only committee involved. However, the experience gained from the aforementioned checks has shown that sectoral committees are to be consulted in future checks as their involvement would enable a more in depth examination of the matters at hand. In addition, interested parties and the executive could be invited to express their views.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

The Committee during the last two checks felt that the time available to national parliaments would not be sufficient, if during the time frame provided, the proper procedure were to be followed, during which more interested parties and the competent sectoral parliamentary committees would be invited to express their opinion on the matter at hand. In addition the Committee encountered difficulties due to the delay of the transmission of the proposals in our official language.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Yes. The said Protocol was used for the examination of the proposals at hand.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes. Through the conduct of proportionality and subsidiarity checks within the framework of COSAC and the interparliamentary co-operation, national parliaments can exchange

views and ideas and at the end of each check national parliaments can compare their results to those of other national parliaments thereby improving their scrutiny process.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

The proposals to be subjected to the subsidiarity and proportionality check under the framework of COSAC could be selected from the catalogue of proposals chosen by the national parliaments on the basis of the Annual Legislative Programme of the European Commission. The selection should take into consideration the importance of each proposal to the national parliaments and our country. Moreover, COSAC could conduct at least 3 checks annually.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

Yes. The direct transmission of Commission documents to the House of Representatives has been a very positive development as it enhances transparency and strengthens the role of national parliaments in the decision making process in the EU.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Yes. Due to the fact that Cyprus is a presidential democracy with a complete separation of powers, transmission of documents directly to the House of Representatives constitutes a substantial contribution to the timely and authoritative information.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

At the current stage the Committee scrutinises mainly legislative proposals and consultation documents, however, Commission working documents are regularly forwarded to the Committee and the sectoral Committees for their consideration.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

Procedural changes are to be discussed upon further streamlining of the internal procedure of the House of Representatives.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

No. The findings of the Committee have only been submitted to the COSAC Secretariat.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

2.5.3 Were these comments uploaded to IPEX?

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

6. Czech Republic: Chamber of Deputies

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

We found the two collective subsidiarity and proportionality checks conducted by COSAC very useful. It allowed our Committee for European Affairs to get acquainted with the conclusions of these checks of all the EU national parliaments. In this respect, these checks have provided a "European added value".

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

No. However, in the case of the second check concerning the Commission proposal on the liberalisation of postal services, the Committee for European affairs invited the providers of the postal services to hear their opinions. The Committee has found this practice very valuable and we are planning to use this practice more often.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Yes, but it is hardly possible to keep a six-week time limit in all cases. There are some very complex and comprehensive proposals requiring detailed examination that may delay the Committee's response. The scrutiny procedure might be also delayed when the proposal is deliberated in some select committee or in the plenary.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

From our point of view the principle of subsidiarity and proportionality is a dynamic concept, of which the comprehension might differ Member State from Member State depending on the subject of the proposal. This was clearly shown on the example of the Commission proposal on the liberalisation of postal services. While one National Parliament found the breach of principle of proportionality, the other welcomed the Commission's initiative and wished to go even further.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes, regarding both questions (these questions form an obligatory part of the Committee's conclusions).

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes. Nevertheless, COSAC should evaluate the political impact of such project in cooperation with the Commission. We entirely agree with the opinion of the European Scrutiny Committee of the House of Commons of the UK Parliament that „there is scope for COSAC, acting on the initiative of the Presidency, to consider the responses which have been submitted by national parliaments in respect of individual legislative proposals, and the observations which the Commission has made in reply. For instance, should a significant number of COSAC delegations consider that the Commission response to their individual concerns was inadequate or poorly founded, it would be open to the Presidency to propose a follow-up debate in COSAC. COSAC might also consider adopting a separate Contribution on the dossier, requiring the Commission to respond in writing.”⁵

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

It is optimal to conduct two checks per a year.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

We appreciate every new possibility to communicate in a direct and simple way with the European institutions. However, the answer to both questions is “not really”. A real advantage of the direct transmission for us is the availability of the Czech language version without unnecessary delay. We consider the mechanism to be a useful transmission channel, since it serves us mostly as a parallel information source to the Council Extranet. The impact of the system as a communication tool for dialogue with the Commission is, in our view, quite limited. The impact of the way of delivery of European documents on the way the parliament deals with European affairs is rather marginal.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Since this mechanism is a parallel source for us, we don't receive any new information through it, as such. We believe that direct interaction with the Commission certainly holds the potential to reinforce the role of national parliaments. Nevertheless, the current mechanism does not, in our opinion, enable the full exploitation of this potential.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

⁵ See Annex to the 6th biannual report of COSAC: National Parliaments' replies to the questionnaire, November 2006, p. 186

The legal form of the document (legislative proposal, communication, green paper etc.) is not the only criterion for the decision regarding whether to scrutinize a document or not: the content of a particular document is taken into consideration as well. Many important legislative actions of the Commission are, in our experience, foreseen in non-legislative documents of a strategic or consultation nature. The possibility of the parliament to influence European affairs depends to a large extent on the timely delivery of the outcome of its scrutiny regarding a concrete issue. The energy packet of the Commission could serve as a good example, which was scrutinized in an exceptionally short period in order to deliver the resolution in time. Therefore, the scrutinizing of consultation or even working documents is quite common in the Chamber of Deputies.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

No.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Yes, we have sent to the Commission two comments. Both of them were sent within the framework of the COSAC subsidiarity and proportionality checks. Please find them in the enclosure to this questionnaire.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

Comments of our Committee for European Affairs were sent by e-mail to the addresses introduced in the relevant "aide-mémoire" for each subsidiarity and proportionality check. The addresses were as follows:

Commission: sg-national-parliaments@ec.europa.eu

European Parliament: ep-np@europarl.europa.eu

Council: sgc.cosac@consilium.europa.eu

COSAC Presidency: grand.committee@parliament.fi

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

Comments of our Committee for European Affairs regarding the COSAC subsidiarity and proportionality checks were sent to the bodies mentioned in the previous answer.

At the same time were comments in question sent to the Prime Minister as well as to the relevant Ministry of Czech Republic.

2.5.3 Were these comments uploaded to IPEX?

Yes, we have uploaded them to IPEX without undue delay after their approval.

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

Since the COSAC subsidiarity and proportionality checks concerned two legislative proposals, opinions of our Committee were related only to this form of documents too.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

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2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

Yes, we have received comments of the Commission on an opinion of the Czech Parliament on the Proposal for a Council Regulation amending Regulation (EC) No. 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters. Please find these comments in the enclosure to this questionnaire.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

We appreciate that we received the response from the Commission to our conclusions regarding the first check (concerning the Commission proposal on jurisdiction and applicable law in matrimonial matters) in a short time. From a substantive point of view, we found that the responses were based on the Explanatory Memorandum of the proposal.

So far, there are no indications that the Commission's services would take our conclusions into consideration.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

One serious insufficiency of the current system is, in our opinion, a rather limited possibility of sorting delivered documents. A set of metadata accompanying each document and identifying not only the COM number and the transmission as a technical process, but its originator (e.g. DG responsible) and the subject as well would be very helpful. Such data should be accessible in the first level, since their incorporation into a zip-file does not allow the automatic system to process them. Moreover, the system would be more efficient if it enabled direct communication with the DG and/or the person responsible for the issue to which a given document relates.

7. Czech Republic: Senate

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The coordinated subsidiarity and proportionality check as started during British and Austrian presidencies provided important added value. They generated not only enhanced focus on the above mentioned legislative proposals at national level, but also stimulated the exchange of views and useful practices among parliaments.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The subsidiarity and proportionality check of legislative proposals were carried out according to the usual procedure of EU scrutiny system in the Czech Senate. No special modifications were needed during the scrutiny. However, in an effort to comply with COSAC deadline for submitting comments on the Postal services proposal (substantially less than 6 weeks after publication of CS language version) the usual procedures had to be compressed.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

The final resolutions of the Senate vis-à-vis EU legislative acts have to be approved by the plenary on a proposal from the Committee on EU Affairs. As the six week period seems to be relatively short in practice it should therefore be regarded as a workable minimum. Due regard should be taken to the fact that the six week period only starts running on the date that the document is available in all the official languages.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The Protocol of Amsterdam Treaty involves useful basic material criteria for the subsidiarity check enabling to detect the core of the subsidiarity issue. Nevertheless, procedural aspects are not defined in a sufficient way. Therefore consent on these issues reached among national parliaments, and e.g. strengthened by the inter-institutional agreement between the Council and the European Commission, could be very helpful in this respect.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

We believe that the verification of the individual legal base is an essential element of parliamentary scrutiny of EU affairs as such. Check for compliance with the subsidiarity principle is a subsequent step of scrutiny providing answer on the need and efficiency of a legislative measure that is to be adopted in the frame of the competences delegated to the EU by Member States.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

On December 13th 2006 the EU-Affairs Committee of the Czech Senate passed a resolution recommending continuation of the subsidiarity check regarding selected legislative proposals. Reasons for the coordinated subsidiarity check are described in the subsequent letter sent by the Chairman of the EU-Affairs Committee of the Senate to the German presidency of COSAC. Such coordinated action enables to enhance the quality of parliamentary scrutiny of EU-affairs at national level and fosters the mutual exchange of information and best-practices among parliaments.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

The procedure used by the British presidency should be followed, asking the national parliaments to issue their own proposals as to which legislative acts should be checked for subsidiarity in a co-ordinated manner. On the basis of these suggestions approx. 3-5 proposals mentioned most frequently by national parliaments should be scrutinized under COSAC coordination.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

It would be farfetched to call the recent developments a change of attitude in dealing with European affairs. The main focus of the debates in the Senate remains ex-ante scrutiny and the position of the government in view of the interests of the Czech Republic as perceived by the Senate. However, the possibility to communicate directly with the Commission in a new framework opened up by the 10 May 2006 initiative constitutes a potential added value in dealing with European affairs. The extent of it will depend on the seriousness with which the European Commission undertakes to take into account the views expressed by national parliaments and on what will be the real effect on policy formulation. It has to be noted, nonetheless, that the initiative of the Commission has been warmly welcomed and appreciated by the Czech Senate as a positive political move.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

We do not get any new information that we did not receive before. On the contrary, the Commission does not send initiatives of Member States in the second and third pillars of the EU, which the Senate receives via the Czech government, and which it discusses alongside 1st pillar proposals and communication documents. It is too early to say that the direct interaction with the Commission has reinforced the role of the Czech Senate in dealing with European affairs. Such reinforcement can only be evaluated judging the effect that the views of the Senate have on the Commission policy formulation.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The Czech Senate scrutinises all abovementioned types of documents. Since September 2006 direct communication with the Commission took place in relation to two legislative proposals (divorce matters and postal services within subsidiarity check) and one communication document (Report from the Commission - Annual report 2005 on the relations with the national parliaments).

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

Yes, necessity of specific guidelines for communicating with the European Commission is being assessed. The Senate Standing Commission on the Constitution of the Czech Republic and Parliamentary Procedures will meet to discuss this topic on the 29th of March 2007.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Yes, comments (Senate resolutions) in the attachment. Two of them fell under the framework of the COSAC subsidiarity check; one was Senate's own initiative (on Report from the Commission - Annual report 2005 on the relations with the national parliaments).

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

Relevant Senate or Committee resolution was sent by E mail to the address indicated by the Commission for this purpose. The Senate plenary resolutions were also sent by a letter from the Speaker.

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

To the Commission copied to the national government in the case of Senate plenary resolution. In the case of the European Affairs Committee resolution this has been communicated only directly to the Commission (and to the COSAC secretariat) as it was merely a statement that the committee did not find a breach of the subsidiarity and proportionality principle (case of Postal services directive proposal).

2.5.3 Were these comments uploaded to IPEX?

Yes

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

See answer to question 2.3.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

Other issues as well. See attached resolutions. The Senate does in principle not bind itself only to scrutiny of compliance with subsidiarity and proportionality principles when making comments on Commission proposals and initiatives.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

Yes, responses attached.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

We do regard the responses as sufficient as far as elaborate polite replies but have no indication of their real effect as far as taking into consideration goes.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

Especially in two ways: First, by making the replies Commission sends to national parliaments centrally available for consultation and information as well as the comments sent to Commission by national parliaments (be it through IPEX, on the COSAC website etc.) Second, by assuring real effect of national parliaments' inputs in the process of policy formulation by the Commission.

8. Denmark

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

Yes, the two subsidiarity and proportionality checks provided added value. In both cases the EAC organised expert hearings jointly with the competent sectoral committees. At these hearings the Minister was invited to give evidence together with some of the experts of his Ministry. This provided a very useful opportunity for members of the EAC and sectoral committees jointly to raise both technical and political questions at a very early stage in the decision making procedure. The method of organising such expert hearings have subsequently been applied with regard to other Commission proposals.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

No

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Yes, the Folketing would under normally circumstances be in a position to react to a Commission proposal within a period of six weeks. However it is important to stress that the six-week period should not start before the proposals are made available in all official community languages.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Yes the Protocol served as a useful checklist of things that should be examined in relation to assessing whether the two proposals adhered to the principle of subsidiarity.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the

Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes, reviewing the legal base forms an integral part of a subsidiarity check, since it is the first step to establish whether the proposal lies within an area where the EC or the EU have non-exclusive competences, which is where the principle of subsidiarity applies.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes, it gives national parliaments a valuable opportunity to exchange information on their scrutiny of specific EU draft legislative acts and thereby enhances their ability to keep governments accountable.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

No more than 2-4 checks annually and still only if parliaments decide there is a need.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The direct transmission of COM-documents doesn't in itself add anything to the Folketings' dialogue with the Commission. The Folketing has already for some time uploaded all commission documents onto its website on the day of publication. However the Commission's decision to transmit documents directly to national parliaments sends the important message that the Commission considers national parliaments as co-players in the decision-making proces of the EU.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Yes, the replies from the Commission provide new information compared to the time before the mechanism was established.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The Folketing also scrutinized consultation documents. See reply to question 2.5.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

No

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Yes. Apart from the two proposals examined in the COSAC subsidiarity checks the Folketing also submitted opinions regarding the communication on Community action on health services (SEC(2006)1195, the green paper on Energy Efficiency (COM(2005) 265) ,the green paper on a European Strategy for Sustainable, Competitive and Secure Energy (COM(2006)105 and the green paper on Satellite Navigation Applications (Com(2006)769). All opinions are enclosed.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

Joint letter signed by the chairman of the European Affairs Committee and the chairman of the competent sectoral committee.

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

To the Commission and the Danish government.

2.5.3 Were these comments uploaded to IPEX?

Yes

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

They also concerned consultation documents. See above.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

As far as the consultation documents are concerned only other issues were addressed.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

Yes, the Folketing has received replies from the Commission to the greenpaper on Energy Efficiency and the greenpaper on a European Strategy for Sustainable, Competitive and Secure Energy.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

Yes

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

9. Estonia

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

Yes, the specialized committees had to give their opinion both on the subsidiarity-prportionality part (during the check) and a usual opinion during the scrutiny process.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

No

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Yes

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

More elaborated document(-s) would be of assistance.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes, the legal basis should be among the issues on subsidiarity check-list

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Probably this would give additional experience.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

Not available

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

No

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

No

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The Riigikogu scrutinizes all proposals that may have an effect on Estonian legislation or otherwise should be treated by the Parliament. This also applies to Green and White Books, Communications etc

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

No

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Only within the COSAC check framework

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)? **Committee Chairman's letter/e-mail**

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government? **Commission, Council, EP (via e-mail)**

2.5.3 Were these comments uploaded to IPEX? **Yes**

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc? **N.a.**

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well? **No, only COSAC**

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire? **N.A.**

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services? **N.A.**

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

10. Finland

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

Compared to our normal scrutiny system, the difference was limited to that the proposals were examined earlier and separately from the normal substantive scrutiny.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

More attention was perhaps given to the question of subsidiarity and proportionality than normally.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

During the sessions yes, but during the Christmas and summer breaks it causes problems.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The principles of subsidiarity and proportionality, as defined in the Treaties, have been the subject of extensive academic study during the past 15 years. We feel that the principles in such should be clear enough, but as the evaluation of the principles is a question of political expediency rather than a legal issue, there is not a single right answer. And that makes the clarification so difficult.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Yes.

Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The legal base is relevant also when estimating the question of subsidiarity.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

They are useful in improving the scrutiny systems and in exchanging best practises and information. However, examining two Commission proposals per year within COSAC is no replacement for systematic scrutiny of the large number of Commission proposals by national parliaments.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

Two checks per year, selected as earlier. This is sufficient for the benchmarking exercise of the COSAC.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission?

The Finnish Constitution guarantees the rights of Eduskunta to participate in the national preparation of the EU affairs. In that sense, the direct transmission does not bring any added value. And we also decided that we will follow the constitutional scrutiny systems instead of responding directly to the Commission. Eduskunta has some doubts, whether any institutionalized dialogue between the Commission and national parliaments is compatible with EU's institutional structure and the constitutional role of parliaments as supreme national decision makers.

Has it led to a change in attitude in the way your parliament deals with European affairs?
No.

2.2. Do you get any new information through this mechanism that you did not receive before? **Not really.**

Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs? **No.**

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc? **See above.**

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

We have considered slight amendments to our scrutiny system in connection with the Constitutional Treaty. The decision has been done already 2005.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

We have sent comments only concerning the two checks within the framework of COSAC.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

2.5.3 Were these comments uploaded to IPEX?

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

It is too early to say.

11. France: National Assembly

Chapitre 1er : Evaluation des contrôles de subsidiarité et de proportionnalité

Questions:

1.1. Les deux contrôles communs de subsidiarité et de proportionnalité réalisés par la COSAC (celui en matière matrimoniale et celui concernant les services postaux) ont-ils apporté une valeur ajoutée à la façon votre parlement s'occupe des sujets européens? Quels enseignements en ont été tirés? Veuillez spécifier s.v.p.

Les contrôles de subsidiarité effectués à propos des textes relatifs au divorce et aux services postaux ont été l'occasion de formaliser le contrôle exercé dans ce domaine par l'Assemblée nationale, en parallèle avec la transmission directe des documents par la Commission européenne.

1.2. Les contrôles communs ont-ils influencé la façon dont votre parlement traite les affaires européennes? Des procédures ont-elles été changées ou même modifiées spécialement pour traiter des questions de la subsidiarité et la proportionnalité ou avez-vous utilisé votre système habituel d'examen des questions européennes? Veuillez spécifier s.v.p. Des informations sur les changements que vous envisagez à l'avenir seraient appréciées.

A l'occasion des examens communs de subsidiarité, il a été décidé, par un échange de courrier entre le Président de l'Assemblée nationale et le Président de la Délégation pour l'Union européenne, de préciser la procédure devant régir les avis donnés par l'Assemblée au titre du contrôle de subsidiarité et de proportionnalité, sur les textes transmis directement par la Commission européenne. La Délégation pour l'Union européenne prépare les « projets d'avis » et les communique à la Présidence de l'Assemblée qui les renvoie à la commission compétente. Celle-ci dispose d'un délai de trois semaines pour se prononcer, tacitement ou expressément. En cas de divergence entre la Délégation et la commission saisie, c'est le point de vue de la commission qui prévaut. La position finale de l'Assemblée est communiquée par la Présidence à la Commission européenne et au Gouvernement.

A l'avenir, il pourrait être décidé que le rapporteur du contrôle de subsidiarité et de proportionnalité, devant la Délégation, soit le rapporteur au fond, désigné pour le texte concerné, en liaison avec les deux rapporteurs en charge du suivi permanent de la subsidiarité et de la proportionnalité. Il est en effet très difficile de dissocier l'examen du fond de celui de la subsidiarité et de la proportionnalité.

1.3. Considérez-vous que votre parlement est devrait être en mesure de réagir aux propositions de la Commission dans un délai de six semaines?

Il est en général possible de réagir dans un délai de six semaines. Ce délai a ainsi été respecté par l'Assemblée pour les services postaux (le délai a été de deux mois pour le texte sur le divorce : le texte a été déposé le 17 juillet 2006 et l'examen par la Délégation date du 19 septembre 2006). Si le principe d'une réaction rapide reste opportun, pour permettre à la position exprimée d'être entendue, il n'est néanmoins pas toujours possible d'émettre un avis dans les six semaines, du fait notamment des consultations auxquelles il est souvent nécessaire de procéder.

1.4. Le protocole sur la subsidiarité et la proportionnalité repris dans l'annexe du traité d'Amsterdam a-t-il favorisé la procédure d'examen et clarifié les critères à appliquer?

Une meilleure définition des principes de subsidiarité et/ou de proportionnalité serait-elle utile?

Les définitions disponibles actuellement paraissent suffisantes. Plus qu'un contrôle purement juridique l'appréciation faite au coup par coup de la bonne application des principes de subsidiarité et de proportionnalité relève également d'une appréciation de nature politique, qui ne peut faire l'objet d'une définition exhaustive.

1.5. Le principe de la subsidiarité n'est appliqué que dans les domaines dans lesquels la Communauté ne jouit pas d'une compétence exclusive. Votre parlement a-t-il également contrôlé la base légale des propositions de la Commission? Pensez-vous que la vérification de la base juridique constitue une partie intégrante du contrôle de la subsidiarité?

L'examen des textes européens transmis à l'Assemblée fait toujours l'objet d'une analyse de la base légale, qui implique une appréciation du respect de cette base, et de la définition qui en est donnée dans les traités. Cette analyse ne recouvre pas complètement la question de l'analyse de la subsidiarité ; elle peut aussi, notamment, porter sur le mode d'exercice de la compétence, défini par la base juridique.

1.6. Désirez-vous que la COSAC continue à mener des contrôles de subsidiarité et de proportionnalité à l'avenir? Merci d'indiquer des raisons.

Il est utile que la COSAC poursuive l'examen en commun de la subsidiarité et de la proportionnalité, dans la mesure notamment où ce travail coordonné permet de favoriser les échanges entre parlements nationaux dans le domaine du contrôle de subsidiarité et de proportionnalité. Ces échanges peuvent intervenir au cours de l'examen – quand cela est techniquement possible, le calendrier serré ne le permettant pas toujours -, ou bien a posteriori, à travers notamment les synthèses effectuées par le secrétariat de la COSAC. Il se forme ainsi progressivement une « jurisprudence » commune.

1.7. Si vous répondez positivement à la question précédente, veuillez indiquer le nombre des contrôles que vous souhaitez réaliser chaque année et la manière dont les propositions de la Commission seraient choisies. D'autres suggestions pour améliorer la procédure seraient également appréciées.

Le rythme et la procédure actuelle semblent adaptés (il faut bien sur que les textes sur lesquels la procédure commune est engagée soient effectivement disponibles dans leur version définitive pour pouvoir apprécier l'opportunité d'engager une démarche commune ; les textes qui ne posent a priori pas de problème de subsidiarité ou de proportionnalité devraient être naturellement exclus de cette démarche)

Chapitre 2 : Evaluation de la coopération avec la Commission européenne

Questions:

2.1. Votre parlement estime-t-il que ce nouveau mécanisme de transmission directe des documents apporte une valeur ajoutée au dialogue avec la Commission, à savoir qu'il a entraîné un changement d'attitude envers la manière de s'occuper des affaires européennes?

Ce nouveau mécanisme permet de donner une voix plus directe aux parlements nationaux et d'établir les bases d'un dialogue avec la Commission. Il est bien sur trop tôt pour en tirer des conclusions. L'approche privilégiée par l'Assemblée consiste à ce

stade à cibler les quelques textes qui posent les principaux problèmes de subsidiarité et de proportionnalité. Elle a ainsi saisi la Commission de son avis sur la proposition de directive relative aux services postaux. Ce mécanisme est complémentaire de contacts directs établis par ailleurs avec la Commission (le président de la Commission a participé en janvier 2006 à une séance de l'Assemblée)

2.2. Par ce mécanisme, recevez-vous de nouvelles informations que vous ne receviez pas auparavant? Pensez-vous que cette interaction avec la Commission a renforcé le rôle de votre parlement dans le traitement des affaires européennes?

L'essentiel des textes reçus de la Commission parvenait d'ores et déjà à l'Assemblée par le biais du Gouvernement. Un bilan sera prochainement établi pour comparer précisément la liste des documents qui ont été transmis par la Commission depuis septembre 2006 et celle des documents transmis par ailleurs, et en tirer les éventuelles conséquences en termes de simplification de transmission de documents européens.

2.3. Votre parlement a-t-il exercé son contrôle seulement sur les propositions législatives ou a-t-il aussi considéré des documents de consultation, des documents de travail etc.?

L'Assemblée exerce son contrôle sur l'ensemble des documents transmis, qu'ils soient ou non de nature législative.

2.4. Votre parlement discute-t-il des changements de procédure lié à l'initiative de la Commission?

Une procédure nouvelle a été mise en place (voir réponse à la question 1.2)

2.5. Votre parlement a-t-il envoyé des commentaires à la Commission jusqu'à maintenant? (Si oui, pourriez-vous les joindre au questionnaire s.v.p.) Ces commentaires ont-ils été envoyés dans le cadre des contrôles de subsidiarité et de proportionnalité ou ont-ils concerné des propositions supplémentaires?

L'Assemblée a transmis à la Commission son avis sur la proposition de directive relative aux services postaux (voir avis ci-joint)

Si oui: 2.5.1. Comment votre parlement a-t-il réagi (lettre du Président de la Chambre, lettre du Président de la Commission, par courriel)? Par lettre de M. Jean Louis Debré, président de l'Assemblée, à M. José Manuel Barroso, président de la Commission (courrier du 19 décembre 2006)

2.5.2. A qui votre parlement a-t-il envoyé ses commentaires - à la Commission seulement ou a-t-il transmis une copie au Conseil, au Parlement Européen et/ou à votre gouvernement national? l'avis de l'Assemblée a été également envoyé au Premier Ministre, M. Dominique de Villepin.

2.5.3. Ces documents ont-ils été téléchargés sur IPEX? Oui

2.5.4. Les avis transmis par votre parlement ont-ils concerné seulement les propositions législatives ou ont-ils aussi concerné des documents de consultations, des documents de travail, etc.? (voir réponse ci-dessus)

2.5.5. Vos avis ont-ils porté seulement sur la subsidiarité et la proportionnalité (à part les contrôles réalisés par la COSAC) ou

également sur d'autres sujets? Exclusivement sur la subsidiarité et la proportionnalité.

2.5.6. Votre parlement a-t-il déjà reçu des réponses à vos commentaires de la part de la Commission? Si oui, merci de les joindre à ce questionnaire. Non, pas encore.

2.5.7. Etes-vous satisfait des réponses de la Commission? Avez-vous des indications que vos avis ont été pris en considération par ses services?

2.6. A votre avis, de quelle manière la coopération avec la Commission peut-elle être améliorée dans le cadre de ce mécanisme? Il est trop tôt pour tirer des conclusions du mécanisme mis en place en septembre dernier.

12. France: Senate

Chapitre 1er : Evaluation des contrôles de subsidiarité et de proportionnalité

Questions:

1.1. Les deux contrôles communs de subsidiarité et de proportionnalité réalisés par la COSAC (celui en matière matrimoniale et celui concernant les services postaux) ont-ils apporté une valeur ajoutée à la façon dont votre parlement s'occupe des sujets européens? Quels enseignements en ont été tirés? Veuillez spécifier s.v.p.

Réponse : La délégation pour l'Union européenne du Sénat a décidé d'examiner tous les textes adressés aux parlements nationaux par la Commission européenne. Les contrôles menés par la COSAC sont entrés dans ce cadre général.

1.2. Les contrôles communs ont-ils influencé la façon dont votre parlement traite les affaires européennes? Des procédures ont-elles été changées ou même modifiées spécialement pour traiter des questions de la subsidiarité et la proportionnalité ou avez-vous utilisé votre système habituel d'examen des questions européennes ? Veuillez spécifier s.v.p. Des informations sur les changements que vous envisagez à l'avenir seraient appréciées.

Réponse : Les procédures existantes n'étaient pas adaptées pour le dialogue avec la Commission. De ce fait, la délégation pour l'Union européenne a dû mettre en place, de manière pragmatique, une procédure spécifique d'examen des textes européens au regard des principes de subsidiarité et de proportionnalité. Cette procédure est décrite au point 2.3.

1.3. Considérez-vous que votre parlement est devrait être en mesure de réagir aux propositions de la Commission dans un délai de six semaines?

Réponse : Oui. Le moment où les parlements nationaux interviennent est fondamental. Pour que le dialogue avec la Commission puisse être utile, il faut que les parlements nationaux adressent rapidement leurs observations. Le délai de six semaines paraît raisonnable.

1.4. Le protocole sur la subsidiarité et la proportionnalité repris dans l'annexe du traité d'Amsterdam a-t-il favorisé la procédure d'examen et clarifié les critères à appliquer? Une meilleure définition des principes de subsidiarité et/ou de proportionnalité serait-elle utile?

Réponse : Le protocole a été utile en fournissant une base légale au contrôle exercé. En revanche, il n'est pas apparu qu'il apportait une aide pour porter un jugement sur le respect de la subsidiarité et de la proportionnalité.

La définition actuelle des principes dans les traités paraît satisfaisante. C'est à partir de l'examen des textes et du dialogue avec la Commission que se dégageront, progressivement, des critères plus précis d'appréciation.

1.5. Le principe de la subsidiarité n'est appliqué que dans les domaines dans lesquels la Communauté ne jouit pas d'une compétence exclusive. Votre parlement a-t-il également contrôlé la base légale des propositions de la Commission? Pensez-vous que la vérification de la base juridique constitue une partie intégrante du contrôle de la subsidiarité?

Réponse : Dans le cadre du contrôle de subsidiarité, la délégation vérifie si la Communauté dispose d'une compétence exclusive. L'existence ou non d'une compétence exclusive a d'ailleurs été, dans certains cas, l'un des thèmes du dialogue avec la Commission.

Mais ce problème est distinct de celui du contrôle de la base juridique. Dans la plupart des cas, la Communauté est habilitée à agir par les traités sans avoir pour autant une compétence exclusive.

En pratique, il paraît difficile d'exercer un contrôle de subsidiarité et de proportionnalité sans examiner quelle est la base juridique du texte. Mais il ne paraît pas nécessaire de mettre l'accent sur ce type de question. C'est en matière de subsidiarité et de proportionnalité que les parlements nationaux ont une responsabilité particulière car l'expérience montre que les institutions de l'Union n'apportent pas une attention suffisante à ces principes dans leurs travaux. En revanche, les questions de base juridique sont généralement examinées de près par le Conseil.

1.6. Désirez-vous que la COSAC continue à mener des contrôles de subsidiarité et de proportionnalité à l'avenir? Merci d'indiquer des raisons.

Réponse : Oui, car il est souhaitable que les membres de la COSAC continuent à débattre régulièrement des questions de subsidiarité et de proportionnalité, afin :

- d'échanger des bonnes pratiques ;
- de dégager progressivement, si possible, des critères communs d'appréciation ;
- de sensibiliser chaque parlement national et le Parlement européen à l'importance de ces questions.

1.7. Si vous répondez positivement à la question précédente, veuillez indiquer le nombre des contrôles que vous souhaitez réaliser chaque année et la manière dont les propositions de la Commission seraient choisies. D'autres suggestions pour améliorer la procédure seraient également appréciées.

Réponse : Il serait bon qu'un contrôle commun soit exercé à l'occasion de chaque COSAC. Le texte devrait être choisi par la présidence en exercice.

Chapitre 2 : Evaluation de la coopération avec la Commission européenne

Questions:

2.1. Votre parlement estime-t-il que ce nouveau mécanisme de transmission directe des documents apporte une valeur ajoutée au dialogue avec la Commission, à savoir qu'il a entraîné un changement d'attitude envers la manière de s'occuper des affaires européennes?

Réponse : Oui. La transmission directe des documents donne une base à un dialogue direct avec la Commission ; elle a entraîné un changement d'attitude : les parlementaires se sentent investis d'une responsabilité propre en matière de subsidiarité et de proportionnalité.

2.2. Par ce mécanisme, recevez-vous de nouvelles informations que vous ne receviez pas auparavant? Pensez-vous que cette interaction avec la Commission a renforcé le rôle de votre parlement dans le traitement des affaires européennes?

Réponse : Les textes reçus directement de la Commission étaient auparavant transmis par le Gouvernement. Mais les deux Chambres ne pouvaient s'exprimer que vis-à-vis du Gouvernement. La possibilité d'avoir un dialogue avec la Commission a donc renforcé le rôle européen du Parlement français.

2.3. Votre parlement a-t-il exercé son contrôle seulement sur les propositions législatives ou a-t-il aussi considéré des documents de consultation, des documents de travail, etc.?

Réponse : Tous les documents ont été considérés.

Un examen par procédure écrite a été mis en place pour les documents qui, en première analyse, ne paraissent pas soulever de difficulté. La liste de ces textes est adressée, sous la responsabilité du président de la délégation pour l'Union européenne, à tous les membres de la délégation, en indiquant les raisons pour lesquelles ces textes ne paraissent pas susceptibles de soulever un problème de subsidiarité ou de proportionnalité. Si un membre de la délégation estime qu'un de ces textes mérite un examen plus approfondi sous cet angle, ce texte est examiné de droit à la réunion suivante de la délégation.

Les textes qui, en première approche, paraissent susceptibles de poser un problème de subsidiarité ou de proportionnalité sont examinés dans le cadre des réunions de la délégation ; celle-ci peut alors adopter des observations qui sont transmises à la Commission européenne.

2.4. Votre parlement discute-t-il des changements de procédure lié à l'initiative de la Commission?

Réponse : Non. La procédure actuelle s'est mise en place de manière pragmatique.

2.5. Votre parlement a-t-il envoyé des commentaires à la Commission jusqu'à maintenant? (Si oui, pourriez-vous les joindre au questionnaire s.v.p.?) Ces commentaires ont-ils été envoyés dans le cadre des contrôles de subsidiarité et de proportionnalité ou ont-ils concerné des propositions supplémentaires?

Réponse : Oui. En six mois, du 1^{er} septembre au 28 février, 25 observations ont été adressées à la Commission (voir fichier attaché). Elles portaient toutes sur le contrôle de subsidiarité et de proportionnalité.

Si oui: 2.5.1. Comment votre parlement a-t-il réagi (lettre du Président de la Chambre, lettre du Président de la Commission, par courriel) ?

Réponse : Ces observations ont été adressées par courriel au président de la Commission européenne par le président de la délégation pour l'Union européenne.

2.5.2. A qui votre parlement a-t-il envoyé ses commentaires - à la Commission seulement ou a-t-il transmis une copie au Conseil, au Parlement Européen et/ou à votre gouvernement national ?

Réponse : Une copie de ces observations a été adressée au gouvernement.

2.5.3. Ces documents ont-ils été téléchargés sur IPEX ?

Réponse : Pas encore. Mais nous avons l'intention de les télécharger prochainement.

2.5.4. Les avis transmis par votre parlement ont-ils concerné seulement les propositions législatives ou ont-ils aussi concerné des documents de consultations, des documents de travail, etc.?

Réponse : Les observations n'ont pas seulement concerné des propositions législatives, mais ont porté sur tous les documents reçus de la Commission.

2.5.5. Vos avis ont-ils porté seulement sur la subsidiarité et la proportionnalité (à part les contrôles réalisés par la COSAC) ou également sur d'autres sujets?

Réponse : Seulement sur la subsidiarité et la proportionnalité, sauf de très rares exceptions.

2.5.6. Votre parlement a-t-il déjà reçu des réponses à vos commentaires de la part de la Commission ? Si oui, merci de les joindre à ce questionnaire.

Réponse : Oui (voir fichier attaché).

2.5.7. Etes-vous satisfait des réponses de la Commission? Avez-vous des indications que vos avis ont été pris en considération par ses services?

Réponse : Globalement, oui. En règle générale, les réponses apportent des précisions supplémentaires et clarifient les intentions de la Commission. Dans quelques cas, les membres de la délégation ont jugé la réponse peu convaincante et ont à nouveau adressé des observations à la Commission en demandant une réponse plus précise, plus concrète et mieux adaptée au sujet concerné. Il est encore trop tôt pour savoir si la Commission tient effectivement compte de nos observations.

2.6. A votre avis, de quelle manière la coopération avec la Commission peut-elle être améliorée dans le cadre de ce mécanisme?

Réponse : Il serait souhaitable que les réponses aux observations soient plus rapides. Le dialogue entre la Commission et les parlements nationaux n'a de valeur que s'il intervient avant que les débats au Conseil n'aient été engagés trop avant. Le délai de trois mois que s'est fixé la Commission pour répondre (et qu'elle ne respecte d'ailleurs pas toujours) est parfois trop long car l'examen du texte concerné est déjà très avancé à ce moment-là.

13. Germany: Bundestag

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

- By conducting the two collective subsidiarity and proportionality checks ("matrimonial matters" and "postal services") the German Bundestag was able to raise the awareness for the existing powers it have and which it may use to a greater extent. The checks helped to determine, how the exercise of subsidiarity and proportionality may be facilitated and become more effective.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

- The legal basis for national participation established by Art. 23 of the German Basic Law has been supplemented by an additional arrangement between the Bundestag and the federal government, which guarantees parliamentary access to extensive information, including internal government documents, and stipulates how to proceed when the decisions of the Bundestag are not enforceable at the EU level.
- To be able to appropriately make use of these new possibilities, the human and administrative resources of the Bundestag have been expanded. Ultimately, the arrangement has also brought about the need to change the procedural rules of the Bundestag, especially in order to enable quick reactions to decision-making situations at the EU level.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

The six weeks period has been considered as being to short.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

- The checks had been conducted according to the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty and Art 5 EEC. It might be helpful to draw up a standard subsidiarity and proportionality check list for the legislative process or to have a memo on the scrutiny procedure and clarify the standards to be applied.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

- The German Bundestag checked the legal base of the Commission proposals and does consider it as part of the subsidiarity check. In considering subsidiarity and proportionality, the Commission must provide both quantitative and qualitative data.
- The subsidiarity principle not only is as a procedural rule that ought to be followed, especially by the Commission, but also a substantive test against which legislative content or proposals can be measured.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

- This decision should be taken at the political level at the XXXVII COSAC in Berlin. National parliaments have different methods and procedures for checking compliance with the subsidiarity principle within their respective legal frameworks.
- Nevertheless, an ongoing exchange of experience and the joint development of best practices can play an important role. National parliaments should therefore strengthen cooperation within the framework of the COSAC. Subsidiarity and proportionality will continue to be an area of great interest for COSAC.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

- See answer to question 1.6.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

- The European Commission's initiative of direct transmission of documents is a very welcome contribution to improve the quality of European legal acts. Commissioner Margot Wallström, in her capacity as Commissioner for Institutional Relations and Communications, told the COSAC chairpersons in February 2007 of her wish "to create a culture of co-operation, between the EU institutions and also vis-à-vis the national parliaments—a culture where the European institutions work together". The German Bundestag encourages co-operation between national parliaments and the Commission for wider informative and constructive purposes.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

- The German Federal Government is, in particular, obliged to forward all Commission proposals for European Union regulations and directives to the Bundestag, inform the Bundestag about the plans for and deliberations on these pieces of draft legislation at the European level and explain its own standpoint in the negotiations as well as the positions of the other Member States. Subsequent documents that provide information about the further progress of the deliberations in the Council bodies are to be forwarded to the Bundestag in a similar fashion.
- Furthermore, within a period of five sitting days after an EU item has been transmitted to parliament, the German Federal Government must draw up a written explanatory report setting out the main impact of the EU proposal, its political significance, the German interest in the project, its compatibility with the principle of subsidiarity and other relevant issues. The departmental note is to be updated when the circumstances change significantly or there are major developments in the negotiations. It must also be supplemented with oral statements if this is requested by the committees concerned.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

- The German Bundestag actually is testing a scrutiny procedure of European legislative proposals. The major problem for the committees of the Bundestag as well as for the political parties is how to determine those issues which are worth parliamentary debate either in the committees or in full plenum.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

- The German Bundestag has recently improved its European policy capacity and implemented adequate structures to meet this new challenge. In September 2006, the President of the German Bundestag, Dr. Norbert Lammert, and the Federal Chancellor, Dr. Angela Merkel, signed an agreement between the Bundestag and the German Federal Government that provides for expanded cooperation in relation to the affairs of the European Union (EU). The agreement had been passed unanimously by the Members of the German Bundestag. It extends the German Federal Government's duties to report to the Bundestag and streamlines the timetable for their performance, shortens the periods allowed for the presentation of reports by the federal ministries on EU items and requires that more detailed information be supplied on the meetings of the councils of ministers and other bodies.
- Opinions delivered by the Bundestag must be taken into consideration by the German Federal Government in its negotiations at the EU level. In certain circumstances, the Federal Government is even obliged to lodge a parliamentary scrutiny reservation, which delays the negotiations on a matter until it has been debated by the Bundestag. Furthermore, the Federal Government may only make decisions that deviate from the opinions of the Bundestag for "compelling reasons related to foreign policy or integration policy issues".

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

- Yes

If yes: **2.5.1.** How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

- The first check was concluded in plenary decision. The position of the German Bundestag was transmitted by letter from the Speaker to the Presidents of the European Parliament, the European Council and the European Commission.
- The second check was concluded at the Committee level. The result was sent out by the Chairman of the European affairs committee.

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

- Please see answer to above question.

2.5.3 Were these comments uploaded to IPEX?

- Yes.

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

- The opinions only concern the legislative proposals.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

- The opinions only relate to matters regarding subsidiarity and proportionality.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

- Yes

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

- The answer given so far by the Commission can only be considered as preliminary one. As far as statements by national Parliaments are not legally binding for the Commission, the German Bundestag will contribute to the EU legislative process through the national government.

- The Commission should consider a procedure where it can decide to meet such requests of national parliaments freely. Following the European Commission's commitment to communicate all new legislative proposals and consultation documents to national parliaments and to invite them to respond with a view to improving the policymaking process, the Commission is asked to take into consideration the comments of national parliaments, to acknowledge receipt of those comments and to provide an acceptable response within a reasonable time frame.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

- Under the current difficulties with the completion of the treaty ratification process, the German Bundestag is concerned to ensure that the political momentum to lead to greater involvement of national parliaments in European law-making should not be weakened.

14. Germany: Bundesrat

Chapter 1: Evaluation of the collective subsidiarity and proportionality checks conducted by COSAC

Question 1.1

From the standpoint of the Bundesrat, the two collective subsidiarity and proportionality checks concerning the proposals on matrimonial matters and postal services were very useful. They heightened awareness of the adjustments to the review procedure that will be necessary in the event of realization of the early warning system. Even though “only” self-imposed deadlines were to be met in the context of the collective checks, it became obvious that reacting within the six-week period will pose the greatest challenge for the Bundesrat and presumably for many other parliaments.

This was particularly evident in the case of the proposal on matrimonial matters, which was transmitted to the Bundesrat during the parliamentary summer recess. As a result of this timing, and as a result of the subsequent postponement of discussion in the Committee on Legal Affairs (which was asked for an opinion) in order to be able to incorporate practical experience into its recommendation, the Bundesrat was unable to submit its opinion on the proposal until well after the end of the six-week period.

Precisely in such cases – transmission of proposals during parliamentary recesses and postponement of discussion – a special procedure will be needed in order to nevertheless be able to submit an opinion on the principles of subsidiarity and proportionality within the specified time period. The steps considered and taken by the Bundesrat in this regard are explained in the response to Question 1.2.

Question 1.2

The two proposals examined in the collective checks were handled by the Bundesrat within the framework of the normal review procedure. This provides that each EU proposal shall be scrutinized by the Committee on Questions of the European Union as lead committee, and by the specialised committees that have been asked for their opinions, in the light of compliance with the principles of subsidiarity and proportionality. In order to ensure adherence to deadlines in the future – precisely with regard to the early warning system – the written survey procedure was reintroduced in the Chamber for European Affairs in the context of the German federalism reform of 2006. It will thus be possible in the future to obtain an opinion from the Bundesrat on short notice even during the parliamentary recesses.

During the regular session schedule it will be possible to obtain opinions on time, at least on the question of compliance with the principles of subsidiarity and proportionality.

Question 1.3

As explained in the response to Question 1.2 above, the Bundesrat's adherence to the six-week period is now ensured as a consequence of the procedural changes instituted in the year 2006.

Question 1.4

As correctly stated in No. 3 sentence 4 of the Protocol on the application of the principles of subsidiarity and proportionality, the subsidiarity principle is a dynamic concept. The guidelines set out in Nos. 4 et seq. of the Protocol are a valuable tool for practical implementation of this principle.

It would nevertheless be very helpful if these guidelines were further refined. Precisely with regard to the Commission's reaction to the opinions of the national parliaments it would be very important for the parliaments to use comparable approaches to the scrutiny process. Critical opinions in particular would carry greater weight if a number of national parliaments expressed criticism on comparable grounds. In this respect, more precise scrutiny criteria would represent a real step forward.

Thought has been given in the Bundesrat to the elaboration of a review questionnaire for conducting subsidiarity checks in the Bundesrat.

Question 1.5

The Bundesrat also checks the legal base of every proposal. In the opinion of the Bundesrat, the subsidiarity check not only applies to infringements of the subsidiarity principle in the narrower sense but also encompasses infringement of the distribution of competences under the Treaty system. The subsidiarity principle is a principle governing the exercise of competence. Infringement of this principle necessarily presupposes that competence for Community action exists. Hence the question of the legal base must be scrutinized first in the context of the subsidiarity check.

Question 1.6

The Bundesrat favours continuation of the collective subsidiarity and proportionality checks. The checks conducted thus far have already yielded valuable insights as to how the scrutiny procedure must be modified in order to obtain swift results. Through the collective checks it was also already possible to test a coordinated procedure of the kind needed to obtain the 1/3 quorum required for the early warning system.

Further collective checks could in particular prove valuable for testing the mutual exchange of information and coordination of the results of checks through IPEX.

Question 1.7

The number thus far (two proposals per year) and the selection procedure have essentially proved to be feasible. Future checks should continue along these lines. The selection procedure should, however, be oriented more strongly towards bureaucracy reduction and avoidance of overregulation.

Chapter 2: Evaluation of cooperation with the European Commission

Question 2.1

The Bundesrat greatly welcomes the direct transmission of documents by the Commission. However, it is still too early to conclusively assess the impact of the new procedure. One additional benefit of this new procedure is unquestionably the very fact that the Bundesrat now, for the first time, has the opportunity to conduct a direct dialogue with the Commission on very specific topics. It is already evident that the possibility of addressing opinions on EU proposals directly to the Commission has had an influence on the Bundesrat's scrutiny procedure and its cooperation with the Federal Government in this area.

Each EU proposal is carefully examined by the Committee on Questions of the European Union and by the specialised committees involved to determine whether it should be recommended to the Plenary that the Bundesrat's opinion be sent directly to the Commission. Up until now opinions have been sent only to the Federal Government. Since not every "internal" opinion of the Bundesrat can at the same time be an opinion suitable for transmission to the Commission, the Committee on Questions of the European Union – on the basis of experience gained thus far – has drawn up a guide to be used in the future by all the committees involved when deciding the question of direct transmission. The upshot is that the option of direct transmission should only be utilized if the opinions of the Bundesrat are of fundamental importance and in particular express criticism in regard to the regulatory competence of the Community, compliance with the principle of subsidiarity or respect for the principle of proportionality.

The option of direct transmission is also discussed with the Federal Government in the meetings of the Committee on Questions of the European Union and in the meetings of the specialised committees involved. This ensures that the Bundesrat always also bears in mind the interests of the state as a whole when deciding the question of direct transmission.

Question 2.2

The documents that are directly transmitted to the Bundesrat by the Commission are also later sent to the Bundesrat by the Federal Government as Council documents.

The possibility of direct dialogue with the Commission has strengthened the role of the Bundesrat in matters concerning the European Union.

As explained in the answer to Question 2.1, the very possibility of direct dialogue can be seen as an additional benefit and as a strengthening of the role of the Bundesrat. The direct transmission procedure is an important step towards realization of the demand of the national parliaments that they be involved in the process of European policy formulation at an early stage. In the Bundesrat it is considered a first step towards realization of the early warning system for monitoring subsidiarity. The position of the Bundesrat vis-à-vis the Federal Government has been strengthened as well.

Question 2.3

The Bundesrat has scrutinized both legislative proposals and consultation documents.

Question 2.4

On the basis of experience since 1 September 2006, the Bundesrat is currently examining whether the review procedure should be modified as a consequence of the new procedure. It was determined that the COM documents reach the Bundesrat before the documents sent by the Federal Government and, moreover, that the documents are transmitted to the national parliaments and to the Council of Ministers at the same time. The guide drawn up by the Committee on Questions of the European Union for deciding the question of direct transmission of Bundesrat opinions to the Commission is an initial outcome which will not, however, have an impact on the review procedure as such. There are plans to clarify with the Federal Government whether the transmission of documents by the Federal Government to the Bundesrat can be expedited.

Question 2.5

Thus far the Bundesrat has sent eleven opinions directly to the Commission. Nine opinions concerned EU proposals that were not the subject of the subsidiarity and proportionality checks conducted by COSAC.

Question 2.5.1

The opinions of the Bundesrat were transmitted to the Commission electronically to the designated e-mail address as well as in paper form with a formal letter of notice from the President of the Bundesrat.

Question 2.5.2

At European level, the opinions were sent only to the Commission. Since they were opinions of the Bundesrat formulated in the context of the internal procedure for participation in matters concerning the European Union, they were

also simultaneously sent to the Federal Government with a formal letter of notice from the President of the Bundesrat.

Question 2.5.3

The opinions of the Bundesrat on EU proposals can be accessed in IPEX through links.

Question 2.5.4

The opinions sent by the Bundesrat to the Commission concerned both legislative proposals and consultation documents.

Question 2.5.5

The Bundesrat sent the Commission the complete opinions addressed to the Federal Government. The opinions also contained comments concerning the regulatory competence of the Community, compliance with the principle of subsidiarity or respect for the principle of proportionality.

Question 2.5.6

The Commission in turn responded to the opinions of the Bundesrat on the Commission's report "Better lawmaking 2005" (Bundesrat Printed Paper 434/06 (B)) and on the "Proposal for a Regulation on applicable law and jurisdiction in matrimonial matters" (Bundesrat Printed Paper 531/06 (B)).

Question 2.5.7

The Commission's opinions mentioned in the response to Question 2.5.6 addressed in considerable detail the issues raised by the Bundesrat in its opinion. The Commission's opinions are appended to the present document.

Question 2.6

The direct transmission of documents by the Commission is an important step towards realization of the demand that the national parliaments be involved in European policy formulation at an early stage. It would, however, be logical and consistent – once a "critical mass" has been reached – for the Commission to in turn draw conclusions from the reactions of the parliaments. It would furthermore be very helpful if the time period required for the Commission's opinions could be shortened.

15. Greece

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The two subsidiarity and proportionality checks conducted by the Hellenic Parliament, were very useful, as they have given our Parliament the opportunity to test the existing scrutiny system in conditions similar to those foreseen by the protocol on Subsidiarity and Proportionality annexed to the Constitutional Treaty. Among the lessons learnt, we could mention that: a) proposals of legislative acts should be accompanied by more detailed and concrete justification, concerning the principles of subsidiarity and proportionality.

b) the interaction of the European Affairs Committee and the competent sectoral Committees, as well as the presence of ministers or other government officials during the committee meetings is essential for substantial scrutiny,

c) the time frame is considered very tight,

d) the administrative support of each parliament is very important,

e) the use of IPEX is very useful for a broader knowledge of the several reactions, and all parliaments should be encouraged to give short summaries of their findings, in English or French. The comparison of procedures, as well as of scrutiny conclusions is considered very useful.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The two checks have reminded of the necessity for some modifications in our scrutiny system and they resulted in a special meeting in order to discuss the internal organization matters. There seems to be consensus of the political groups over the main frame of an agreement, though some details need to be worked out.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Though the timeframe is tight and we have the translation handicap, (we always receive the proposals with some delay), we probably could achieve this, if the administrative support is strengthened.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Further clarification is needed, especially towards the justification of the necessity for concession of competences in EU.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes, this is always the first question our MPs deal with, when examining a legislative proposal.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes, we would like to continue. The comparison of procedures and conclusions as mentioned before brings added value especially to parliaments that do not have a long tradition in scrutinizing so thoroughly the European legislation. Besides, this is a kind of exchange of best practices and therefore lies within COSAC's competences.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

We think that for practical reasons we could not exceed four checks per year. The selection of proposals should be made according to the procedure followed last time. That is, after a discussion of the outcome of each Parliament's examination of Commission's Legislative and Work Programme.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

It has not changed our attitude, but it has facilitated our work a great deal. Moreover, it has a huge symbolic meaning, as for the first time the role of National Parliaments is recognized in practice and not only in theory.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Until the IPEX was launched we did not get any legislative proposals directly. We had to depend on our government or do our own searching. The combination of IPEX and the direct transmission by the Commission is considered very positive and enhances our responsibilities.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

Consultation documents are examined as well, (mostly green and white papers and communications).

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

Yes. The situation that is being developed has proven the need for procedural changes and particularly strengthening of the administrative structures.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Not yet

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

2.5.3 Were these comments uploaded to IPEX?

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

16. Hungary

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

1.1 – 1.2

As to the way the Hungarian National Assembly deals with EU matters, or specifically to the monitoring of the subsidiarity principle, no substantial changes have taken place. The subsidiarity check is regulated by Act LIII of 2004 on the cooperation of the Parliament and the Government in European Union affairs and the Standing Orders of the National Assembly.

The recent experiences did however result in a minor modification in the scrutiny procedure conducted by the Committee on European Affairs. Both the practice of the scrutiny procedure in the last two and a half years and consequences drawn from the subsidiarity checks demonstrate that the earliest possible examination of the legislative proposals leads to the best result in terms of exerting influence on the government. Formerly, the first step in the Hungarian scrutiny procedure was usually a committee meeting where the government presented its draft position on the legislative proposal. According to the recently established new practice, an opening discussion is introduced prior to the arrival of the draft governmental position, where two rapporteurs from governmental and opposition parties guide the discussion. This new method might facilitate a more flexible coordination with the European decision-making process and provides the MPs the possibility to formulate a substantiated opinion independently from the governmental position.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

The ability of the Hungarian National Assembly to respond within six weeks is subject to several different conditions. The essential factor is the working schedule of the Hungarian parliament. The first check on matrimonial matters, for example, was supposed to be conducted in a period when the parliamentary summer break and the campaign of the municipal elections did not enable the Committee to place the matter on its agenda. Provided that the Hungarian language version is available on time

and the Parliament is in session without any special circumstances, the period of six weeks is sufficient to react to a Commission proposal.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The protocol on subsidiarity and proportionality proved to be a functional basis for the analysis, however further clarifications could contribute to the more elaborated preparation of the subsidiarity check.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The experts of the Secretariat of the Committee on European Affairs considered the legal base of the Commission proposals among other points while preparing the materials for the discussion in committee meeting.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

COSAC should continue in its valuable role as a forum for cooperation in instigating and evaluating tests of subsidiarity. The checks contribute to developing the way the Hungarian National Assembly treats European matters, and we appreciate the possibility to consult the experience gathered by other national parliaments.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

In our point of view the subject of the proposals to be checked is crucial. Topics most likely to affect a large number of citizens, or a specified group of society usually attract more profound interest of the deputies thus ensuring the active and constructive participation of the MPs in the procedure of the subsidiarity check.

Two proposals annually seem to satisfy the aims of gathering experience and stabilizing, finalising the procedure of monitoring the subsidiarity principle.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

We had already access to this circle of documents distributed by the Commission thorough the Government already in the past. Added value exists in the somewhat larger number of documents arriving (e.g. commission opinions with references like C(2006)XXX final and working documents of the Commission), and a somewhat earlier arrival date.

The initiative of the Commission did not cause changes in existing mechanisms of the National Assembly, nor did it alter the way of dealing with EU matters.

Tough, on the other hand, the National Assembly considers that the initiative of the Commission was a very important gesture that highlighted the Commission's wish to further develop the co-operation with national parliaments and to get them involved in the EU decision making process in a more profound way.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

In practice the transmission of Commission documents has not increased the amount of documents at a great extent, as the National Assembly has received all Council documents (except classified ones) through the Ministry for Foreign Affairs since September 2003. Thus, the parliament has access to all Commission documents being transmitted to the Council.

According to experiences of last half a year, owing to the new mechanism, working documents and opinions of the Commission not being transmitted to the Council means an increase in circle of documents available for the National Assembly.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The possibility exists to scrutinise any document. It is likely that the bulk of examined documents will be legislative proposals.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

No, the Commission's initiative has not indicated any need of procedural changes in the National Assembly so far.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

No, the Hungarian National Assembly has not sent any comment to the European Commission concerning legislative proposals, yet.

2.6. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

As the National Assembly does not have any experience in the new means of co-operation (sending comments to the Commission on legislative proposals and consultation documents), it is early to draw any conclusion concerning the possibilities of further development.

17. Ireland

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

Added value was perhaps added through a consciousness that there was a similar scrutiny process under way across the Member States.

The need for consultation at a national level on complex and possibly far-reaching European Union proposals underlined the tightness of the six-week time-line.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

Consideration of the principles of subsidiarity and proportionality are an integral part of the existing national scrutiny process.

The issue of how best to participate in the process of sharing information, in the light of the tests undertaken, would be part of any review process.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Please see reply to question one.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The Protocol, as part of the existing body of the regulatory framework, naturally informed the scrutiny process concerned.

A common understanding of the formulation and underlying rationale behind the principles, as well as their essential elements, would help in their proper application to proposals under examination. Perhaps COSAC would have a role in facilitating this understanding.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The issue of the legal base is central to the broader scrutiny process. Scrutiny does not begin and end with consideration of these two Principles, no matter how important they might be.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes.

Where proposals are likely to raise concerns across the European Union, tests like those already carried-out provide a focus in the COSAC context for consideration of wider issues such as the role and in-put of national parliaments in the European Union decision-forming architecture.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

At least one test per annum, drawn from the Annual Legislative and Work Programme, might prove to have continuing merit.

See also reply to No. 1.4.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The Houses of the Oireachtas considers that the Commission's desire to promptly and fully inform national parliaments of its legislative initiatives and to purposefully involve them in the EU policy formulation process at an early stage has facilitated and deepened engagement with the Commission and further strengthened parliamentary participation in EU matters. The establishment of a formal channel of communication between the Commission and national parliaments is also considered to create a meaningful opportunity for stepping up partnership and dialogue between the Commission and national parliaments in relation to EU policy formulation.

In the context of the EU scrutiny arrangements in the Houses of the Oireachtas, the Joint Committee on European Affairs and the EU Scrutiny Committee have, for some time, engaged directly with the Commission by sending contributions to the Commission on proposed legislation and EU policy proposals. In light of the new initiative the Committees have developed the implementation of their work programmes to allow for more effective interaction and cooperation with the Commission, in particular on matters of practical relevance and importance to the people.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Yes. The Houses of the Oireachtas receives additional Commission documents through this mechanism, for example Commission Discussion Papers, Communications and Working Documents, which it wouldn't necessarily receive through the scrutiny arrangements in the parliament. Through this mechanism also the

Houses of the Oireachtas receives Commission documents at an earlier stage than before.

Yes, this has further emphasised and underlined the role of parliament in relation to the monitoring, oversight and reporting of European affairs.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

In the context of the EU scrutiny arrangements in the Houses of the Oireachtas, the Joint Committee on European Affairs and the EU Scrutiny Committee scrutinises EU legislative proposals and also considers pre-legislative Commission documents such as Green and White Papers, Commission Communications and Commission Action Programmes.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

Not changes to procedure; the Joint Committee on European Affairs and the EU Scrutiny Committee discuss the introduction of changes to practice in the context of implementation of their work programmes to allow for more effective interaction and cooperation with the Commission

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Yes, Contribution to the Commission on the Commission's Action Programme for Reducing Administrative Burdens in the European Union (attached).

This contribution was sent independently of the COSAC subsidiarity and proportionality checks.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

By E-mail

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

Sent to the Commission; also copied to the Government Department with responsibility for the particular policy area and to the Group that made a presentation to the Committee on the subject matter of the contribution

2.5.3 Were these comments uploaded to IPEX?

Yes

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

The opinions concerned a Commission Action Programme and related working documents.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

The opinions did not relate to subsidiarity and proportionality but rather to other matters and concerns that were raised in the context of presentations received by the Committee on the particular subject.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

In view of the recent date the contribution was sent to the Commission it would not be expected that a response would be received at this stage.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

See reply to last question.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

In the interest of transparency, and to underline the democratic legitimacy of the EU decision-making process, perhaps the Commission would share information, as appropriate, on national parliaments' input into EU policy formulation as well as the Commission's response to comments received from national parliaments. This policy dialogue would demonstrate a clear and ongoing commitment to furthering meaningful cooperation between the Commission and national parliaments. Perhaps this information could be provided through the IPEX interparliamentary website.

18. Italy

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The Italian Parliament do not consider possible or appropriate any collective exercise of the subsidiarity and proportionality check which – under the current Treaties as well as under the Constitutional Treaty – falls within the competences of each National Parliament or Chamber. So each Parliament/Chamber carries out the subsidiarity and proportionality check following its own procedures and agenda. Therefore checks conducted within the framework of COSAC cannot be considered as a sort of collective action but just as an opportunity for an exchange of views and best practices among Parliaments.

In this context the scrutiny of “matrimonial matters” and “postal services” proposals has been the occasion for Italian Parliament to deal with the subsidiarity and proportionality principles. Whilst the principle of subsidiarity doesn’t give particular problems, for what concerns the principle of proportionality our Parliament met some difficulty, as it is hard to distinguish it from the merits of the proposals. The Italian Parliament regards the strengthening of the cooperation amongst National Parliaments in the monitoring of subsidiarity and proportionality issues as useful

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The checks didn’t influence the way our Parliament usually handles EU affairs. We carried out the checks according to normal EU scrutiny procedures.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

The subsidiarity and proportionality check conducted by COSAC on the Commission proposal on the liberalisation of postal service is significant. The six-week period to complete scrutiny stays problematic: it could be too short for complicated matters and too long for matters of little importance.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The protocol annexed to the Amsterdam Treaty doesn't clarify the standards to be applied which remain uncertain. Any further clarification would be helpful, but it's not worth exceeding in the opposite sense. A possibility is to call on the principles defined by the Court of Justice to clarify the principles of subsidiarity and proportionality.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Italian Parliament examines the Commission proposals on all relevant aspects, including the legal basis, if necessary. The exam of the legal basis forms an integral part of the subsidiarity check, as it contributes to the verification of a non-exclusive Community competence.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

COSAC should conduct subsidiarity and proportionality checks every six months, in order to enable National Parliaments to strengthen their scrutiny activities on European affairs.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

Two checks should be conducted annually. The proposals could be selected from the Commission Legislative and Work Programme.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The procedure put in place by the Commission with National Parliaments contributes to raise the awareness of citizens and of parliaments themselves on the European matters, but it has not really changed the attitude of Italian Parliament in dealing with EU affairs.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Italian Parliament receives the Commission proposals and the documents sent by the Government at the same time. This direct interaction helped the involvement of National Parliaments in dealing with EU affairs, by providing a timing and constant flow of information.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

In the framework of the procedure put in place by the Commission, the Italian Senate scrutinizes legislative proposals. The Chamber of Deputies scrutinizes all the relevant documents

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

No.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Italian Senate sent comments to the Commission regarding the COSAC check on “postal services” proposal (sent also to COSAC Secretariat) and on the proposal on criminal measures aimed at ensuring the enforcement of intellectual property rights (COM(2006) 168 final). The Italian Chamber sent to the Commission the final document of the Committee on Justice and the opinion of the Committee on EU Affairs adopted on the proposal of regulation on matrimonial Law.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

Each of the chambers of the Italian Parliament sends letters signed by the Secretaries General of the two Chambers to the Secretary General of the European Commission.

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

To the European Commission.

2.5.3 Were these comments uploaded to IPEX?

Yes.

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

See answer to question 2.3.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

By using the normal procedures for the scrutiny activities, the Italian Parliament issues opinions related not only to the subsidiarity and proportionality principles, but also to the merits of the proposals.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

The Italian Parliament has not received yet reactions from the Commission.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

No answer.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

The Italian Parliament thinks that the cooperation between National Parliaments and European Commission shall be improved.

CHAPTER 3: THE FUTURE OF EUROPE

In the framework of the initiatives of the celebration of the 50th anniversary of the signing of the Rome Treaties and with the aim of involving EU parliaments in a common reflection on the possible ways of bringing forward the European integration process, the Italian Parliament has organised the 22 and 23 March 2007 respectively:

- a seminar on "What is Europe lacking?", in cooperation with the European University Institute in Florence, divided into three sessions - political, economic and social - each of which was opened with contributions by two authoritative scholars and followed by a deep debate among the participants;**
- a celebration ceremony, "A Political Europe and Her Role in the World", which took place in Rome, in the Plenary Hall of the Senate, with the participation of distinguished European personalities.**

To the two events have been invited the Parliaments of the European Union member states, the European Parliament and the Parliaments of the candidate countries. Each Parliament was represented by its President as well as by a Member of Parliament having an institutional responsibility for European Union affairs. 36 delegations, representing 26 Parliaments attended the seminar in Florence and 40 delegations representing 31 Parliaments attended the celebration in Rome.

Furthermore, on 14th march 2007, the Italian Senate adopted a resolution that commits the Government to act at European level for the positive conclusion of the European constitutional process, with a close association of the citizens, and to promote a campaign at national level in universities and schools for the value of European integration. The resolution was previously passed by 14th permanent Committee on EU affairs on 7th march. A summary of the debate held in the Senate was inserted in a volume distributed during the celebration ceremony of the 50th

anniversary of the signing of the Rome Treaties that took place in the Senate on 23rd march.

The Italian Chamber of deputies discussed the 19 march 2007 a motion requesting the Government to promote:

- the relaunch and the conclusion of the European constitutional process by the European elections in spring 2009;
- the effective and consistent role of the EU in the European foreign policy, promoting peace, innovation, economic growth and social and economic cohesion;
- the enhancement of the relationship with the Third Countries, notably in the framework of the Neighbourhood Policy;

- the prosecution of the enlargement policy;

- the close association of the European citizens in the elaboration of future further steps in the European integration.

CHAPTER 4: CLIMATE CHANGE AND CLIMATE PROTECTION - THE ROLE OF THE EU

The Industry Committee and the Committee on European Union policies of Italian Senate started the discussions about the following documents on energy and environmental issues: Communication from the Commission – “Limiting global climate change to 2 degrees Celsius - The way ahead for 2020 and beyond”, Communication from the Commission – “An energy policy for Europe”, Communication from the Commission – “An illustrative programme for the nuclear policy”. In the debates, the senators recognized that the challenges of climate change need to be tackled effectively and urgently. They have shown a strong support to the proposals presented by the European Commission, encouraging the Italian government to implement the strategic objectives pursued by the European Council (8-9 March 2007). On the subject, the Committee on European Union policies shall draft an opinion addressed to the Industry Committee for the final resolution.

The European Commissioner for Energy, Mr Andris PIEBALGS, was heard on issues related to the EU energy policy before the relevant Committees of the Chamber of Deputies and the Senate (the Environment, the Economic Activities and the European Union Policies Committees of the Chamber and the Industry, the Environment and the European Union Policies Committees of the Senate) on 13th February 2007. The Commissioner focussed - in particular - on the issues pertaining to the new “energy package”, underlining the close relation between the new energy policy proposed by the Commission and the problems caused by climate change. To this effect, Commissioner Piebalgs stressed the need for a rapid and effective action on the part of the European Union.

19. Latvia

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC (matrimonial matters and postal services) provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

Both the subsidiarity and the proportionality checks have undeniably improved the practical experience of the Saeima European Affairs Committee. In conducting both checks, the Saeima European Affairs Committee developed internal procedures for informing all the partners involved in the subsidiarity and proportionality checks in the shortest time possible. These internal procedures are reflected in the time period the Committee needed to prepare its conclusions: the first check was conducted in 32 days, and the second in 29 days.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions, or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The subsidiarity and proportionality checks have not influenced the way our Parliament handles EU affairs. Both checks were conducted according to the provisions stated in the Saeima „Rules of Procedure.”

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

In principle, it is possible to react to a Commission's proposal within a six-week period. However, one must bear in mind that various EU member states have different holidays, parliamentary recesses, election times, etc., which significantly affect the time that national parliament needs for formulating and expressing its opinion. Another matter which may impede the conducting of subsidiarity and proportionality checks is the workload of the European Affairs Committees and other sectoral committees whose parliamentary agendas may be quite busy during the checking period. The lack of administrative capacity may be another impeding factor.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty provides a general insight into the scrutiny procedure. Specific guidelines clarifying subsidiarity and proportionality checks would be helpful in improving the scrutiny procedures.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The previous subsidiarity and proportionality checks did not address the Commission's competence in handling the relevant issues. However, in the future this consideration should be an integral part of the subsidiarity and proportionality checks.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

COSAC should continue conducting subsidiarity and proportionality checks in the future because they help national parliaments to develop internal procedures for analyzing the Commission's proposals and presenting the parliament's positions regarding these proposals. Such experience can be helpful in dealing with sensitive or significant issues.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

During each presidency of the EU, one subsidiarity and proportionality check would be desirable (i.e., two checks per year).

With regard to new EU legislative initiatives, politically sensitive issues should take precedence over technical matters. This will enable the European Commission to detect problematic aspects in due time and to guide discussion of them more successfully.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The Saeima European Affairs Committee has access to the database of the Ministry of Foreign Affairs, which contains all the new EU legislative proposals, but the direct transmission of documents to national parliaments serves as an additional source of information. Until now the direct transmission of documents to the Saeima has not changed the procedures or the way how parliamentary supervision is conducted.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

As we indicated before, the representatives of the Saeima also previously had access to the new EU legislative proposals, but the transmission of documents by the European Commission has prompted discussions within the parliament, the Ministry of Foreign Affairs and the Ministry of Justice about how to conduct subsidiarity and proportionality checks in the future.

The document flow ensured by the European Commission has led to the following conclusion: if the parliament wants to conduct subsidiarity and proportionality checks in addition to the COSAC collective checks, the parliament, first and foremost, must scrutinize those EU legislative proposals which concern Latvia's priorities.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

Up till now the Saeima European Affairs Committee has approved all the national positions of Latvia that are directly related to the new legislative proposals as well as policy documents, such as white papers, green papers, communications, etc.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

The current procedural framework allows the Latvian parliament to express its position about the new EU legislative proposals. In order to choose the relevant legislative proposals and to conduct independent checks of the new EU legislative proposals, it is necessary for Latvia to set its priorities in due time. The Saeima European Affairs Committee, together with the Ministry of Foreign Affairs, is working on how to set these priorities.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

The Saeima European Affairs Committee has sent its comments to the EC regarding the observation of the subsidiarity and proportionality principles conducted within the framework of the COSAC checks.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

The Chairman of the Saeima European Affairs Committee sent its comments in accordance with the aide-mémoire prepared by the COSAC Secretariat.

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

The Latvian Parliament sent its comments to the European Commission, the European Parliament, the European Council and the COSAC Secretariat.

2.5.3 Were these comments uploaded to IPEX?

The IPEX system reflects the stage at which both legislative proposals have been discussed by the Saeima.

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

The parliament's opinion was related only to the compliance of the relevant legislative proposals to the subsidiarity and proportionality principles.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

The opinion related only to the check of subsidiarity and proportionality principles within COSAC.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

Up till now the Saeima European Affairs Committee has not received any response from the European Commission; however, since no violations of subsidiarity and proportionality principles were detected, there will probably be no response from the European Commission.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

Since no violations of the subsidiarity and proportionality principles were detected by the COSAC checks, there were no concrete proposals from the parliament, and thus no response from the European Commission is expected.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

The Saeima has started to work on the development of a database that would provide an electronic version of a document sent by the European Commission, the date of issue, the issuer, Latvia's position, a review of the relevant document in committee meetings, agendas of the committee meetings, minutes from the committee meetings, as well as links to other databases (IPEX, PRE LEX).

When the database starts to function, the Saeima may express its opinion about the deficiencies and recommendations in relation to the European Commission's initiative to send all the new legislative proposals directly to the national parliaments of the EU member states.

CHAPTER 3: THE FUTURE OF EUROPE

After the meeting of COSAC chairpersons in Berlin, the Saeima European Affairs Committee on 28 February 2007 discussed the Berlin Declaration. The meeting was attended by representatives from the Latvian Ministry of Foreign Affairs who informed the members of the European Affairs Committee about Latvia's position regarding the

content of the Berlin Declaration. Members of the European Affairs Committee also had their own suggestions as to what should be brought up during the next round of discussions about the Berlin Declaration.

CHAPTER 4: CLIMATE CHANGE AND CLIMATE PROTECTION - THE ROLE OF THE EU

Being aware of the role of the European Union in environmental protection, the members of the European Affairs Committee have repeatedly indicated the need to ensure a reasonable, economically grounded balance among EU policies, instruments preventing climate change, and the EU's long-term competitiveness. This balance should also be taken into account when setting emission quotas.

20. Lithuania

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

Yes, they did. A working group was set up by the Bureau of the Seimas to specify some of the procedures for handling EU affairs as provided in the Statute of the Seimas.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The subsidiarity and proportionality check was conducted following the usual control mechanism of the principle of subsidiarity provided for in Article 180⁶ of the Seimas Statute, with the exception of one aspect: the procedure was initiated by the Committee on European Affairs, rather than by a specialised committee, which is, according to the field of its competence, responsible for proper and timely control of the principle of subsidiarity, as generally provided in 180⁶(1) of the Seimas Statute. Following the provisions thereunder, the specialised committee submits its expert conclusion to the Committee on European Affairs. Upon adopting the decision, the Committee on European Affairs assess the conclusions submitted by the specialized committees, experts of the Legal Department of the Seimas Office or other experts. Upon deciding that the proposal to adopt a legal act of the European Union may not be in conformity with the principle of subsidiarity, the conclusions of the Committee on European Affairs or the Committee on Foreign Affairs according the fields of their competence are referred for debate in the Seimas plenary sitting. Yet it should be noted that the key initiator of the subsidiarity check is, in practice, the Seimas Committee on European Affairs not only in cases of the collective check conducted by COSAC, but in other situations as well (e.g. concerning the amended proposal for a Directive of the European Parliament and of the Council on criminal measures aimed at ensuring the enforcement of intellectual property rights).

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Under normal conditions, the rule of six weeks should be an adequate period of time to react. Article 180⁶(7) of the Seimas Statute provides that “the conclusions of the Committee on European Affairs or the Committee on Foreign Affairs concerning possible nonconformity of the proposal to adopt a legal act of the European Union with the principle of subsidiarity shall be debated in the Seimas plenary sitting in accordance with the special urgency procedure”. The account should be taken, however, of the election periods, etc., when no plenary sittings take place at the Seimas. It is also worthwhile mentioning the vital importance to respect the six-week rule in this process from the moment a legislative proposal is made available by the Commission in all official EU languages.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Yes, we believe, further clarification of the principles of subsidiarity and proportionality, in particular, would be very helpful. National parliaments of the member states should also exchange the relevant information, be introduced to the problems encountered by other parliaments in conducting subsidiarity and proportionality checks, as well as potential violations of the principle of subsidiarity.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes, it does, since the principles of subsidiarity and proportionality require the Community to provide grounds in each case as to why the proposed instrument needs to be used on the Community level.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

We think that COSAC should continue conducting collective projects on subsidiarity and proportionality checks in future.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

We believe there is no need to specify in advance as to how many such projects should be conducted within a certain period. Yet, a rule could be established that a collective project should be initiated, for example, upon receipt of the Commission's legislative and work programme, with a certain number of national parliaments noting that a specific proposal raises doubts as concerns the compliance with the said principles.

We welcome the IPEX project brought into operation, which accelerates and facilitates the exchange of information between the member states. Still, further efforts should be made to enable the IPEX system to fully perform its functions. It should be discussed whether there is a need to develop a system of automatic electronic notification to IPEX correspondents of national parliaments in case one of the parliaments decides that a specific proposal may be in conflict with the principles of subsidiarity and proportionality. Besides, to fully apply the principle of "transparency"?, the IPEX system should also reflect the responses of the European Commission presented to national parliaments concerning their apprehensions or remarks on possible non-compliance. We also think that consideration should be given to additional automatic statistical functions facilitating fast receipt of information about the performed or ongoing checks following the main criteria (e.g. a specific proposal to adopt a legal act of the European Union, a national parliament of a specific member state, etc.).

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The Seimas of the Republic of Lithuania welcomes the initiative of the European Commission and believes that this important political step contributes to the development of the role of national parliaments in the European Union. This is also a prerequisite for the reduction of democratic deficit in the European Union, enhancement of its legitimacy and publicity in decision-making.

Other positive effects of this initiative remain to be realised.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Article 180⁵ of the Statute of the Seimas of the Republic of Lithuania already provides the procedure for debates on documents directly received from the institutions of the European Union. The Government of the Republic of Lithuania immediately informs, in writing or through the Information System for Lithuania's Membership in the EU (LINESIS), the Seimas of the proposals to adopt legal acts and other documents of the European Union.

Yes, it is possible to say that that the direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The 1992 Constitution of the Republic of Lithuania provides a model of a strong parliament. This principle served as the basis for the 13 July 2004 Constitutional Act on the Membership of the Republic of Lithuania in the European Union providing a model for an active participation of the Seimas in handling and making decisions with regard to EU affairs and defining the relevant powers of the Seimas, Committee on European Affairs and Committee on Foreign Affairs. Upon exercising parliamentary scrutiny, the Seimas of the Republic of Lithuania considers all EU documents, which, according to the Constitution of the Republic of Lithuania, falls under the competence of the Seimas and in respect of which a position of the Republic of Lithuania is drawn up or revised.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

Yes, it does. A working group has been set up at the Seimas rules of procedure for handling EU affairs at the Seimas, which should specify the procedure for documents received directly from the European Commission.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Yes, in accordance with Article 180⁶ of the Statute of the Seimas of the Republic of Lithuania, which provides the mechanism for monitoring the principle of subsidiarity, the Seimas of the Republic of Lithuania at its plenary sitting on 7 November 2006 adopted the statement approving the 25 October 2006 conclusion of the Seimas Committee on European Affairs on

the Amended Proposal from the European Commission for a Directive of the European Parliament and the Council on Criminal Measures Aimed at Ensuring the Enforcement of Intellectual Property Rights. The Seimas plenary sitting deliberated on the matter in line with the provisions of the Statute of the Seimas of the Republic of Lithuania after the Committee on European Affairs had concluded that the EU legislative proposal mentioned above might not comply with the principles of subsidiarity and proportionality.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

Article 180⁶ of the Seimas Statute stipulates that “the Committee on European Affairs shall be responsible for the communication of such statement of the Seimas to the parliaments of other Member States of the European Union as well as appropriate institutions of the European Union as soon as possible, but not later than within one week after the passing of the said statement”. A letter to Mr. José Manuel Barroso, President of the European Commission, has been sent by the Chairman of the Committee on European Affairs through the Ambassador of the Permanent Representation of Lithuania to the European Union.

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

Official letters have been sent only to the European Commission, with informal notification of the Government.

2.5.3 Were these comments uploaded to IPEX?

Yes, they were.

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

The opinion furnished by the Seimas Committee on European Affairs concerns only the legislative proposal of the European Commission.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

The opinion submitted by the Seimas Committee on European Affairs regards only potential non-compliance with the principle of subsidiarity.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

Yes, it has.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

Yes, we regard the response of the European Commission as timely and sufficient.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

The gained experience allows declaring without doubt that this is a step in the right direction striving for greater openness and transparency in decision-making on pan-European level.

Unfortunately, the internal system has some shortcomings as well. There is still considerable delay in the Lithuanian translation process of documents, the latter lacking adequate translation quality. The European Commission should be encouraged to further seek to ensure a timely and quality translation of documents into all official languages of the European Union. It should also be noted that national parliaments should respect the six-week rule from the moment a legislative proposal is made available by the Commission in all official EU languages. The IPEX system should be improved to serve as a channel between national parliaments and the European Commission.

CHAPTER 3: THE FUTURE OF EUROPE

The Seimas Committee on European Affairs heard the information of the Government on the Government's position in the negotiations over the Berlin Declaration. The Government's position is a public document approved on 24 January 2007. It remains to be regretted, however, that given the drafting method of the Berlin Declaration the Committee could not fully participate in this important process.

21. Luxembourg

Réponses de la Chambre des Députés du Grand-Duché de Luxembourg

Chapitre 1er : Evaluation des contrôles de subsidiarité et de proportionnalité

Questions:

1.1. Les deux contrôles communs de subsidiarité et de proportionnalité réalisés par la COSAC (celui en matière matrimoniale et celui concernant les services postaux) ont-ils apporté une valeur ajoutée à la façon dont votre parlement s'occupe des sujets européens? Quels enseignements en ont été tirés? Veuillez spécifier s.v.p.

Réponse : Les contrôles communs présentent l'avantage de montrer les éléments de la procédure interne qui sont à approfondir ou à revoir et servent dans le cadre de l'évaluation de la méthode de travail interne.

Ainsi, la Chambre des Députés a introduit une nouvelle méthode de travail en janvier 2006 pour l'analyse des dossiers européens répartis en « documents A » (ne présentant pas d'intérêt particulier pour le Luxembourg) et en « documents B » (méritant un examen plus détaillé).

Après un premier tri des dossiers qui présentent un intérêt pour le Luxembourg, effectué par la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration sur base d'un travail de préparation du Service des Relations internationales, il appartient aux commissions sectorielles d'assurer l'analyse et le suivi des dossiers qui sont dans leur compétence.

Une question qui n'a pas encore trouvé de solution définitive est celle de savoir si les avis d'une commission sectorielle, et formulés dans des dossiers européens, peuvent être considérés comme des avis du Parlement en tant que tel ou s'il est nécessaire de passer par une adoption formelle en séance publique. De plus, il a été retenu que le public n'est pour le moment pas suffisamment informé sur les travaux parlementaires dans les dossiers européens, et en particulier sur les positions adoptées dans le cadre des contrôles communs de subsidiarité et de proportionnalité.

1.2. Les contrôles communs ont-ils influencé la façon dont votre parlement traite les affaires européennes? Des procédures ont-elles été changées ou même modifiées spécialement pour traiter des questions de la subsidiarité et la proportionnalité ou avez-vous utilisé votre système habituel d'examen des questions européennes? Veuillez spécifier s.v.p. Des informations sur les changements que vous envisagez à l'avenir seraient appréciées.

Réponse : Une évaluation de la méthode de travail est en cours. (voir aussi réponse à la question 1.1.)

1.3. Considérez-vous que votre parlement est / devrait être en mesure de réagir aux propositions de la Commission dans un délai de six semaines?

Réponse : Le Parlement doit être en mesure de respecter le délai de six semaines, mais ceci est particulièrement difficile en cas de vacances parlementaires respectivement pendant une période électorale.

1.4. Le protocole sur la subsidiarité et la proportionnalité repris dans l'annexe du traité d'Amsterdam a-t-il favorisé la procédure d'examen et clarifié les critères à appliquer? Une meilleure définition des principes de subsidiarité et/ou de proportionnalité serait-elle utile?

Réponse : Le protocole sur la subsidiarité et la proportionnalité repris à l'annexe du traité d'Amsterdam favorise effectivement la procédure d'examen.

1.5. Le principe de la subsidiarité n'est appliqué que dans les domaines dans lesquels la Communauté ne jouit pas d'une compétence exclusive. Votre parlement a-t-il également contrôlé la base légale des propositions de la Commission? Pensez-vous que la vérification de la base juridique constitue une partie intégrante du contrôle de la subsidiarité?

Réponse : Pour le moment, la Chambre des Députés ne contrôle pas la base légale des propositions de la Commission, mais une telle analyse devrait faire partie intégrante du contrôle de la subsidiarité.

1.6. Désirez-vous que la COSAC continue à mener des contrôles de subsidiarité et de proportionnalité à l'avenir? Merci d'indiquer des raisons.

Réponse : La COSAC devrait continuer les contrôles communs de subsidiarité et de proportionnalité pour approfondir l'échange des meilleures pratiques et pour inciter à améliorer les procédures internes. Les contrôles communs incitent les Parlements à se donner d'ores et déjà les moyens nécessaires pour effectuer le contrôle de subsidiarité après l'entrée en vigueur du Traité constitutionnel.

1.7. Si vous répondez positivement à la question précédente, veuillez indiquer le nombre des contrôles que vous souhaitez réaliser chaque année et la manière dont les propositions de la Commission seraient choisies. D'autres suggestions pour améliorer la procédure seraient également appréciées.

Réponse : Le nombre de deux contrôles par année est approprié. Les propositions devraient continuer d'être choisies de la même manière que le deuxième et le troisième contrôle, donc sur base de propositions des Parlements nationaux tirées du programme législatif et de travail de la Commission européenne.

Chapitre 2 : Evaluation de la coopération avec la Commission européenne

Questions:

2.1. Votre parlement estime-t-il que ce nouveau mécanisme de transmission directe des documents apporte une valeur ajoutée au dialogue avec la Commission, à savoir qu'il a entraîné un changement d'attitude envers la manière de s'occuper des affaires européennes?

Réponse : La transmission directe des documents par la Commission européenne apporte une valeur ajoutée au dialogue, mais sans que cette nouveauté ait entraîné un changement d'attitude fondamental dans la manière de traiter les affaires européennes.

2.2. Par ce mécanisme, recevez-vous de nouvelles informations que vous ne receviez pas auparavant? Pensez-vous que cette interaction avec la Commission a renforcé le rôle de votre parlement dans le traitement des affaires européennes?

Réponse : La Chambre des Députés n'obtient pas de nouvelles informations par la transmission directe de documents par la Commission européenne, mais l'accès en est facilité.

2.3. Votre parlement a-t-il exercé son contrôle seulement sur les propositions législatives ou a-t-il aussi considéré des documents de consultation, des documents de travail etc.?

Réponse : L'examen des documents européens par la Chambre des Députés ne se limite pas aux propositions législatives, mais s'étend aussi aux documents de consultation et aux documents de travail, qui sont considérés comme des documents préparatoires donnant des indications utiles sur les orientations que la Commission européenne entend apporter aux dossiers et à ses futurs travaux en général.

2.4. Votre parlement discute-t-il des changements de procédure lié à l'initiative de la Commission?

Réponse : voir la réponse à la question 1.1.

2.5. Votre parlement a-t-il envoyé des commentaires à la Commission jusqu'à maintenant? (Si oui, pourriez-vous les joindre au questionnaire s.v.p.?) Ces commentaires ont-ils été envoyés dans le cadre des contrôles de subsidiarité et de proportionnalité ou ont-ils concerné des propositions supplémentaires?

Réponse : La Chambre des Députés a envoyé des commentaires à la Commission européenne dans le cadre des contrôles de subsidiarité et de proportionnalité effectués par la COSAC.

Pour la première fois, à la fin du mois de mars 2007, la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a par ailleurs communiqué un avis à la Commission européenne sur un livre vert, à savoir le livre vert sur la protection diplomatique et consulaire des citoyens de l'Union européennes dans les pays tiers (document COM (2006) 712).

Si oui: 2.5.1. Comment votre parlement a-t-il réagi (lettre du Président de la Chambre, lettre du Président de la Commission, par courriel)?

Réponse : La Chambre des Députés a répondu par courrier électronique respectivement par lettre du Président du Parlement.

2.5.2. A qui votre parlement a-t-il envoyé ses commentaires - à la Commission seulement ou a-t-il transmis une copie au Conseil, au Parlement Européen et/ou à votre gouvernement national?

Réponse : Les commentaires ont été envoyés à la Commission européenne ainsi qu'au membre du Gouvernement luxembourgeois en charge du dossier.

2.5.3. Ces documents ont-ils été téléchargés sur IPEX?

Réponse : L'avis sur le livre vert sur la protection diplomatique et consulaire des citoyens de l'Union dans les pays tiers est téléchargé sur IPEX.

2.5.4. Les avis transmis par votre parlement ont-ils concerné seulement les propositions législatives ou ont-ils aussi concerné des documents de consultations, des documents de travail, etc.?

Réponse : Un des avis a concerné un document de consultation, à savoir le livre vert sur la protection diplomatique et consulaire des citoyens de l'Union européenne dans les pays tiers.

2.5.5. Vos avis ont-ils porté seulement sur la subsidiarité et la proportionnalité (à part les contrôles réalisés par la COSAC) ou également sur d'autres sujets?

Réponse : L'examen ne se limite pas à la subsidiarité et à la proportionnalité, mais vise aussi le fond des dossiers.

2.5.6. Votre parlement a-t-il déjà reçu des réponses à vos commentaires de la part de la Commission? Si oui, merci de les joindre à ce questionnaire.

Réponse : Mis à part des accusés de réception, la Chambre des Députés n'a encore reçu aucune réponse de la part de la Commission européenne.

2.5.7. Etes-vous satisfait des réponses de la Commission? Avez-vous des indications que vos avis ont été pris en considération par ses services?

Réponse : Des réponses systématiques sur les commentaires seraient d'une grande utilité pour les Parlements.

2.6. A votre avis, de quelle manière la coopération avec la Commission peut-elle être améliorée dans le cadre de ce mécanisme?

Réponse : De nouveaux défis se présentent au niveau de la coopération entre la Commission européenne et les Parlements nationaux, qui doivent approfondir leur expérience.

Les parlementaires devraient développer de nouvelles connaissances en traitant les affaires européennes. Ainsi, la coopération entre la Commission et les Parlements pourrait être favorisée sur des thèmes particulièrement importants, comme la défense ou les biotechnologies et des réseaux avec des instituts de recherche pourraient être mis en place.

Des échanges de vues directs entre les parlementaires nationaux et les membres de la Commission européenne (et de leur personnel) pourraient également être approfondis.

Chapitre 3 : L'avenir de l'Europe

Ce chapitre résumera l'état des débats relatifs au processus constitutionnel ainsi que les dernières évolutions en la matière, afin de préparer les discussions qui porteront sur ce thème lors de la XXXVII^e COSAC qui se réunira à Berlin. A condition d'avoir déjà été formulées, les réactions des parlements sur la déclaration de Berlin à l'occasion du 50^e anniversaire du traité de Rome seront également prises en compte.

Il n'y aura pas de questionnaire sur ce chapitre en tant que tel. Cependant, n'hésitez pas à transmettre au secrétariat des observations si vous en avez.

Remarque : Il est important de savoir, au moment de la COSAC, où en est la présidence allemande dans ses préparatifs pour son rapport au Conseil européen en juin et surtout, dans l'hypothèse d'une CIG future, comment la présidence allemande conçoit l'implication des Parlements nationaux.

22. Malta

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

Due to internal issues the Maltese Parliament was unable to participate in either of the checks.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

With the current scrutiny structure it is very difficult that the six weeks period is respected.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied?

Yes

Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Yes

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

N/A

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes. The Maltese Parliament hopes to resolve the issues which have to date impeded participation in the said checks shortly. COSAC has proved to be the most appropriate forum to deal with such issues and a useful tool for interparliamentary cooperation and exchange of views.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

Such checks should be conducted once or twice annually. Proposals should be selected from the proposals indicated in the annual Legislative and Work Programme of the Commission.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission?

Yes

Has it led to a change in attitude in the way your parliament deals with European affairs?

To date the Maltese Parliament has not adopted any new mechanism but has chosen to rely on the existing scrutiny mechanism.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Yes Parliament is now aware of all Proposals issued by the Commission and it does not rely exclusively on the information transmitted to it by the Government.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

As per the existing scrutiny mechanism, the Maltese Parliament scrutinizes all Commission documents whether they are legislative or merely consultative.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

Yes, the possibility of introducing procedural changes as a result of the Commission's initiative is currently being discussed.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals? -

23. The Netherlands: House of Representatives

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The added value of these collective tests is that the parliament can take note of the outcomes of scrutiny tests of other parliaments. Furthermore, concerted action of several parliaments may help to influence the outcome of European commission proposals.

Lessons learnt:

- *It turned out that the six-week period for an in-depth scrutiny test on subsidiarity was too short;*
- *Although the basic principles of subsidiarity and proportionality can be differentiated, they are hard to separate since they are clearly in line with each other;*
- *A lack of information exchange between the national parliaments: too few documents are translated in the EU-working-languages (English and French) and placed on the IPEX-Website.*

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The collective checks did not influence the way the (committees of the) House of Representatives handles EU affairs; the already existing procedures to scrutinize European affairs did not change. Dutch parliament had already installed a specific procedure to apply the subsidiarity and proportionality check. This procedure was used for the subsidiarity and proportionality check on the two proposals.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Yes, parliament should be in a position to react to a Commission proposal within six weeks. The time needed depends on the extent of the scrutiny procedure. With regard to the scrutiny procedure of the Temporary Committee on Subsidiarity, the six week time period might come under pressure in the case specialised committees, a plenary session and both the Senate and the House of Representatives are involved. This pressure on the available time will increase in case there are more proposals to be checked.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty provides for general directions with regard to standards of subsidiarity and proportionality. Nevertheless, in working with the two concepts it turns out that, although they can be differentiated, in practice they are hard to separate. A further clarification of the principles of subsidiarity and proportionality could be helpful.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The House of Representatives checked the legal base of the Commission proposals. The legal base forms an integral part of the subsidiarity check.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

As far as the House of Representatives is concerned, COSAC should continue its subsidiarity and proportionality checks. It is a useful mechanism for sharing knowledge and expertise and for exchanging views. Therefore it is a useful tool for influencing proposals of the European Commission.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

The exact number of checks cannot be determined in advance. The House of Representatives is convinced of the importance of having as many parliaments taking part in a scrutiny test of a Commission proposal as possible.

Each parliament should present a list of proposals on the basis of the Legislative and Working program of the European Commission that it wishes to scrutinize. On the basis of all lists a selection can be made - on the basis of majority / substantial part - of proposals that are to be scrutinized by COSAC. This procedure leaves it to the national parliaments whether they will perform additional scrutiny checks.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The House of Representatives is of the opinion that the direct transmission of Commission documents to the national parliaments can add value to the dialogue with the Commission. The House is still in the process of formulating a specific working method to deal with these documents. At this moment the Temporary Committee on

Subsidiarity weekly draws the attention to the Commission proposals and it signals if proposals should be submitted to the subsidiarity and proportionality check.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

In general, the House of Representatives does not receive information through this mechanism that it did not receive before. The role of the House in dealing with European Affairs is not specifically reinforced, but the direct interaction can lead to a better awareness about European affairs.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The House of Representatives, in particular the committee for European Affairs, considers all documents of the Commission. This is not limited to legislative proposals.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

As already stated under 2.1, the House of Representatives is still in the process of formulating a specific working method to deal with these documents.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Yes, with regard to some proposals that were scrutinized in the procedure of the subsidiarity committee and opinion has been formulated with the consent of both Houses of Parliament. These comments were forwarded to the European institutions and the national parliaments in a letter signed by the Speakers of both Houses and uploaded to IPEX, also with translated documents. We did receive responses given by the European Commission, which we forwarded to the relevant standing committee. We appreciated the effort to give a response with regard to the content, although we did not agree with all aspects of the response. After the initial subsidiarity check and the response of the European Commission the standing committee is dealing with the national government while negotiations are in progress.

2.6. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

It might be an interesting thought if the European Commission could transmit the outcome of their weekly meetings directly to the national parliaments so that parliaments are informed at an early stage on what can be expected or what has been discussed.

24. The Netherlands: Senate

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The Temporary Committee on Subsidiarity of the States-General of the Netherlands attaches great value to the subsidiarity and proportionality checks conducted by COSAC. The added value of these collective tests is that the parliament can take note of the outcomes of scrutiny tests of other parliaments. Furthermore, concerted action of several parliaments may help to influence the outcome of European commission proposals.

Lessons learnt:

- It turned out that for most of the parliaments the six-week period for an in-depth scrutiny test on subsidiarity was too short;*
- Although the basic principles of subsidiarity and proportionality can be differentiated, they are hard to separate since they are clearly in line with each other;*
- A lack of information exchange between the national parliaments: too few documents are translated in the EU-working-languages (English and French) and placed on the IPEX-Website.*

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The collective checks did not influence the way the Senate handles EU affairs. The parliament had already installed a scrutiny procedure.

This procedure has not been changed in due course.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

The time needed, depends on the extent of the scrutiny procedure. With regard to the scrutiny procedure of the Temporary Committee on Subsidiarity, the six week time period might come under pressure in the case specialised committees, a plenary session and both the Senate and the House of Representatives are involved. This pressure on the available time will increase in case there are more proposals to be checked. Although the Senate is in principle able to perform an in-depth scrutiny test in six weeks, it has witnessed that for most of the parliaments this was too short a period.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty provides for general directions with regard to standards of subsidiarity and proportionality. Nevertheless, in working with the two concepts it turns out that, although they can be differentiated, in practice they are hard to separate.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The Senate of the States-general of the Netherlands does check the legal base of the Commission proposals. The legal base forms an integral part of the subsidiarity check.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

As far as the Senate is concerned, COSAC should continue its subsidiarity and proportionality checks. Most and for all because it is a useful mechanism for sharing knowledge and expertise and for exchanging views. Therefore it is a useful tool for creating a critical mass to influence proposals of the European Commission.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

The Senate of the States-General is of the opinion that the exact number of checks cannot be determined in advance. The Senate is convinced of the importance of having as many parliaments taking part in a scrutiny test of a Commission proposal.

Each parliament should present a list of proposals on the basis of the Legislative and Workingprogram of the European Commission that it wishes to scrutinize. On the basis of all lists a selection can be made - on the basis of majority / substantial part - of proposals that are to be scrutinized by COSAC. This procedure leaves it to the national parliaments whether they will perform additional scrutiny checks.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The Senate of the States-General is of the opinion that the direct transmission of Commission documents to the national parliaments does add value to the dialogue with the Commission. The procedure not only enhances the transparency of the European decision and legislative process, it also makes the Commission more accountable for its

proposals and initiatives. This results in more involvement of the Senate in the European legislative process and thus in a higher degree of legitimacy for that process. Furthermore, the direct transmission of Commission documents is seen as an invitation for dialogue with the Commission.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

In general, the Senate of the States-General of the Netherlands does not receive information through this mechanism that it did not receive before, since it pro-actively searches for published documents of the Commission by itself. Therefore, for the Senate the direct transmission of Commission documents is an extra service that the Commission provides for national parliaments. In the future, the Senate will maintain its proactive attitude towards the Commission.

For the second question see above.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The Senate of the States-General, in particular the committee for European Cooperation Organisations, considers all direct transmitted documents of the Commission and determines which of the documents will be referred to the standing committees of the Senate. (see below)

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

The Senate of the States-General has introduced a new procedure with regard to the direct transmission of Commission documents to the national parliaments. One person is responsible for the collection of all sent Commission documents in one file. Then, another person adds a short summary on the content of the Commission document. This summary is accompanied by a preliminary advice whether it might be relevant to further scrutinize the proposal of the Commission or not. This file (i.e. a list of proposals, short summary, preliminary advice on further scrutinizing) is put on the agenda of the Senate committee on European Cooperation Organisations. This committee functions as a gate keeper and decides on the referral of each document to a standing committee for further scrutiny. Lastly, a third person is responsible for the handling of this file on the website.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Yes, with regard to some proposals that were scrutinized in the procedure of the subsidiarity committee and opinion has been formulated with the consent of both Houses of Parliament. These comments were forwarded to the European institutions and the national parliaments in a letter signed by the Speakers of both Houses and uploaded to IPEX, also with translated documents. We did receive some responses given by the

European Commission, which we forwarded to the relevant standing committee. We appreciated the effort to give a response with regard to the content, although we did not agree with all aspects of the response. After the initial subsidiarity check and the response of the European Commission the standing committee is dealing with the national government while negotiations are in progress.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

2.5.3 Were these comments uploaded to IPEX?

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

It might be an interesting thought if the European Commission could transmit the outcome of their weekly meetings directly to the national parliaments so that parliaments are informed at an early stage on what can be expected or what has been discussed.

25. Poland: Sejm

EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

They are strengthening the Sejm's cooperation with other national parliaments in matters related to the European issues.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The standard scrutiny system based on the Act of 11th March 2004 on Cooperation of the Council of Ministers with Sejm and Senat in Matters Related to the Republic of Poland's Membership in the European Union (Dziennik Ustaw, nr 52, poz. 515) was applied to the check of the conformity with the principle of subsidiarity.

The European Union Affairs Committee has applied the procedure in accordance with Article 6 para. 3 of the Act and has checked proposal's conformity to the principle of subsidiarity. There are no considerations of changes in the procedure of subsidiarity check.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Yes.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty gives the sufficient legal formula to the principles of subsidiarity.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes, the check of the legal base is an inherent element of the opinion prepared for the European Union Affairs Committee.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes, COSAC should continue conducting subsidiarity and proportionality control. The regular check facilitates its mechanism and rise the awareness of the existence of such a mechanism.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

Optimum should be conducting two checks per year.

EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The mechanism of direct transmission of documents did not change the scrutiny system, nevertheless the awareness that all documents are directly transmitted to the Sejm is definitely an added value.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

There is no change in the quantity of received information, however the possibility of the direct contact with the European Commission could positive effect on national parliament engagement in matters related to the European Union.

A feedback from the European Commission on its actions and positions toward received documents would be an additional spur.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

Parliament has also scrutinized consultation documents.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

No, such a discussion was not held.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

No, but do not exclude sending comments in the nearest future.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

The scope of the mechanism should be broadened by the feedback from the European Commission on its actions and positions toward received documents.

THE FUTURE OF EUROPE

A condition for a successful reform of the European Union is to assure to all member states and its citizens a sense, that they fully participate in shaping the future of Europe.

CLIMATE CHANGE AND CLIMATE PROTECTION - THE ROLE OF THE EU

We express our satisfaction that protection of the environment and combating unfavorable climate changes are in the center of a European agenda. In the long-term perspective the Union should become a leader in the protection of global climate.

**/-/ Karol Karski
Chairman of the European
Union Affairs Committee**

26. Poland: Senate

SENATE OF THE REPUBLIC OF POLAND

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The two collective checks hitherto conducted by COSAC made the legislators more aware of the subsidiarity/proportionality aspect while scrutinizing other EU legislative proposals. The exercises allowed also the senators to develop a more precise evaluation mechanism.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

Subsidiarity/proportionality check is based on the extended procedure which, unless time is pressing, is applied for the EU scrutiny system. Additional elements of the extended procedure include:

- seeking an outside expertise
- consultations with the Senate's sectoral committees
- asking the government to provide complementary information

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Essentially yes. However, reacting to a Commission proposal within the six-week period requires the utmost involvement on the part of all the actors that participate in the process.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Yes, it did help. The subsidiarity/proportionality checks have helped the legislators to realise how meaningful those principles really are.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes. Verification of the legal base is an integral part of the subsidiarity check.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes. Further subsidiarity/proportionality checks conducted by all the national parliaments would expose what is relevant to whom, would provide a convenient forum for discussion, as well as increase an influence of national parliaments on the shaping of EU legislative proposals.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

2-4 checks annually seem feasible. The selection of proposals to be scrutinized should be made from the Commission's Legislative and Work Programme, as it was the case in 2006.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

Yes. Direct transmission of documents makes it possible for the senators to study a given proposal before the government's position is available. However, the Polish law stipulates that before our EU Affairs Committee may forward its opinion/statement to the Commission, it is obliged to acquaint itself with the government's position.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Although the received information is not new, it is worthwhile to have it available in advance.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The EU Affairs Committee has focused primarily on monitoring and evaluating green papers.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

Yes. The EU Affairs Committee is trying to work out the most suitable selection system of documents for scrutiny.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the

framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Yes. The EU Affairs and Agriculture and Environmental Protection Committees' joint position on the provisional anti-dumping duties on imports of frozen strawberries from China has been forwarded by the Speaker of the Senate to the Commission's President (see attachment). It does not however regard the question of the subsidiarity/proportionality check.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

A letter from the Speaker to the President of the Commission, supporting the EU Affairs Committee's position.

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

The EU Affairs Committee's position has been also sent to Government and Polish MEPs.

2.5.3 Were these comments uploaded to IPEX?

No.

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

The above mentioned position concerned the prolonging of anti-dumping duties on frozen strawberries imported from China. The EU Affairs Committee had been prompted to action by the intervention of the interested parties.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

The position/opinion related to other issues.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

No response has been received so far.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

Does not concern.

2.6. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

The value and quality of the cooperation with the European Commission consists, among others, in getting feedback from the Commission to the opinions and comments forwarded by national parliaments. It is also important for both the opinions/comments of national parliaments and the Commission's reactions to be available to all the other parliaments. A proposal, submitted at the meeting of the COSAC chairpersons in Berlin, to prepare annual reports on the Commission's reactions is worthy of support. Maybe such reports would be more useful if they were made bi-annually.

CHAPTER 3: THE FUTURE OF EUROPE

The Berlin Declaration is an important document which stresses Europe's common past, its historical achievements as well as future prospects. The Declaration refers explicitly to the shared values and ideals which form the Union's foundation, as well as to the importance of changes in Central and Eastern Europe which have led to the continent's re-integration. It also points out challenges posed by globalisation, terrorism and climate change.

As regards the Constitutional Treaty, Poland's position is being currently developed in the process of confidential consultations. No parliamentary or public debate is held on this issue at present. It is worth stressing that in spite of that the public support for Poland's EU membership runs high (80%.) as it does for the Constitutional Treaty (60%).

CHAPTER 4: CLIMATE CHANGE AND CLIMATE PROTECTION - THE ROLE OF THE EU

One of the most positive phenomena throughout the EU is an ever-growing political and public awareness of the problem's gravity and the necessity to tackle effectively and urgently the challenges of climate change on the global scale. The latest Spring Summit proved that by focusing, among others, on the integrated climate and energy policy which covers a wide gammut of issues – reduction of greenhouse gas emissions, energy efficiency, energy security, development of renewable energies and bio-fuels, as well as environment-friendly technologies. In the long term the EU should play a leading role in climate protection by devising diverse measures proportional to differentiated responsibilities and economic capabilities of particular countries.

While developing EU's ecological policy a priority should be put on ensuring coherency between climate&energy and industrial policies. The balance should be maintained between environmental and economic goals to ensure both environmental sustainability and EU economic growth and competitiveness in the world. A dialogue should be conducted between industrialised and developing countries like China, India, Mexico, South Africa and Brasil.

Accepted by:

Edmund Wittbrodt
Chairman
EU Affairs Committee
Senate of the Republic of
Poland

27. Portugal

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify

The two collective subsidiarity and proportionality checks conducted by COSAC provided added value to the way the Portuguese Parliament deals with EU matters, since:

- They provided an opportunity to test our internal [Law for monitoring, assessment and pronouncement by the Assembly of the Republic within the scope of the process of constructing the European Union](#) (Law 43/2006 of 25th August), from now on referred to as *Monitoring Law*;
- They helped strengthened the role of COSAC in the European Affairs on the Agenda of the Portuguese Parliament and raising the awareness that National parliaments can strength their opportunity to participate in the EU legislative process;
- They provided an occasion to cooperate with the Government and with the stakeholders, asking and giving opinion (specially during the "postal services" process, since the other one occurred partially during parliamentary vacations, leaving less time available for this cooperation);
- They also strengthened the cooperation between committees, once again more visible during the "postal services" check, where the Report issued by the Portuguese Parliament was a result of the team work between Rapporteurs from the specialised committee (Public Works, Transports and Communications) and the European Affairs Committee;
- In practice, the two pilot projects were carried on not only for the purpose of participating in a collective COSAC activity, but mainly for testing the internal capacity of legal means and organisation to participate in the parliamentary scrutiny of the European Legislative process on due time;
- These checks have also the advantage of offering a direct opportunity of exchanging relevant data with every participating National Parliaments on a certain European proposal, in a simultaneous and real time basis;
- Looking back to the procedures adopted in both tests, it can be stated that the main "lesson learnt" was that the cooperation within internal bodies of the parliament (e.g. specialised committees and EAC) and between parliament and government is fundamental for the best, most effective and on time result of a subsidiarity and proportionality check.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The collective checks were dealt with the normal procedures foreseen for handling EU Affairs in the Portuguese Parliament, which are only in force since September 2006.

In fact, our new *Monitoring Law* already designs the procedures to follow, regarding the scrutiny of all European Documents, either in order to check the subsidiarity and proportionality principle or to produce any kind of actions, reports, etc, which the Parliament considers to be appropriate, respecting both the recently approved Law 43/2006 and the existing European Law (The Protocols to the Amsterdam Treaty).

As mentioned above, the procedure followed is the one designed in the new *Monitoring Law*, which means:

After the arrival of the documents, the specialised Committee(s) was/were contacted by the EAC in order to examine the proposal(s). In the “divorce” process, the Committee for Rights, Liberties and Guarantees issued a Report that was afterwards examined by a Rapporteur of the EAC. The “postal services” Report was a result of a team work between two MPs from the specialised committee and one MP from the EAC. In both cases, the report was then voted in the EAC which, according to the *Monitoring Law* can decide to send the proposal to the Plenary of the Parliament to adopt a resolution, to be sent to the Presidents, of the European Parliament, the Council, the European Commission and, where applicable, the Council of Regions and the Economic and Social Council.

As far as a **subsidiarity** principle **check** is concerned, the *Monitoring Law* states that, in case of non compliance with the principle of subsidiarity, the exam by the Plenary is mandatory. In spite of this, in case of **urgency**, an **EAC** decision is sufficient.

Regarding the timetable of the subsidiarity check, in both cases, it was not considered necessary to send the final decision to the plenary. The *Monitoring Law* states that, in cases in which there are grounds for urgency, a formal written opinion issued by the European Affairs Committee shall suffice (no. 4 of article 2nd and no. 2 of article 3rd).

In fact, there is a new procedure now in handling EU affairs, but it is due to the new internal *Monitoring Law*, rather than due to the collective checks. Nevertheless, the pilot projects, as well as the European Commission initiative’s direct transmission mechanism and the development of the IPEX, constitute important moments to check and identify the strength and weakness of internal procedures to cope with the challenges of a more effective participation of the Portuguese Parliament, on one hand, and of the COSAC, on the other hand, in the European process.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

If the internal process is duly carried on, it is possible to respect the six week period. Nevertheless, this period isn't suitable (too short) for a substantial political scrutiny.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Indeed, the Amsterdam protocol constitutes the legal basis and, in that terms, it is helpful for the implementation of the scrutiny procedure. However it is not sufficient to clarify the standards to be applied and, in this concrete item, some interparliamentary or academic guidelines would be welcome.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes. In both cases the legal base of the Commission proposals were checked. In fact, the verification of the legal base forms an integral part of the subsidiarity check, although this principle applies to issues that follow under the shared competences between the EU and the Member States. Otherwise it would be rather complicated and uncertain to reach a conclusion.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

It could be useful, for the reasons already stated above (see 1.1).

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

One each semester, so that the results could be discussed during the COSAC meetings, according with the proposals from National Parliaments.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The direct transmission of all the Commission's proposals to National Parliament's represents an added value for Assembleia da República since it provides a channel through which the Parliament (not only the EAC but also each specialised committees) receives information that it didn't have before. On the other hand, it also enables National Parliaments to comment and give their opinions directly to the Commission Services involved, which may develop into a better mutual understanding of the specificities of both institutions.

The way Assembleia da República deals with European Affairs was also influenced by this new mechanism, since the new procedures and responsibilities it implies were taken into account in the recently approved **Monitoring Law**, the document that provides the framework for a change in the attitude of the Portuguese Parliament towards European Affairs.

Nevertheless this is just one factor within the broader approach laid down by this Law, as far as the role of Assembleia da República in these matters is concerned. This formal channel of communication with the Commission is very much welcomed, but the most important outcome is the new dialogue that is underway between the Parliament and the Government, that results of the implementation of the above mentioned Law 43/2006.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

Yes. The Portuguese Parliament used to receive only the legislative acts from the Commission. Furthermore, the Government usually only sent documents and proposals referring to matters within the reserved competence of the Parliament (v.g. some proposals concerning Justice and Home Affairs or proposals with budgetary consequences).

Since the 1st September, the number of EU documents received increased from an average of 15 per month to 25 per week, coming from the Commission only.

The role of the Parliament has been reinforced firstly because information that it didn't received before is now made available directly from the main legislative source (Commission). Secondly, because this new feature of the dialogue between National Parliaments and the Commission happened at the same time as the Law 43/2006 was entering into force. Finally, because it became an important part of the system of Monitoring, currently being implemented, as laid down by the Law 43/2006. This systems, considered as a whole, aims precisely at strengthening the role of the Parliament in dealing with European Affairs.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The Portuguese Parliament is scrutinising, either legislative and non legislative proposals, as well as working documents. This scrutiny process is made systematically by the EAC, in accordance to some prior priorities, and by the specialised committees, according to their own willing. From September 2006 to February 2007, the Portuguese Parliament produced reports on 46 European initiatives.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

When this Commission initiative was made public, Assembleia da República was preparing the *Monitoring Law*. Thus all the required procedural changes were included in this Law.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Only the results from the two Subsidiarity and Proportionality Checks (*Regulation on the applicable law and jurisdiction in divorce matters and Postal Services Directive*).

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

Formal replies to the European Institutions and to the National Government are always transmitted by the Speaker. An e-mail containing the results was also sent to the addresses provided for that purpose. The EAC also sent the results to the COSAC Secretariat and to the Presidency.

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

Yes, for the two cases mentioned above.

2.5.3 Were these comments uploaded to IPEX?

In both cases, the IPEX was loaded during the all scrutiny process. As far as the *Postal Services check* is concerned, contacts for further information are available. Concerning the *Divorce check*, the report in English is also available in the IPEX data base.

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

Yes, all relevant documents were considered: legislatives and non-legislatives documents.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

N.a.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

N.a., but the Portuguese Parliament would welcome a response from the European Commission.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

N.a.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

National Parliaments expect that their comments and opinions are considered and taken into account by the Commission. This means that the Commission should be able to reply in due time and with substance to National Parliaments, if possible individually.

It would also be useful that a (public and published) progress report would be presented by the Commission on this procedure when a year has passed since it was initiated (September 2007), expressing the Commission's views on this matter.

The analysis of both the European Commission Annual Policy Strategy and its Working and Legislative Programme by the National Parliaments can also add a new impetus to this cooperation.

The EAC from the Portuguese Parliament organised a meeting, on the 20th of March 2007, with the Representation of the European Commission in Lisbon to debate the Annual Policy Strategy for 2008; the cooperation between the Commission and the NPs; the programme of the visit of the President José Manuel Durão Barroso to the Assembleia da República, on the 13th of April 2007; and the programme of the visit of the 27 Commissioners, on the 2nd and 3rd of July, to debate the priorities of the Portuguese Presidency of the EU Council.

CHAPTER 3: THE FUTURE OF EUROPE

- a) The EAC of the Portuguese Assembleia da República exchanged views on the Berlin Declaration with the Secretary of State for European Affairs, before the European Council (7th March) and with the Foreign Affairs Minister, after the European Council (16th March);

- b) The EAC is preparing a Conference Cycle on “The Future of Europe Challenge’s” with three conferences:
 - 18th April, in Lisbon – Economic and Social Challenges/Lisbon Strategy;
 - 30th May, in Aveiro – Common Foreign and Security Policy
 - 26 June, in Vila Real – Architecture and Geography of the European Union;
- c) The EAC continues to update its site entirely dedicated to the parliamentary debate on the Future of Europe, at <http://www.europa.parlamento.pt>

CHAPTER 4: CLIMATE CHANGE AND CLIMATE PROTECTION - THE ROLE OF THE EU

The energy policy, as well as the climate change issue, plays a central role in the political project of the EU. According to this, the Portuguese Parliament debated the question of Climate Changes at the:

- a) EAC, in its ordinary meetings, as well as during the public hearing on the European Commission Legislative and Working Programme for 2007 (9th January), and during the meeting with the Secretary of State for European Affairs, before the European Council (7th March) and with the Foreign Affairs Minister, after the European Council (16th March);
- b) Local government, environment and territorial planning Committee, during its ordinary meetings and while an International Conference on Climate Change (10th October 2006), organised by this Committee, which programme is herewith attached.

28. Romania

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The Romanian Parliament's scrutiny system is under construction and no subsidiarity check has been run yet. Nonetheless, the utility of the COSAC initiative being obvious, we welcome further collective checks, in the same framework.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The draft Rules of procedure of our Committee show a slight difference between the scrutiny procedure and the subsidiarity check. In case of the scrutiny, the Committee is empowered to issue opinions / mandates on behalf of the Parliament, except for a few high relevance documents, in certain areas, where the opinion / mandate will be passed in plenary session, based on a proposal of the European Affairs Committee. In case of subsidiarity infringement, the motivated opinion will be voted in the plenary session, based on a proposal of the European Affairs Committee.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Yes. The Rules of procedure of our Committee and the scrutiny institutional structure have been drafted in such a way as to make possible a swift reply. It goes without saying that the deadline flexibility/extension is unavoidable in case of acts pending for adoption for periods longer than 6 weeks, where amendments could bring about the need for renewed checks.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Yes. We may need further clarifications but only when more interpretations are made possible by the complexity of the matter. Collective subsidiarity and proportionality checks conducted by COSAC provide the appropriate framework for such instances. A Register of subsidiarity and proportionality checks could play the "case law" role and help where clarifications are needed.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the

Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The Romanian Parliament's scrutiny system is under construction and no legal base check has been run yet.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes. Cooperation of National Parliaments on EU matters is a must. The quality of a subsidiarity check will, in most cases, benefit from such cooperation. It makes more sense to use the existing, well established COSAC framework for this cooperation, than create a new one, not necessarily better in terms of acceptance by members and effectiveness.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

At least 6 checks. The main selection criterion should be the legal and financial impact on member states.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

Yes. The directly transmitted documents are already posted on the web page of our Committee. Although for the time being, we use this mechanism for information only, we feel it stands as a permanent reminder of the open gate for changing information. Even if those documents are easy to get to in EU data bases or are sent by the Government, the European Commission remains the earliest source and the political message attached to this procedure is unambiguous and supportive.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

A first draft of the Law on cooperation between the Parliament and the Government in EU matters was recently issued and talks on the final draft are underway. The Law will ask the Government to send us all EU documents, but the delivery from the European Commission will always precede the delivery from the Government. We highly value the direct link to the European Commission; the other actors in the field should attach greater importance to the Parliament due to that fact.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The Romanian Parliament's scrutiny system is under construction; the draft Rules of procedure envisage the examination of all documents, including the non-legislative ones, which will be selected for the scrutiny procedure.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

N/A

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

No.

29. Slovakia

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

Not in particular. The parliament, especially the Committee for European Affairs, discussed the Commission proposals in question in detail and paid them a special attention requested by the overall situation and needs, however, the Committee keeps dealing with the EU matters in the same way as before these two collective subsidiarity and proportionality checks.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

No. See the answer above.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

The parliament did not experience any particular problems issuing from the six week period given to discuss this matter; however, it is probable, that if this kind of check is requested in case of all the relevant Commission proposals, there might occur some difficulties related to the lack of time for all the needed steps in the scrutiny procedure.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

The Protocol served as a certain guideline for the evaluation of the proposals' compliance with the principles of subsidiarity and proportionality, however, it would be certainly helpful to have a more detailed "manual" or brochure, concerning the particular criteria of both the principles.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

According to our opinion, the verification of the legal base of Commission proposals is an important part of the overall subsidiarity and proportionality check, considering the fact, that it indicates the non/-existence of the non/-exclusive Community competence. Three weeks after receiving any Commission's legislative proposal, our Committee

receives a preliminary opinion of the Government concerning the proposal in question, which includes a part devoted to the legal base of the legal act in question. So, it can be stated, that the Committee examines the usage of an appropriate legal base, which is a precondition for a further examination of the compliance with the principles of subsidiarity and proportionality.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Although we are not of the opinion, that further examinations of subsidiarity and proportionality in the framework of COSAC will have an influence on the particular scrutiny procedure dealing with the proposals in question in our parliament, we find them to be useful, because they are devoted to the most important proposals and therefore provide for an exchange of opinions between national parliaments regarding the draft legal acts with the most significant impacts.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

Two to four proposals – these should be picked out from the CLWP for the upcoming year.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The direct transmission of the Commission documents has not led to any change in the parliament's dealing with the EU affairs. But it can be stated, that it improves the overall access to the Commission documents – to those in the Slovak language in particular.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

See the answer 2.1.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

Our parliament, the Committee for European Affairs in particular, focuses especially on the scrutiny of legislative proposals, however, occasionally it also deals with the mentioned consultation documents, depending on the matter in question (documents of a special importance for the Slovak Republic).

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

No.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

No.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

- a creation of a single procedure (possibly a single form of an document too) for sending comments to the Commission would be helpful;

- comments of national parliaments could be published (e.g. on the IPEX web site) and that including the Commission's reactions.

30. Slovenia: National Assembly

CHAPTER 1:

1.1. The two collective subsidiarity and the proportionality checks ("matrimonial matters" and "postal services") represented an interesting challenge for Committee on EU Affairs of the National Assembly of Republic of Slovenia. The added value of the checks is mainly seen in a greater integration of working bodies responsible in EU Affairs and - in general - in raising awareness of the national parliament's role these affairs. By performing such checks, the national parliament has a chance to exercise its supervisory role also ex-ante. This applies in particular to legislative proposals that might significantly affect an individual Member State or where the Member State shows special interest.

1.2. When conducting the collective checks, we have established that minor modifications to the Rules of Procedure might be necessary, but nothing concrete has been done in this direction yet.

1.3. We believe that it is also the responsibility of the national parliament to react within the set time limit. But the problem which arises is to obtain the document written in mother tongue within the stated period. Therefore, we believe that the six-week deadline should commence on the day when the last national parliament obtains the legislative proposal in its mother tongue.

1.4. We believe the standards are clear and there is no need for further clarification regarding subsidiarity and proportionality checks. The national parliaments are those that need to find the most suitable form of discussion considering their organisation and competence.

1.5. The National Assembly of Republic of Slovenia has with regard to the legal base turned to the Government of Slovenia and asked for its opinion in the matter of both the subsidiarity and the proportionality principles.

1.6. Even though we are aware of the value of the two collective checks, we think that there is no need to conduct further checks, at least not within the framework of COSAC. We consider that the national parliaments may themselves decide when and in what manner they will discuss an individual legislative proposal, also from the subsidiarity and proportionality perspective and particularly if they have a particular, individual interest.

1.7. //

CHAPTER 2:

2.1. By establishing direct transmission of documents from the European Commission to the national parliaments, we consider that the added value is primarily seen in raising the awareness of the deputies and other professional services within the national parliament

concerning European affairs. The Committee on EU Affairs of the National Assembly forwards such documents to the working bodies responsible (depending on the subject matter in question). The added value is mostly seen in greater integration of working bodies responsible in the process of discussing the European documents. Another important element of this mechanism is that enables working bodies in the parliament to be in the same position with the Government what is of a great importance when discussing a concrete document in the parliament.

2.2. Through this mechanism, we do not receive any additional documents or information, as previously we have already been receiving the European Commission's documents from the Government. Nevertheless, we believe that direct transmission is important, since now we get documents earlier which can have only positive effects. At the same time, such mode of functioning or cooperating between parliament and government does not apply to all governments or national parliaments of the EU Member States. See also question 1.

2.3. The Committee on EU Affairs has, in addition to legislative proposals of the European Commission, also discussed some other documents of the Commission (e.g. Legislative and Working Programme, Annual Policy Strategy, White and Green Papers covering different fields: e.g. energy,).

2.4. The discussion about changing the procedure in relation to the Commission's initiative is present, but until now nothing concrete has been proposed.

2.5. The National Assembly did not send any comments regarding the documents to the Commission. Whereas it did formally inform the Commission that both the subsidiarity and the proportionality check ("matrimonial matters" and "postal services") were being discussed within COSAC. We consider the current cooperation to be successful.

2.6 See answer under point 2.5.

31. Slovenia: National Council

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

It was a good practise for both chambers of Slovenian parliament.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

No.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

There are problems concerning translation, reaction of the national government etc. There is a lot of work to be done before proceedings could begin in the National Council.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Yes for both questions.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes for both questions.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

There is no special interest of MPs of Slovenian National Council to continue conducting these checks.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

Only the National Assembly receives these documents directly from European Commission. The National Council receives some of these documents from the National Assembly.

32. Spain

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The Cortes Generales did not participate in the subsidiarity and proportionality checks.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The Cortes Generales did not participate in the subsidiarity and proportionality checks.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Due to the lack of experience of the Cortes Generales on the scrutiny of Commission proposals, it is at the present moment very difficult to ascertain.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Due to the lack of experience of the Cortes Generales on the scrutiny of Commission proposals, it is at the present moment very difficult to ascertain.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

The Cortes Generales did not participate in the subsidiarity and proportionality checks.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

I am afraid there has been no significant change, up to now, on the way the Cortes Generales deals with European affairs.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

I am afraid there has been no significant change, up to now, on the way the Cortes Generales deals with European affairs.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The Cortes Generales seldom scrutinises any kind (legislative or otherwise) of proposal from the Commission. Nevertheless, the legislative and work proposal of the Commission for 2007 was discussed at a public hearing with the Vice Minister for EU Affairs at the Joint Commission for EU Affairs on February, 22nd.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

The Cortes Generales has not yet discussed any matter related to procedural changes related to the Commission's initiative.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

The Cortes Generales have not sent any comment to the Commission.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

CHAPTER 3: THE FUTURE OF EUROPE

The Joint Commission on EU Affairs has appointed a Subcommittee to examine all proposals related to the European integration process and the Future of Europe. The Subcommittee is currently in the phase of hearings, and it is likely that a report will be available by the end of the present year.

33. Sweden

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which may have been the "lessons learned"? Please specify.

Due to general elections the Swedish Parliament only participated in "postal services". The check was performed by the Committee on Transport and Communications. One added value mentioned was the opportunity to get more accustomed with EU scrutiny and procedures in general. The Committee also noted that it was very useful with references on IPEX to officials involved in the scrutiny of a particular dossier in other parliaments.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

No. No changes are foreseen as long as the constitutional treaty has not entered into force.

1.3. Do you consider that your parliaments should be in a position to react to Commission proposals within a period of the six weeks?

Has not been discussed on a political level. No position.

1.4. Did the protocol on subsidiarity and proportionality annexed to Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

Clarification on what does it mean in practice would be helpful. However, "exercises" like these contribute also, since you get more familiar with the materia.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well?

No

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Has not been discussed on political level

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

(Not applicable)

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission, namely if it has implied a change in attitude in the way to deal with European affairs?

It's an appreciated change to receive the documents directly, but it has not led to any changes.

2.2. Do you get new relevant information through this mechanism that you didn't receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

No new information but the one we get, we get quicker.

2.3. Has your parliament scrutinized only the legislative proposals or also consultation documents, working documents, etc?

It's possible for the Swedish parliament to scrutinize all kinds of document. When it comes to consultation documents and other documents (except legislative proposals), the committees are also obliged in some cases to write reports on the (obligatory for green and white papers).

2.4. *No changes have been discussed*

2.5. Has your parliament sent to the Commission any comments so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or concerning any additional proposals?

New rules on how to work with EU-matters have been introduced as from 1 January. Reports according to the new rules will be sent to the Commission. So far 4 reports have been adopted but not yet forwarded. None of them concerned COSAC-checks.

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

The procedure will be that the Secretary-General sends an e-mail to the Commission with the report and protocol from the chamber.

2.5.2. To whom did your parliament sent its comments – to the Commission only, or copy also to the Council, the European Parliament, and the COSAC Secretariat? *The Commission*

2.5.3. Were these comments uploaded to IPEX? *Yes*

2.5.4. Did the opinions sent by your parliament concern only the legislative proposals or also consultation documents, working documents, etc? *The opinions only concern consultation document (not legislative proposals)*

2.5.5. Did the opinions relate to only matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well? *No, other matters as well.*

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire? *No*

2.5.7. Are you satisfied with the responses given by the Commission and do you think that your opinions were taken into consideration by its services? *(Not applicable)*

2.6. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

If the Commission would publish comments and opinions from NP as well as their answers to these opinions on IPEX.

CHAPTER 3: THE FUTURE OF EUROPE

A joint parliamentary committee has been set up to deal with issues related to the new treaty and next IGC. It's joint between the Committee on the Constitution and the Committee on Foreign Affairs. Further more, the EU Affairs Committee is also involved in the process.

CHAPTER 4: CLIMATE CHANGE AND CLIMATE PROTECTION - THE ROLE OF THE EU

It could be mentioned that the Swedish Parliament has invited committee secretaries to a conference for officials on this theme 1 June 2007.

34. UK: House of Commons

CHAPTER 1: EVALUATION OF SUBSIDIARITY AND PROPORTIONALITY CHECKS CONDUCTED BY COSAC

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The exercise to check the proposal on matrimonial matters started during the UK parliamentary recess. This highlighted the difficulties of coordinating such an exercise between national parliaments. Nevertheless, this was a good choice of subject for a subsidiarity check. In our correspondence with the UK Government we asked what test the Government thought might be appropriate concerning the compatibility of the proposal with the subsidiarity protocol. We were told that the Government would be satisfied that the subsidiarity principle had been respected if it were shown convincingly that the proposal pursued a community objective, such as the functioning of the internal market.

On postal services, the Committee considered that although the liberalisation of the postal market raised important issues, it was clear that the purpose of the documents was essentially to ensure that a process which was set in train in 1997 was brought to fruition in line with the timetable originally envisaged. It did not, therefore seem to the Committee to raise any new issues requiring further consideration, bearing in mind also that the goal of full liberalisation was consistent with the steps taken by the UK in 2006 regarding its own postal market. The proposal did not break any new ground as compared with Directives 97/67/EC and Directive 2002/39/EC, and indeed the Commission had in a number of areas proposed a less prescriptive approach than hitherto.

The answers which we received from our Government, and the analysis of subsidiarity which we carried out on the matrimonial services proposal, would have been done as part of our normal scrutiny process. We do not therefore believe that this particular exercise added value to the way the UK Parliament deals with EU matters. Nevertheless, the Committee considers the exercise overall to have been a worthwhile initiative to increase awareness and stimulate debate on subsidiarity issues.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

The House of Commons used its normal scrutiny procedures for both items: these procedures already enable subsidiarity and proportionality questions to be addressed.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

The European Scrutiny Committee seeks to report on all European documents as soon as possible or appropriate after they have been deposited. Since the Committee's primary function is to keep the UK Government's actions in Council under scrutiny, it will often keep a document under scrutiny pending the provision of further information by the Government, and will only produce a final report on a document when it is satisfied with the Government's response.

While the Committee will endeavour to consider all Commission legislative proposals and report on them within the six-week period suggested by COSAC and provided for in the existing Treaties, it is possible that other scrutiny issues may delay the Committee's response. It should be remembered that the Committee does not normally consider documents during UK parliamentary recesses. It should also be remembered that the Council does not always respect the six-week period stipulated in the Treaties.

Since a parliamentary scrutiny reserve applies to UK ministerial action on all legislative proposals before the Council until scrutiny clearance has been given in respect of both Houses of Parliament, the Council should not normally be able to come to a conclusion on a document until scrutiny procedures have been completed in both Houses.

The Select Committee on Modernisation of the House of Commons has recommended a procedure to enable the House to come to a decision on whether a Commission proposal breaches the subsidiarity principle within six weeks of the publication of the proposal in all official languages (Second Report, Session 2004–05, HC (2004–05) 465, paras 113–119). The recommendation was made in the light of the subsidiarity provisions of the Constitutional Treaty, and has not been implemented.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied?

Yes

Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

No: the information given was adequate and helpful.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes. Establishing the legal base for Commission proposals is a standard part of our scrutiny process.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes: it is helpful to see and to compare the approaches taken by other national parliaments. Further discussion of the subsidiarity and proportionality principles will foster a better common understanding of the issues involved. Continued focus on these issues will encourage the Commission to apply the subsidiarity and proportionality principles appropriately and consistently.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

It should be possible to operate at least two checks annually, on the basis of the Commission's work programme adopted in the autumn of the preceding year and other programming documents made available to the COSAC Secretariat. The existing procedure for selecting proposals appears to work well.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

The European Scrutiny Committee examines all Commission legislative proposals and Green and White Papers on behalf of the House of Commons. The UK Government is required to deposit these classes of document (and many others) in Parliament once it receives them from the General Secretariat of the Council of Ministers.

The Committee examines each document to determine whether it is of legal and/or political importance. If the Committee finds a document to be of legal

and/or political importance, it will report the matter to the House, and may also recommend that the document be referred to a European Standing Committee for debate. In exceptional circumstances the Committee may recommend that a document be referred to the floor of the House (i.e. the plenary) for debate.

If a document is recommended for debate in Committee or on the floor of the House, it is debated on a motion for a resolution which is drafted by the Government and proposed by a Government Minister. The scrutiny process on a document referred for debate ends when the House has formally adopted its resolution on the document.

To inform its consideration of European documents, the European Scrutiny Committee has the power to request an opinion on a document from the appropriate departmental select committee, though at present it uses this power rarely.

No changes to the procedures of the House or the Committee have resulted from the direct transmission of documents from the Commission, since all the categories of document concerned were already available to the House through existing channels. There is no procedure for the House formally to receive documents from the Commission, and no need to establish one.

The Committee has not thus far amended its procedures or its method of working to open a dialogue with the Commission on the basis of documents directly transmitted. It welcomes the Commission's willingness to accept comments directly from national parliaments, and envisages that there may be occasions when it is appropriate for the Committee to make a direct approach to the Commission in respect of a legislative proposal, but stresses that the Committee's primary function is to keep the UK Government's actions in Council under scrutiny.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

The House of Commons has not received any new information through the present mechanism, though it now has informal access to Commission legislative proposals and Green and White papers slightly earlier than has previously been the case.

In its recent report on the Committee's work in 2006, the European Scrutiny Committee said that "what is potentially of interest to the Committee is the Commission's undertaking to consider opinions submitted to it by national parliaments, and its implicit undertaking to take into account the views of national parliaments in formulating policy" (Thirteenth Report, Session 2006–07, HC (2006–07) 41-xiii).

It is too early to say whether such interactions with the Commission will in the future reinforce the role of the House of Commons when dealing with European affairs.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

The European Scrutiny Committee already considers all legislative proposals and, consultation documents which the Commission sends to the Council and which the UK Government subsequently deposits in Parliament, together with all related working documents. It produces reports to the House on those documents which it considers to be of sufficient interest and legal and/or political importance.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

The House of Commons has not discussed any procedural changes relating to the Commission's initiative. The Committee reported the Commission's initiative to the House in its 13th Report, Session 2006–07, *The Work of the Committee in 2006* (HC (2006–07) 41-xiii, paras 31–34).

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Since the start of the Commission's initiative on 1 September 2006, the European Scrutiny Committee has not addressed any comments on the Commission's legislative proposals directly to the Commission, either in the framework of the COSAC subsidiarity and proportionality test or otherwise.

The Committee regularly comments on Commission legislative proposals and other documents in the weekly reports it produces in the course of its scrutiny work. In all the instances where it has had occasion to comment directly on a Commission proposal or communication since 1 September, it has, requested the UK Government to act on the points it has raised relating directly to the Commission's work.

The Committee has nevertheless welcomed the Commission's initiative. In its report cited above, it notes that "we have in the past addressed comments on legislative proposals and other documents to the Commission where we have considered such action to be appropriate. We will continue to do so, in the expectation that the Commission will respond appropriately and in accordance with its commitments" (para 34).

- If yes:
- 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?
 - 2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?
 - 2.5.3 Were these comments uploaded to IPEX?
 - 2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?
 - 2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?
 - 2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?
 - 2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

It is too early to make recommendations about how the mechanism unilaterally established by the Commission might be improved. The Committee will monitor developments with interest and may make recommendations for cooperation with the Commission in the light of experience.

CHAPTER 3: THE FUTURE OF EUROPE

The European Scrutiny Committee has taken note of the Berlin Declaration, signed by the President-in-Office of the European Council, the President of the European Commission and the President of the European Parliament, and in particular the statement that “we are united in our aim of placing the European Union on a renewed common basis before the European Parliament elections in 2009”.

The Committee will wish to ensure that the UK Parliament is sufficiently and appropriately informed of the intergovernmental discussions and negotiations which this aim will entail. It will in particular wish to be appropriately informed of the activities of any Intergovernmental Conference.

CHAPTER 4: CLIMATE CHANGE AND CLIMATE PROTECTION - THE ROLE OF THE EU

The Secretariat will wish to be aware of the draft Climate Change Bill, published by the UK Government on 13 February. The text of the draft Bill is available here:

<http://www.official-documents.gov.uk/document/cm70/7040/7040.pdf>

It is expected that the draft Bill will be examined by a Joint Committee of both Houses of the UK Parliament, which will have the power to consider the bill and report with recommendations for amendments. The Government will consider the Committee's report before introducing its legislative proposal as a Climate Change Bill, possibly during the next parliamentary session.

35. UK: House of Lords

QUESTIONS:

1.1. Did the two collective subsidiarity and proportionality checks conducted by COSAC ("matrimonial matters" and "postal services") provide some added value to the way your parliament deals with EU matters? Which were the "lessons learnt"? Please specify.

The checks allowed a detailed focus on subsidiarity on the specific areas covered.

1.2. Did the collective checks influence the way your parliament handles EU affairs? Were procedures changed or modified specifically to deal with subsidiarity and proportionality questions or did you use your normal EU scrutiny system? Please specify. Indications about intended changes in the future are also welcome.

No – usual procedures were used.

1.3. Do you consider that your parliament should be in a position to react to a Commission proposal within a period of the six weeks?

Not always. The Committee will be scrutinising all such proposals as part of routine scrutiny and it will not always be possible to carry out the check within 6 weeks.

1.4. Did the protocol on subsidiarity and proportionality annexed to the Amsterdam Treaty help the scrutiny procedure and clarify the standards to be applied? Would any further clarification of the principles of subsidiarity and/or proportionality be helpful?

A collective discussion of how the principles are interpreted would be a good topic for a future COSAC.

1.5. The principle of subsidiarity applies only where a non-exclusive Community competence can be assumed. Did your parliament check the legal base of the Commission proposals as well? Do you think that verification of the legal base forms an integral part of the subsidiarity check?

Yes.

1.6. Would you like COSAC to continue conducting subsidiarity and proportionality checks in the future? Please state reasons.

Yes. The exercise is valuable in its own right and also allows the Commission to deliver on its political commitment to engage with national parliaments.

1.7. If the answer to the previous question is yes, please indicate how many checks should in your view be conducted annually and how the proposals should be selected. Other suggestions for the improvement of the procedure are also welcome.

Proposals should be selected by consensus as at present. As we handle the checks as part of our normal scrutiny the Committee is happy with however many checks other parliaments want to see conducted. The Committee will continue to examine subsidiarity and proportionality issues on all documents it scrutinises.

CHAPTER 2: EVALUATION OF COOPERATION WITH THE EUROPEAN COMMISSION

QUESTIONS:

2.1. Does your parliament consider that this new mechanism of direct transmission of documents brings any added value to the dialogue with the Commission? Has it led to a change in attitude in the way your parliament deals with European affairs?

Direct transmission reflects a new level of political commitment which is an added value. However, it has neither changed nor accelerated our procedures.

2.2. Do you get any new information through this mechanism that you did not receive before? Do you think that this direct interaction with the Commission has reinforced the role of your parliament in dealing with European affairs?

See above.

2.3. Has your parliament only scrutinized the legislative proposals or has it also considered consultation documents, working documents, etc?

All.

2.4. Does your parliament discuss the introduction of procedural changes with regard to the Commission's initiative?

None are needed.

2.5. Has your parliament sent any comments to the Commission so far? (If yes, could you please attach them to this questionnaire?) Were these comments sent within the framework of the COSAC subsidiarity and proportionality checks or did they concern additional proposals?

Yes –to follow

If yes: 2.5.1. How did your parliament react (letter from the Speaker, letter from the Committee Chairman, by e-mail)?

Email and letter from the Committee chairman

2.5.2. To whom did your parliament send its comments – to the Commission only, or copied to the Council, the European Parliament and your national government?

To the Commission. Material was also sent to the Government.

2.5.3 Were these comments uploaded to IPEX?

No but once resources are in place (which will happen shortly) future comments will be.

2.5.4. Did the opinions sent by your parliament only concern the legislative proposals or did they also concern consultation documents, working documents, etc?

Both.

2.5.5. Did the opinions only relate to matters regarding subsidiarity and proportionality (apart from the COSAC checks) or other issues as well?

Both.

2.5.6. Has your parliament already received any responses from the Commission to your comments? If yes, can you please attach them to this questionnaire?

Yes – to follow.

2.5.7. Do you regard the responses given by the Commission as sufficient? Do you have any indication that your opinions were taken into consideration by its services?

The Committee has not yet considered the responses which have only just been received.

2.5. In which way do you think the cooperation with the European Commission can be further improved within the scope of this mechanism?

The Committee will review this later in the year.

CHAPTER 3: THE FUTURE OF EUROPE

The Committee has considered the Berlin Declaration and has decided not to take any further action.

CHAPTER 4: CLIMATE CHANGE AND CLIMATE PROTECTION - THE ROLE OF THE EU

The Committee will continue to keep this area under review as part of its normal scrutiny process.