

May 2010

Annex
to the Thirteenth Bi-annual Report on
Developments in European Union
Procedures and Practices
Relevant to Parliamentary Scrutiny:
Replies
of National Parliaments and
the European Parliament

Prepared by the COSAC Secretariat and presented to:

XLIII Conference of Community and European Affairs
Committees of Parliaments of the European Union

31 May - 1 June 2010
Madrid



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Questionnaire: 13th Bi-annual Report of COSAC

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

On 1st December 2009, the Treaty of Lisbon entered into force, introducing amendments to the Treaty on European Union and the Treaty establishing the European Community, which will henceforth be known as the Treaty on the Functioning of the European Union. In the amended Treaty on European Union, the new article 12 acknowledges the role of national Parliaments in the European Union, listing a number of mechanisms through which national Parliaments are to “*contribute actively to the good functioning of the Union*”. Further provisions of the Treaty on the European Union and the Treaty on the Functioning of the European Union, as well as of the first two Protocols to the Treaty of Lisbon, specify the scope of the participation of the national Parliaments in the decision making processes of the European Union.

These new mechanisms¹ are:

- Receipt of information and draft legislative acts from the EU institutions;
- Ensuring compliance with the principle of subsidiarity;
- Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice;
- Involvement in the political monitoring of Europol and the evaluation of activities of Eurojust;
- Taking part in the revision procedures of the Treaties;
- The participation in the request for filing an action for annulment before the Court of Justice of the European Union on grounds of a breach of the principle of subsidiarity;
- Receipt of notifications of applications for accession to the European Union;
- Participation in the inter-parliamentary cooperation between national Parliaments and with the European Parliament.

The first chapter of the bi-annual report will concentrate on how these new mechanisms are being incorporated into the regulations and everyday procedures of the national Parliaments. Due to the limited time since the entry into force of the Treaty, the chapter will focus on the regulations that have been passed or are foreseen to be adopted in the near future.

¹ These mechanisms have been described in detail in the Ninth Bi-annual Report of COSAC (The Treaty of Lisbon - implementation and its consequences for the national Parliaments of the EU, May 2008)

After listing the new regulation, the chapter will focus on the different aspects (parliamentary bodies involved, procedures, effects, criteria, etc.) of these mechanisms as they are implemented in each national Parliament.

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

- 1a. Constitutional provisions
- 1b. Legal provisions - Statutory provisions
- 1c. Parliamentary Standing Orders
- 1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

2b. Briefly describe the procedures involved.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "*special legislative procedure*" and therefore a "*legal act*" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note² circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

3. POLITICAL MONITORING OF EUROPOL

² The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

3b. Briefly describe the procedures involved.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

4b. Briefly describe the procedures involved.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

5b. Briefly describe the procedures involved.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6e. In which cases, if any, may the national Government reject the Parliament's request?

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

CHAPTER 2: THE FUTURE ROLE OF COSAC

Mentioned for the first time in the Protocol on the role of national Parliaments in the European Union annexed to the Treaty of Amsterdam, COSAC has had a fruitful existence since its creation in 1989 as a regular meeting venue of the parliamentary committees specialised in European Affairs of the national Parliaments, together with a delegation from the European Parliament.

With the entry into force of the Treaty of Lisbon, the new article 10 of the Protocol on the role of national Parliaments in the European Union mentions a Conference of Parliamentary Committees for Union Affairs in the following terms:

"A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudge their positions."

Furthermore, COSAC has acquired in the past few years an important set of skills regarding the application of the principle of subsidiarity due to the subsidiarity checks undertaken on a regular basis on specific legislative proposals of the Commission. This know-how will undoubtedly prove to be invaluable for the smooth running of the so-called "early warning mechanism" established in the new Protocol on the application of the principles of subsidiarity and proportionality.

Therefore, the entry into force of the Treaty of Lisbon, which includes the mentioned "mechanism", as well as a new set of tasks and powers of the National Parliaments and the European Parliament, may be as good a time as any to ponder on the future of COSAC.

The aim of this second chapter is to

- (a) Identify the strengths and weaknesses of COSAC, set within the wider framework of the relations between the National Parliaments and the European Parliament, as well as its influence in the day-to-day work of the parliamentary committees,
- (b) Take note of the suggestions that might be forwarded by the national Parliaments and the European Parliament in order to improve the agenda, the debates and the overall procedures of COSAC, as well as in relation to the provisions included in article 10 of the Protocol on the role of national Parliaments in the European Union.

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in

place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|-----|-----|
| a) Bi-annual Report | Yes | No |
| b) Presidency programme | Yes | No |
| c) The principle of subsidiarity | | Yes |
| No | | |
| d) COSAC contribution and conclusions | | Yes |
| No | | |
| e) Commission Annual Policy Strategy or similar document | | Yes |
| No | | |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|---|-----|-----|
| a) Commission Legislative and Work Programme | | Yes |
| No | | |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | | Yes |
| No | | |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | | |
| | Yes | No |

d) Common foreign and security policy, including common security and defence policy
Yes No

e) Other (please specify) Yes No

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission Yes No

b) The Council Yes No

c) Other (please specify)

Debate on draft EU acts³

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

³ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|--------|
| a) Should not be limited | Yes |
| No | |
| b) Should be limited to once per Parliament / Chamber | Yes |
| No | |
| c) Should be limited to twice per Parliament / Chamber | Yes |
| No | |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | Yes |
| No | |
| f) Other criteria: (please specify) | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Questionnaire: 13^e Rapport Semestriel de la COSAC

CHAPITRE 1 : LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX SUITE A L'ENTREE EN VIGUEUR DU TRAITE DE LISBONNE

Le Traité de Lisbonne est entré en vigueur le 1^{er} décembre 2010, modifiant le Traité sur l'Union européenne et le Traité instituant la Communauté européenne, désormais connu comme Traité sur le fonctionnement de l'Union européenne. Dans le Traité sur l'Union européenne modifié le nouvel article 12 reconnaît le rôle des parlements nationaux au sein de l'Union européenne, indiquant toute une série de mécanismes par les biais desquels les parlements nationaux « *contribuent activement au bon fonctionnement de l'Union* ». Des dispositions ultérieures du Traité sur l'Union européenne et du Traité sur le fonctionnement de l'Union européenne, ainsi que les deux premiers protocoles du Traité de Lisbonne, spécifient la portée de la participation des parlements nationaux au processus décisionnel de l'Union européenne.

Ces nouveaux mécanismes⁴ sont :

- la réception des informations et des projets d'actes législatifs émanant des institutions de l'Union européenne ;
- l'assurance de la conformité de ces projets d'actes législatifs avec le principe de subsidiarité ;
- participer à l'évaluation des politiques communautaires dans l'espace de liberté, de sécurité et de justice ;
- participer au contrôle politique exercé par Europol et à l'évaluation des activités d'Eurojust ;
- prendre part aux procédures de révision du traité ;
- participer à la formation d'un recours devant la Cour de justice de l'Union européenne pour violation par un acte législatif européen du principe de subsidiarité ;
- la réception des notifications des candidatures d'adhésion à l'Union européenne ;
- Participer à la coopération interparlementaire entre les parlements nationaux et avec le Parlement européen.

Le premier chapitre du rapport semestriel sera dévoué à examiner comment ces nouveaux mécanismes sont en train d'être incorporés aux règlements et procédures quotidiennes des Parlements nationaux. Eu égard au bref délai écoulé depuis l'entrée en vigueur de ce Traité, ce chapitre sera axé sur les normes déjà adoptées ou dont l'adoption est prévue au court ou moyen terme.

⁴ Ces nouveaux mécanismes sont décrits en détail dans le 9^{ème} Rapport semestriel de la COSAC (Le Traité de Lisbonne : mise en œuvre et incidences sur les parlements nationaux de l'UE, mai 2008)

Après avoir énuméré les nouvelles dispositions, le chapitre sera dévoué aux différents aspects (organismes parlementaires impliqués, procédures, effets, critères, etc.) de ces mécanismes conformément ils sont adoptés par chaque Parlement national.

Questions :

A) ANALYSE DES NORMES ADOPTÉES

1. De nouvelles normes ont-elles été adoptées par votre Etat membre afin d'incorporer à la législation nationale les nouveaux pouvoirs conférés aux Parlements nationaux par le Traité de Lisbonne? Si la réponse est oui, veuillez spécifier quelles normes ont été adoptées et les classer dans les catégories suivantes.

1a. Dispositions constitutionnelles

1b. Dispositions légales

1c. Règlements parlementaires

1d. Autres (veuillez spécifier)

2. Si aucune norme n'a été adoptée pour le moment, de telles normes sont-elles prévues? Veuillez spécifier la hiérarchie des dispositions qui seront probablement adoptées à court ou à moyen terme (Dispositions constitutionnelles, dispositions légales, règlements parlementaires...).

C) LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX DANS LE PROCESSUS DECISIONNEL DE L'UNION EUROPÉENNE

Les questions suivantes portent sur chacun des différents mécanismes par le biais desquels les Parlements nationaux sont appelés à participer dans le cadre de l'Union européenne. Les questions portent sur les principaux éléments des débats qui, conformément aux normes nationales qui ont été adoptées ou qui sont sur le point de l'être, mettront en œuvre au sein de chaque Parlement national les mécanismes établis dans les Traités.

1. CONTRÔLE DES ACTIVITÉS DES INSTITUTIONS DE L'UE

1a. Veuillez indiquer si le contrôle comprend toutes les activités de toutes les institutions de l'UE. Si ce n'est pas le cas, veuillez spécifier quelles activités et quelles institutions seront soumises à ce contrôle (par exemple, seulement les projets d'actes législatifs émanant de la Commission).

1b. Veuillez indiquer si ce contrôle est global ou s'il s'applique de façon sélective à certains dossiers ou à certaines questions présentant un intérêt national particulier.

1c. Décrivez brièvement la procédure et spécifiez quels sont les organes parlementaires impliqués dans celle-ci.

1d. Les normes déterminent-elles le devoir du Gouvernement de présenter des rapports au Parlement / à la Chambre ? Le cas échéant, dans quelles conditions ?

1e. Dans les Parlements bicaméraux, pourriez-vous décrire les mécanismes d'échange d'informations et de coordination entre les deux Chambres ?

1f. Veuillez décrire brièvement les moyens administratifs et de conseil ainsi que l'assistance disponible pour mener à bien la tâche de contrôle des institutions de l'UE.

2. VEILLER AU RESPECT DU PRINCIPE DE SUBSIDIARITÉ

2a. Veuillez spécifier quels sont les organes parlementaires chargés de veiller au respect du principe de subsidiarité.

2b. Décrivez brièvement les procédures engagées.

2c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

2d. Votre Parlement / Chambre a-t-il/t-elle utilisé les informations mises à disposition sur le site web de l'IPEX pendant les tests portant sur le principe de subsidiarité ? D'après vous, l'utilisation de l'IPEX va-t-elle augmenter ou diminuer ?

2e. Quelles améliorations suggèreriez-vous d'apporter à l'IPEX afin de permettre un échange d'informations en temps réel entre les Parlements ?

2f. Quel genre de communication directe votre Parlement / Chambre envisage-t-il/t-elle d'établir avec les institutions de l'UE et à quelles améliorations avez-vous pensé ?

2g. Concernant la question posée par la délégation de la Chambre des Communes du Royaume-Uni lors de la réunion des présidents de la COSAC le 5 février 2010 à Madrid, votre Parlement / Chambre pense-t-il/elle que la définition d'une « *procédure législative spéciale* » et par conséquent d'un « *acte juridique* » conformément à l'Article 289 du Traité sur le fonctionnement de l'Union européenne pourrait limiter les nouveaux pouvoirs octroyés aux

parlements nationaux dans le cadre du Protocole 1 et du Protocole 2 du Traité de Lisbonne, comme a fait remarquer la Note⁵ circulée par la Chambre des Communes britannique lors de la réunion des présidents de la COSAC à Madrid ? Avez-vous consulté votre Gouvernement à ce sujet ?

3. CONTRÔLE POLITIQUE D'EUROPOL

3a. Veuillez spécifier quels sont les organes parlementaires chargés d'exercer le contrôle politique.

3b. Décrivez brièvement les procédures engagées.

3c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

3d. Vos normes incluent-elles des critères spécifiques concernant l'exercice du contrôle politique ? Le cas échéant, veuillez spécifier quels sont ces critères.

4. EVALUATION DES ACTIVITÉS D'EUROJUST

4a. Veuillez spécifier quels sont les organes parlementaires chargés de cette évaluation.

4b. Décrivez brièvement les procédures engagées.

4c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

4d. Vos normes incluent-elles des critères spécifiques concernant la conduite de cette évaluation ? Le cas échéant, veuillez spécifier quels sont ces critères.

5. PARTICIPATION À LA RÉVISION SIMPLIFIÉE DES TRAITÉS (CLAUSE PASSERELLE)

5a. Veuillez spécifier quels sont les organes parlementaires impliqués dans cette procédure.

5b. Décrivez brièvement les procédures engagées.

5c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

⁵ La Note est publiée sur le site web de la COSAC :
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

5d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour garantir un accord sur la position commune du Parlement national, le cas échéant.

6. RECOURS DEVANT LA COUR DE JUSTICE DE L'UNION EUROPÉENNE POUR CAUSE DE VIOLATION DU PRINCIPE DE SUBSIDIARITÉ

6a. Veuillez spécifier quels sont les organes parlementaires impliqués.

6b. Décrivez brièvement les procédures engagées dans votre Parlement / Chambre.

6c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

6d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour arriver à un accord sur la position commune du Parlement national, le cas échéant.

6e. Dans quels cas, le cas échéant, le Gouvernement national pourrait-il rejeter la demande du Parlement ?

6f. Quels sont les effets du rejet par le Gouvernement de la demande formulée par un Parlement national de former un recours pour cause de violation du principe de subsidiarité ?

7. CANDIDATURES D'ADHÉSION À L'UNION EUROPÉENNE

7a. Veuillez spécifier quels sont les organes parlementaires impliqués.

7b. Décrivez brièvement les procédures et les effets de toute résolution adoptée (le cas échéant).

8. PARTICIPATION À LA COOPÉRATION INTERPARLEMENTAIRE ENTRE LES PARLEMENTS NATIONAUX ET AVEC LE PARLEMENT EUROPEEN.

8a. La Résolution prise par le Parlement européen le 7 mai 2009 sur le développement des relations entre le Parlement européen et les Parlements nationaux dans le cadre du Traité de Lisbonne (le Rapport Brok) a-t-elle fait l'objet d'un débat ou d'une étude au sein de votre Parlement / Chambre ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

8b. Selon l'article 9 du Protocole sur le rôle des Parlements nationaux au sein de l'Union européenne, « le Parlement européen et les parlements nationaux définissent ensemble l'organisation et la promotion d'une coopération interparlementaire efficace et régulière au sein de l'Union », Votre Parlement / Chambre a-t-il/t-elle organisé un débat pour décider comment cette coopération devra être organisée ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

CHAPITRE 2 : LE ROLE FUTUR DE LA COSAC

Mentionnée pour la première fois dans le Protocole sur le rôle des parlements nationaux dans l'Union européenne annexé au Traité d'Amsterdam, la COSAC a réussi depuis sa création en 1989 à fournir un lieu de rencontre régulier des commissions parlementaires spécialisées dans les affaires européennes des parlements nationaux, ainsi que d'une délégation du Parlement européen.

Après l'entrée en vigueur du Traité de Lisbonne, le nouvel article 10 du Protocole sur le rôle des parlements nationaux dans l'Union européenne fait mention d'une conférence des organes parlementaires spécialisés dans les affaires de l'Union aux termes suivants :

« Une conférence des organes parlementaires spécialisés dans les affaires de l'Union peut soumettre toute contribution qu'elle juge appropriée à l'attention du Parlement européen, du Conseil et de la Commission. Cette conférence promeut, en outre, l'échange d'informations et des meilleures pratiques entre les Parlements nationaux et le Parlement européen, y compris entre leurs commissions spécialisées. Elle peut également organiser des conférences interparlementaires sur des thèmes particuliers, notamment pour débattre des questions de politique étrangère et de sécurité commune, y compris la politique de sécurité et de défense commune. Les contributions de la conférence ne lient pas les Parlements nationaux et ne préjugent pas de leur position ».

En outre, au cours des dernières années la COSAC a su accumuler un important acquis en ce qui concerne la mise en œuvre du principe de subsidiarité grâce aux tests de subsidiarité engagés de façon régulière sur projets d'actes législatifs spécifiques de la Commission. Sans doute, cette expertise sera d'une valeur inestimable pour le bon fonctionnement du « mécanisme d'alerte précoce » établi dans le Protocole sur l'application des principes de subsidiarité et de proportionnalité.

Dès lors, l'entrée en vigueur du Traité de Lisbonne, qui comprend ce « mécanisme » ainsi que toute une nouvelle série de tâches et pouvoirs des parlements nationaux et du Parlement européen, peut fournir l'occasion idéale pour réfléchir sur l'avenir de la COSAC.

Ce deuxième chapitre a pour but de :

(a) identifier les points forts et faibles de la COSAC, dans le cadre plus large des rapports entre les parlements nationaux et le Parlement européen, ainsi que son influence sur le travail quotidien des commissions parlementaires,

(b) prendre note des propositions éventuellement adressées par les Parlements nationaux et le Parlement européen afin d'améliorer le programme, les débats et les procédures générales de la COSAC, ainsi qu'en ce qui concerne les dispositions contenues dans l'article 10 du Protocole sur le rôle des Parlements nationaux dans l'Union européenne.

Questions :

A) ACTUELS POINTS FORTS ET FAIBLES DE LA COSAC

1. Votre Parlement / Chambre tient-il/elle des débats sur le programme des réunions de la COSAC avant que celles-ci n'aient lieu ? Existe-t-il une procédure régulière ou extraordinaire pour la préparation des points de l'ordre du jour de la COSAC ? Le cas échéant, quelle est cette procédure et quel organe en est-il responsable ?

2. Au terme de chaque réunion de la COSAC, les conclusions / la contribution de la COSAC font-elles/fait-elle l'objet d'un débat dans votre Parlement / Chambre ? Le cas échéant, veuillez spécifier.

3. Les points faisant l'objet de débats lors des réunions de la COSAC tout comme les conclusions / la contribution de la COSAC ont-ils un effet sur le travail de votre Parlement / Chambre ?

4. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être particulièrement utiles ?

5. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être moins pertinents ?

B) LE ROLE FUTUR DE LA COSAC

Points de l'ordre du jour

1. Veuillez spécifier si votre Parlement / Chambre souhaiterait maintenir les points réguliers suivants sur l'ordre du jour de la COSAC :

b) Rapport semestriel

Oui Non

- | | |
|---|-----|
| c) Programme de la Présidence
Non | Oui |
| ci) Le principe de subsidiarité
Non | Oui |
| di) La contribution et les conclusions de la COSAC
Non | Oui |
| e) Stratégie politique annuelle ou document similaire de la Commission
Oui Non | |

2. Veuillez spécifier quel est le point de vue de votre Parlement / Chambre quant à la possibilité d'ajouter d'autres points réguliers sur l'ordre du jour de la COSAC, par exemple :

- | | |
|---|---------|
| a) Programme de travail et programme législatif de la Commission | Oui Non |
| b) Participer aux mécanismes d'évaluation de la mise en œuvre des politiques communautaires dans l'espace de liberté, de sécurité et de justice | Oui Non |
| c) Contrôle politique d'Europol et évaluation des activités d'Eurojust | Oui Non |
| d) Politique étrangère et de sécurité commune, y compris la politique de sécurité et de défense
Oui Non | |
| e) Autres (veuillez spécifier)
Non | Oui |

3. Veuillez spécifier si votre Parlement / Chambre considère qu'il est nécessaire de consacrer davantage de temps lors des réunions de la COSAC aux débats avec les Institutions de l'UE :

- | | |
|------------------|---------|
| a) La Commission | Oui Non |
| b) Le Conseil | Oui Non |

c) Autres (veuillez spécifier)

Débat sur les projets d'actes de l'UE⁶

4. Votre Parlement / Chambre serait-il/elle favorable à ce que la COSAC débattenne de propositions concrètes d'actes (en particulier législatifs) à l'agenda de l'Union européenne ?

4a. Le cas échéant, selon quelles modalités la sélection des actes susceptibles de faire l'objet de ces discussions pourrait-elle être effectuée ? (soumission réalisée par une délégation de la COSAC ou par le Parlement exerçant la Présidence de la COSAC ? Sélection effectuée par la troïka présidentielle, par le Parlement hôte ou par la COSAC plénière précédant immédiatement la réunion au cours de laquelle ce ou ces projets seraient débattus etc. ?)

4b. Selon votre Parlement / Chambre, quelles pourraient être les modalités d'organisation de ces débats ?

4ba. Devraient-ils notamment faire l'objet d'un chapitre du rapport semestriel de la COSAC, étayé par les contributions apportées par chacune des délégations ?

4bb. Les présences du Commissaire européen et du rapporteur du Parlement européen sur le projet d'acte concerné, voire du Président de la commission parlementaire qui travaille sur le sujet vous apparaissent-elles opportunes ?

4bc. Pensez-vous que les parlementaires qui travaillent sur le sujet dans leur Parlement / Chambre devraient s'incorporer à leurs délégation et participer dans ces réunions de la COSAC ?

4c. Les éléments de consensus dégagés par ces discussions auraient-ils vocation, à vos yeux, à s'intégrer dans les contributions émises par la COSAC ?

4d. Dans ce contexte, pouvez-vous nous indiquer quels projets d'actes européens pourraient utilement à vos yeux faire l'objet de débats au cours des prochaines réunions ordinaires de la COSAC ? Merci de les présenter par ordre de priorité.

Tests du principe de subsidiarité

⁶ Les questions 4 à 4d ont été soumises par M. Pierre LEQUILLER, Président de la Commission des Affaires européennes de l'Assemblée nationale française.

5. Votre Parlement / Chambre est-il/elle d'avis que la COSAC devrait continuer à coordonner des tests du principe de subsidiarité au sein des Parlements nationaux ? Le cas échéant, veuillez préciser comment.

COSAC et groupes politiques

6. Veuillez préciser si votre Parlement / Chambre considère qu'il est nécessaire de consacrer plus de temps à la délibération des groupes politiques lors des réunions ordinaires de la COSAC. Les réunions des groupes politiques devraient-elles être aussi organisées lors des réunions des présidents de la COSAC ?

Secrétariat de la COSAC

7. Quelles améliorations suggèreriez-vous quant aux moyens disponibles de la COSAC, notamment le Secrétariat de la COSAC ?

Article 10 du Protocole 1 du Traité de Lisbonne

8. L'article 10 du Protocole 1 du Traité de Lisbonne prévoit une conférence des organes parlementaires spécialisés dans les affaires de l'Union, alors que la COSAC n'est plus mentionnée.

8a. Cet article ne fait pas mention de la composition de cette conférence : suggèreriez-vous une modification de la composition de la COSAC ?

8b. Votre Parlement / Chambre considère-t-il/elle que l'acronyme actuel de COSAC devrait être modifié ? Le cas échéant, veuillez nous faire part de vos suggestions.

8c. Envisageriez-vous de modifier les Règles de Procédure de la COSAC pour organiser des conférences interparlementaires sur des sujets spécifiques ? D'après vous, comment de telles conférences pourraient-elles être organisées ? Quels thèmes considèreriez-vous particulièrement intéressants d'aborder lors de ces conférences ?

C) FUTURE PROCÉDURE POUR LES RÉUNIONS DE LA COSAC

1. D'après leur format actuel, les réunions ordinaires de la COSAC durent deux jours et les réunions des présidents de la COSAC durent un jour. Suggèreriez-vous d'apporter des changements aux formats actuels ? Le cas échéant, veuillez spécifier.

2. Concernant le nombre de fois que chaque Parlement / Chambre peut prendre la parole sur chacun des points de l'ordre du jour, veuillez indiquer votre préférence :

- a) Il ne devrait pas être limité Oui
Non
- b) Il devrait être limité à une fois par Parlement / Chambre Oui
Non
- c) Il devrait être limité à deux fois par Parlement / Chambre Oui
Non
- d) Il ne devrait pas être limité mais les deuxièmes et troisièmes utilisations de tour de parole devraient être octroyées une fois que tous les Parlements nationaux ont eu leur chance de s'exprimer Oui Non
- e) Le Président pourra adopter chacune de ces procédures en fonction du nombre de requêtes présentées pour prendre la parole Oui Non
- f) Autres critères : (veuillez préciser)

3. Le temps de parole devrait-il être limité afin de garantir que le plus grand nombre de Parlements / de Chambres puissent prendre la parole ? Quel temps maximum de parole suggèreriez-vous ?

Austria: Nationalrat and Bundesrat

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

1c. Parliamentary Standing Orders

1d. Other (please specify)

1a., 1b) No, not yet.

1c) The parliamentary rules of procedure shall be discussed after the constitutional provisions will have passed the house.

1d) During the subsidiarity testing period a parliamentary practice has been established which is intended to be watched on a provisional basis for the transition period.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

On 24 February 2010 a motion of the governing coalition parties was submitted concerning a draft accompanying law to the Lisbon Treaty ("Lissabon Begleitnovelle" – see http://www.parlament.gv.at/PG/DE/XXIV/A/A_00978/pmh.shtml). It was then referred to the Constitutional Affairs Committee which on the same day invited approximately 120 institutions including regional governments and legislative bodies to go through the draft bill and send their comments/observations on the suggested provisions. It is intended to pass the bill within the next two or three months.

The bill concerns several changes in the Austrian Federal Constitutional Law (Bundes-Verfassungsgesetz) aiming at giving parliament's two chambers the instruments to make use of the new competencies of the Lisbon Treaty.

These instruments will most likely be applied directly (as was the case when Austria joined the EU) and subsequent to some observation time lead to modifications in the standing orders.

D) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The new competence to issue statements on subsidiarity or take legal action at the ECJ, refers to draft legislative acts, as foreseen in the Lisbon Treaty, not differentiating between EU institutions. Nevertheless, the activities will be focussed on consultations, communications, reports and proposals of the Commission connected to legislative projects. As before the Lisbon Treaty the Austrian parliament will continue to discuss European affairs with the members of the government, esp. some time ahead important meetings of the European Council or of the Council. There are already constitutional provisions in Austria to pass motions on European affairs, that effects legal binding to the voting of the Austrian member or the government in the Council.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

As the obligation of government to inform parliament on EU activities has been understood in a wide sense since Austria's EU accession in 1995, monitoring has been and still is comprehensive.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

EU scrutiny vis-à-vis government (binding Austrian members in the Council) has been executed by the Main Committee (Hauptausschuss) of the Nationalrat

and its Permanent Subcommittee (to which everything except the preparation of European Council meetings and the change of EU primary law has been delegated) and the EU Committee of the Bundesrat. In addition government members have to present reports to parliament, concerning those parts of the Commission's legislative and working programme which fall in their field of competence each year. So far the latter has only been based on cooperation agreement, but now is likely to enter the federal constitutional law in its new Article 23 f par. 2. These reports are not referred to the EU Committees of the two chambers but to the sectorial committee in order to get an opinion on EU matters of the specialized committees as well.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Government has to report to both chambers. However, as there is a joint parliamentary administration of Nationalrat and Bundesrat there is only one EU database including all information delivered by government.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

see 1d, in addition: Political groups in the Austrian Parliament ("Klubs") include members of the Nationalrat, Bundesrat and the Austrian members in the European Parliament which results in an automatic information exchange.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

There is one special division within the "EU and International Services" of the parliamentary administration dealing with the observation of incoming information of government and EU institutions (the latter since September 2006 including the EU database.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

This is not yet specified in the bill. The Main Committee, its Permanent Subcommittee on EU-affairs or the Plenary (the possibility of the committee deciding to pass on an EU initiative to the plenary instead of deciding on it itself existed previously) or (new) another standing committee (of the Nationalrat and the Bundesrat) might cover subsidiarity issues in the future.

2b. Briefly describe the procedures involved.

According to Art. 23g of the motion both the Nationalrat and the Bundesrat can issue a reasoned statement why a draft legislative act within the EU is or is not in compliance with the principle of subsidiarity. To this end both chambers (via their competent committee, see under 2a) may ask the responsible member of government to give an opinion on subsidiarity within 2 weeks.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

According to Art. 23g par. 3 of the draft bill the Bundesrat has to inform all provincial diets ("Landtage") on draft legislative proposals (in context with subsidiarity) and invite them to present an opinion.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes. The use of IPEX will most probably increase in the future.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

Some changes have already taken place. Especially the introduction of the new discussion forum will provide a more informal possibility for real-time information exchange. There is still room for improvements under the current framework, e.g. timely upload of information, upload of translations etc.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Statements on subsidiarity will be sent directly to EU institutions. This way not only the political dialogue ("Barroso Initiative") will develop and offer new possibilities (e.g. more frequent visits of/to members of the Commission) but links to other institutions such as the EP might develop further as well.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁷ circulated at the Madrid COSAC Chairpersons'

⁷ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

meeting by the UK House of Commons? Have you sought your Government's view on this matter?

According to the opinion of the legal service of the Austrian Foreign Affairs Ministry the evolution of Art. 289 leaves no space for a loophole. Special legislative procedures (par. 2) have to be mentioned explicitly in the treaties in order to be called "legal acts".

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

EU-Committees (Main Committee and Permanent Subcommittee of Nationalrat, EU-Committee of Bundesrat), partially the committees on the interior (dealing with reports of ministers on the legislative and working programme of the Commission), partially the plenaries (in case of urgent debates, topical hours, question hours or declarations of ministers on this issue).

3b. Briefly describe the procedures involved.

The ordinary procedure applies: scrutiny of EU drafts in the EU-Committees, acknowledging reports in sectorial committees

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

In fact, the Bundesrat has established a consultation procedure with the regional bodies by the good offices of their representation in Vienna who also is invited to nominate experts of the regions to join the meetings of the EU-committee of the Bundesrat.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No. It is the decision of the parliamentary groups to set the agenda.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

see 3a, a debate on a report as described would probably take place in the Justice Committee. It is intended to discuss any legislative proposal acc. to Art. 85 TFEU.

4b. Briefly describe the procedures involved.

see 3b

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

-

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

Plenaries of both chambers, (Main-/Sub-)Committee on EU Affairs, in eventuality sectorial committee (according to the draft bill)

5b. Briefly describe the procedures involved.

According to Art. 23i of the bill implementing the Lisbon Treaty, the Austrian member of the European Council may only give his/her agreement to an initiative regarding Art. 48 par. 7 of the EU-Treaty, if the Nationalrat with the consent of the Bundesrat ~~have~~ has authorized a respective motion of the government. These decisions require the presence of at least half of the members and a 2/3 majority of each chamber.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

They shall have the right to present an opinion.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

see above

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

Plenaries of both chambers on the basis of the report of a committee (according to the bill)

6b. Briefly describe the procedures involved in your Parliament / Chamber.

According to Art. 23h of the bill the Nationalrat can take legal action in any case, the Bundesrat only insofar as competences of the Länder (provinces) are affected by EU law. The Federal Chancellor delivers this action to the Court of Justice in the name of the respective chamber.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

see above

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

see above

6e. In which cases, if any, may the national Government reject the Parliament's request?

A rejection by government is not envisaged in the bill.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

see above

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

Plenary and (usually) constitutional affairs committee of each chamber decide on accession treaties. The Main Committee on European Affairs usually holds a debate on accession applications. Both, the Main Committee and the plenary have the possibility to pass resolutions on applications.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The ratification of an accession treaty to the EU includes a change of EU primary law and therefore requires the assent of both chambers (presence of at least half of the members and a 2/3 majority).

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No. There is a parliamentary practice how to nominate delegates to joint parliamentary meetings.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Internal briefings within the delegation to COSAC might take place.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

Sometimes, the results are mentioned during meetings of the EU Committees.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

This might be possible and certainly has occurred during the subsidiarity checks of COSAC.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The exchange of best practises and the debates with high-ranking EU officials as the President of the Commission or of the Council.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

Procedural questions might have a less important impact.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|------------|-----|
| c) Bi-annual Report | Yes | No |
| d) Presidency programme | Yes | No |
| cii) The principle of subsidiarity | Yes | |
| No | | |
| dii) COSAC contribution and conclusions | Yes | |
| No | | |
| e) Commission Annual Policy Strategy or similar document | | Yes |
| No | | |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|---|------------|-----------|
| a) Commission Legislative and Work Programme | Yes | |
| No | | |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | Yes | |
| No | | |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | Yes | No |
| d) Common foreign and security policy, including common security and defence policy | Yes | No |
| e) Other (please specify) | Yes | No |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | | |
|---------------------------|-----|-----------|
| a) The Commission | Yes | No |
| b) The Council | Yes | No |
| c) Other (please specify) | | |

Debate on draft EU acts⁸

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

If the special need occurs, yes.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

This could be proposed by the COSAC Presidency after deliberation in the troika.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Not necessarily

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

⁸ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

Yes, but the problem would arise that for only a specific part of a meeting you would have a different delegation.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes, this might be possible.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

This might only be feasible for the next COSAC meeting.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Not really, as the Lisbon Treaty has entered into force, a debate on experiences might be more useful. The common exercise within COSAC was an efficient instrument during the "test phase".

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

Not at COSAC Chairpersons' meetings.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

-

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

We had this debate before, in particular during the Danish Presidency in 2002 and could not arrive at a better acronym. So let's leave it as it is for the time being.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

Not for the moment. The relation between COSAC and other fora? still has to be clarified, in particular be the EU Speakers.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

-

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|---------------|
| a) Should not be limited | Yes |
| No | |
| b) Should be limited to once per Parliament / Chamber | Yes |
| No | |
| c) Should be limited to twice per Parliament / Chamber | Yes |
| No | |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | |
| | Yes No |

but the Chair would have to raise this issue during the debate.

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor **Yes**

No

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

This should be decided by the COSAC Chair.

Belgium: Chambre des représentants

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

None

1b. Legal provisions - Statutory provisions

Two bills are being prepared:

- ***the first allowing the 7 Belgian parliamentary assemblies (2 federal and 5 regional) to conclude an agreement on how to execute the subsidiarity procedure, particularly: (1) the attribution of the votes among them, according to the protocol n°2 on subsidiarity and (2) the application of the veto right with regard to the simplified revision of the Treaty;***
- ***the second allowing the “Conseil d’État” (the Council of State i.e. the highest administrative court of Belgium) to be asked for advice with regard to the distribution of internal competences in a federal State regarding the legislative proposals of the European Union.***

1c. Parliamentary Standing Orders

The Standing Orders of the House were modified in order to implement the subsidiarity procedure (art. 37bis).

1d. Other (please specify)

In 2005, in the context of the European Constitution, the Belgian parliamentary assemblies reached an agreement with regard to the application of the subsidiarity procedure (communication of the EU documents to all the assemblies, allocation of the votes among the federal and regional Parliaments, etc).

In the light of the Lisbon Treaty, this agreement is being renegotiated.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

/

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed

or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

In principle, all the EU-institutions are subject to monitoring although the focus is on the Commission and, to a lesser extent, on the Council and the European Council. In this context, the European Parliament is rather an inspiring source enabling the monitoring of the other EU-institutions.

Specific control instruments:

- ***the Federal Advisory Committee on European Affairs can examine any specific topic;***
- ***the special parliamentary committees accompanying the Standing Police Monitoring Committee and the Standing Intelligence Agencies Review Committee can go over problems with regards to e.g. privacy (PNR, SWIFT, etc);***
- ***the Task Force for Analysis of EU-documents assesses the impact of the EU-proposals on the Belgian system.***

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

See 1a.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The Department of European Affairs (Task Force for Analysis of EU-documents) assesses the impact of a given proposal on the Belgian system and drafts a subsidiarity opinion. Subsequently, this draft will be submitted to the appropriate standing committee(s) for decision. Normally, this decision will be taken by the standing committee(s) on behalf of the House. Indeed, only if one third of the Committee members deem it necessary, the issue is to be referred to the Plenary.

The Federal Advisory Committee on European Affairs will act according to the current Standing Orders regarding the parliamentary committees with regard to EU (i.e.: follow-up of institutional questions and central topics).

1d. Do the regulations establish the Government's duty to report to the Parliament/Chamber? If so, in which terms?

The government is accountable vis-à-vis Parliament in general and vis-à-vis the House of Representative in particular.

Moreover, every act is subject to parliamentary oversight by means of the traditional parliamentary instruments such as: the interpellation (i.e. a question to the Government, which may be followed by a motion and a vote in Plenary, leading to the ultimate sanction of the government), the oral question and the question in writing.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Each Chamber has its own subsidiarity procedure. However, general EU-policies are examined in the Federal Advisory Committee on European Affairs, which is a joint Committee.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

Traditional control is exercised by the Secretariats of the Standing Committees.

The Task Force for Analysis of EU-documents (3 advisors) assesses the EU-documents and prepares a draft opinion on subsidiarity.

Other aspects of the EU-institutions are monitored by the Secretariat of the Advisory Committee on European Affairs (2 administrators).

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The Task Force for Analysis of EU-documents (analytical work), the competent Standing Committee(s) and the Plenary, if deemed necessary.

2b. Briefly describe the procedures involved.

See 1c.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

If competent, the regional Parliaments can formulate a subsidiarity opinion.

An agreement among the 7 Belgian legislative assemblies defines the assembly which is entitled to cast a vote.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

The Belgian House of Representatives made full use of the information on the IPEX website during the subsidiarity tests and, in our view, the use of IPEX will increase.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

We welcome the recently formulated proposals to make IPEX more interactive. Furthermore, the registration (and follow-up) of non-Commission documents, e.g. Council documents, in the database should be made possible.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The currently foreseen channels (cfr.: letter Wahlström and Barroso from December 1st, 2009) will be used.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament /

Chamber of the opinion that the definition of a "*special legislative procedure*" and therefore a "*legal act*" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁹ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

In our approach, there are no limits. Indeed, the Belgian House of Representatives opts for the largest formula possible (dialogue – initiative Barroso). We thus share the view Mr Šefčovič, Vice-President of the European Commission, responsible for Interinstitutional Relations and Administration, expressed on March 15th, 2010 during the meeting of the permanent representatives of the national Parliaments, that a political reflex should prevail over a purely legislative approach.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The Standing Committees and the Plenary of the House.

3b. Briefly describe the procedures involved.

See 1d.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

See 3a.

4b. Briefly describe the procedures involved.

See 1d.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No.

⁹ The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

Both federal legislative assemblies (the House and the Senate) have a veto right. The regional legislative assemblies can also veto a revision but only if it concerns a policy issue in their line of competence.

5b. Briefly describe the procedures involved.

The agreement is still in negotiation.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Declaration 51 (added to the Lisbon Treaty) acknowledges every assembly as a component of the Belgian parliamentary system. Consequently, in principle, every assembly, if competent, may veto a simplified revision.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

See 5c.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

According to the 2005-Agreement among the 7 Belgian legislative Assemblies¹⁰, each Assembly is, within its competences, entitled to initiate such an action before the Court of Justice of the EU.

In case an assemblies contests the competence of the assembly initiating the action, the matter is brought before the "Conseil d'Etat" for advice.

When, after this advice, which is to be sent to all the assemblies, the problem remains unsolved, the matter is submitted to the Conference of the Chairpersons of the 7 Assemblies for decision.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

According to the 2005-Agreement, the legislative Assembly concerned informs the other assemblies of its intention to initiate an action for annulment.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

See 6b.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not applicable – See 6a.

¹⁰ this Agreement is being renegotiated in the light of the Lisbon Treaty

6e. In which cases, if any, may the national Government reject the Parliament's request?

We have no experience with this procedure but, if such an issue arose, most probably, the parliamentary majority would support the Government's position.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

Parliament might, in principle, decide autonomously to introduce a request for annulment.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

As any treaty, a Treaty of Accession will follow the appropriate parliamentary procedure, which includes scrutiny by the Foreign Affairs Committee first and, subsequently, by the Plenary. As treaties are to follow the bicameral procedure, traditionally, they are first tabled in the Senate.

A regionalised matter will be dealt by the competent regional legislative assemblies according to their rules of procedure.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

/

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organization and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organized? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The basic principles on interparliamentary cooperation were integrated into the "acquis parlementaire" in the early nineties (see Doc Kamer 1032/2 – 1992 – 1993 – Resolution concerning the strengthening of the parliamentary control on the European decision-making process and Doc. Kamer 1251/1 – 1989 – 1990 – Recommendation concerning the strengthening of the parliamentary control on the European integration).

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

No

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Yes

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The subsidiarity tests

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report: **Yes**

b) Presidency programme: **Yes**

c) The principle of subsidiarity: **Yes**

d) COSAC contribution and conclusions: **Yes**

e) Commission Annual Policy Strategy or similar document: **Yes**

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

a) Commission Legislative and Work Programme: **Yes**

b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice: **Yes**

c) Political monitoring of Europol and evaluation of Eurojust's activities: **Yes**

d) Common foreign and security policy, including common security and defence policy: **Yes**

e) Other (please specify): /

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission: **No**

b) The Council: **No**

c) Other (please specify): ***there is little space for specific topics, the agenda of the COSAC being almost an automatism (priorities of the presidency, the President of the Commission or a member of the Commission and a national European personality).***

Debate on draft EU acts¹¹

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes, with regard to a subsidiarity test.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that proposals would be debated, etc.?)

There should be a larger diversification in order to give an impetus to the several standing committees. Indeed, up to now, the selected cases were mainly competences of the committee on Judicial Affairs.

4b. In your Parliament's / Chambers' opinion, how could such debates be organized?

See 4 and 4a.

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analyzing the contributions of each delegation?

Yes

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Member (e.g.: the rapporteur).

¹¹ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes. However, COSAC being a deliberate and not a political forum, dissenting opinions should be allowed.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Topics belonging to Committee-competences, which were selected up to now.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes. See 4d.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organized during the meetings of COSAC Chairpersons?

COSAC is not a political conference but an instrument to improve the coordination of EU-issues among the Parliaments and between these Parliaments and the European Parliament. Consequently, meetings of political groups in the framework of COSAC are incoherent with its function.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

We'd welcome an update of the COSAC-website into a more user-friendly tool.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No

8c. Would you consider a modification in the Rules of Procedure of COSAC to organize interparliamentary conferences on specific topics? How would you suggest that these

conferences should be organized? Which topics would you consider of special interest to these conferences?

Specific topics, such as multi-annual EU-programmes (Programme of Stockholm, FED-programmes, legislatives foresights,...), should be treated in the COSAC-framework.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

a) Should not be limited: **No**

b) Should be limited to once per Chamber: **Yes**

c) Should be limited to twice per Parliament: **Yes**

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak: **Yes**

e) The Chairpersons may adopt anyone of these procedures based on the number of requests from the floor: **Yes**

f) Other criteria: (please specify): ***replies in reaction to the answers given must remain possible.***

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Preference: solution e and f

Belgium: Sénat

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

No

1b. Legal provisions - Statutory provisions

No

1c. Parliamentary Standing Orders

No

1d. Other (please specify)

No

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

The Bureau of the Belgian Senate decided in the beginning of 2010 on different procedural changes concerning the new powers that are entrusted to the national parliaments by the Lisbon Treaty. The changes that need to be made to the standing orders, are still subject of debate. A finalisation is likely before June 2010. These changes will mainly concern the subsidiarity control procedures. Until these changes are adopted, the Senate works on the basis of the decisions made by the Bureau in the beginning of 2010.

Following the specific institutional framework of Belgium, a cooperation agreement needs to be concluded between the national, regional and community parliamentary assemblies. This agreement concerns many topics directly linked to the new powers of the national parliaments. This agreement is currently under deliberation and necessitates changes in other laws and regulations, some of which can only be changed with a special majority. It is expected that this agreement will be concluded before the start of the Belgian

EU Presidency. Until agreement is reached, the parliamentary assemblies work on an informal basis, mainly on an administrative level.

E) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The following EU institutions are monitored at this moment:

- **the European Commission through the legislative proposals, the subsidiarity checks and the analysis of all documents via the Barroso Initiative,**
- **the Council through the agendas, reports and contacts with the participating ministers (if the Senate or a committee of the Senate so desires),**
- **the Court of Justice through the decisions that concern directly or indirectly Belgium.**

The documents relevant to these three institutions are sent to the members of the committee that is competent for the matter concerned.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The monitoring usually applies selectively to certain topics or question of particular national interest.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

Documents are selected by the Chair of the Senate delegation to the Federal Advisory Committee on European Affairs, on the basis of a proposal prepared by the European Affairs Unit. Moreover, if senators deem it necessary, supplementary documents can be sent.

The documents are sent to the members of the competent committee(s) of the Senate. If the committee so decides, the item is put on the agenda and discussed. If an opinion is formulated at the end of the discussions (hearings are usually organised with ministers, civil society, specialists etc), a draft

resolution can be adopted in the committee and sent to the plenary who votes after a debate.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

There is nothing in the regulations concerning the duty to report specifically in European matters. However, it is considered as the application of the general competencies of the parliament concerning the control over government (questions, interpellations, votes of confidence, etc). As such, a minister can be obliged to come and report on European affairs before the (committee of the) Senate.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Information exchange and co-ordination between Senate and House are mainly organised in an informal manner at the level of the European Affairs Units. Informal contacts exist off course between MPs of both houses. Formal mechanisms for information exchange and co-ordination do not (yet) exist.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The European Affairs Unit of the Senate, primarily responsible for the monitoring of EU institutions, consists of 4 university level staff, 1 assistant and 1 administrative secretary. 2 of them are also responsible for the secretariat of the Federal Advisory Committee on European Affairs.

For the committees of the Senate, a staff of 17 university level and 6 administrative secretaries are in charge of the organisation of 6 permanent committees, 6 special committees and 5 working groups. These bodies do the actual monitoring, if they decide to do so.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The permanent committees of the Senate, the Federal Advisory Committee on European affairs and the plenary of the Senate are in charge of ensuring such compliance.

2b. Briefly describe the procedures involved.

Documents are selected by the Chair of the Senate delegation to the Federal Advisory Committee on European Affairs, on the basis of a proposal prepared by the European Affairs Unit. The documents are sent to the members of the competent committee(s) of the Senate, accompanied by an opinion on the competence of the Senate by the Legal Service.

If the committee so decides, the item is put on the agenda and discussed. If a subsidiarity or proportionality arises, a draft opinion is formulated by the committee and a report is sent to the plenary of the Senate. The plenary votes on the draft opinion following a debate.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

All legislative proposals are sent to one mailbox in Belgium under the administration of the Senate. These documents are automatically sent to the House and the regional parliaments. The procedure in the regional parliament is their own to decide.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

The legislative proposal is not physically sent to the Senators. The email concerned mentions the link to the IPEX website where all documents can be downloaded. Moreover, it is mentioned that possible opinions of other national parliaments can be found there as well. IPEX is also used as a communication tool between the Belgian assemblies. It is the forum where one can see whether an assembly has put a proposal on the agenda.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

Apart from the issues that are currently being discussed in the IPEX Technical Group, there are no practical problems that need to be mentioned. It is however of the greatest importance that all documents that fall under the scope of the subsidiarity control will be available on IPEX. At the moment, only the European Commission documents can be found there.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Direct communication will continue to pass through the existing channels of national parliament representatives, IPEX correspondents, liaison officers etc. In our view, these channels need to be used to a maximum extent. Creating another communication network will inevitably lead to duplication of work.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of

Lisbon, as outlined in the Note¹² circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

This question is currently being analysed by the staff of the European Affairs Unit of the Senate. In due time, the question will be brought under the attention of the members of the Federal Advisory Committee on European Affairs. At that moment, the government's view on the matter will be requested. This should be done before the next COSAC meeting in Madrid.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

At the moment, there is no systematic political monitoring of Europol in the Belgian Senate.

3b. Briefly describe the procedures involved.

N/A

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There is no role of the regional parliaments in this matter.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

N/A

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

At the moment, there is no systematic evaluation of Eurojust exercised in the Belgian Senate.

4b. Briefly describe the procedures involved.

N/A

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There is no role of the regional parliaments in this matter.

¹² The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

N/A

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

At the moment, there is no procedure foreseen for the simplified revision of the treaties.

5b. Briefly describe the procedures involved.

N/A

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

This is part of the co-operation agreement that is under negotiation between the Belgian parliamentary assemblies.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

This is part of the co-operation agreement that is under negotiation between the Belgian parliamentary assemblies.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

At the moment, there is no procedure foreseen for the actions before the Court of Justice.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

N/A

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

This is part of the co-operation agreement that is under negotiation between the Belgian parliamentary assemblies.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

This is part of the co-operation agreement that is under negotiation between the Belgian parliamentary assemblies.

6e. In which cases, if any, may the national Government reject the Parliament's request?

The national Government cannot reject the Parliament's request.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

N/A

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

Commission of Foreign Relations and Defence of the Senate and adoption of the draft law in the plenary of the Senate

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

Classic parliamentary procedure for the ratification of treaties

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in

place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

No. The questionnaire is prepared by the administration, the draft is approved by the Chairman of the EU Affairs Committee and sent to the members of the EU Affairs Committee for evaluation and, if necessary, correction.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No. A report of the COSAC meeting is published, together with the conclusions/contribution, as an official document of the Senate.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

The debates in COSAC are one of the sources of information for the COSAC participants for continuing their work in the national parliament.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

Debate with the EU Presidency on the state-of-play of the presidency programme

Debate on a topic of high importance and relevancy at the moment of the meeting (cfr. Climate change and Stockholm Programme in Sweden)

Debate on subsidiarity control and the treatment of European documents in the national parliaments

Debate on the new mechanisms for national parliaments introduced by the Lisbon Treaty

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

Discussion around the contribution/conclusions

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

d) Bi-annual Report	No
e) Presidency programme	Yes
ci) The principle of subsidiarity	Yes
dii) COSAC contribution and conclusions	No

e) Commission Annual Policy Strategy or similar document **Yes**

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

a) Commission Legislative and Work Programme **No**

the b) Taking part in the evaluation mechanisms for the implementation of Union policies in the area of freedom, security and justice **Yes**

c) Political monitoring of Europol and evaluation of Eurojust's activities **Yes**

d) Common foreign and security policy, including common security and defence policy **Yes**

e) Other (please specify) **No**

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission **No**

b) The Council **Yes**

c) Other (please specify) **debate between national parliaments on common positions, initiatives, ideas, ...** **Yes**

Debate on draft EU acts¹³

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes, when the matter concerned is subject of a topical debate in Europe.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

Submission by a COSAC delegation and selection made by the Presidential Troika

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

¹³ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

The debate can be based on a chapter of a Bi-annual Report or any other written consultation of the national parliaments prior to the COSAC meeting concerned.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Preferably the Member of the European Commission and the Rapporteur of the European Parliament. The competent Minister of the member state holding the presidency can also be asked.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

This is a matter to be decided by each Parliament/Chamber.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Elements of consensus should be published in a written form in the Conclusions/Contribution or any other document.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

This requires a thorough debate in the EU Affairs Committee and/or specialised committees that cannot be organised anymore before the next COSAC meeting. However, in the future this may be considered, for example on the basis of the legislative programme of the European Commission.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes. COSAC can identify, on the basis of the legislative programme, the annual policy strategy or the suggestions of national parliaments, certain drafts that are likely to be subject to subsidiarity concerns. The coordination can take place in accordance with what has been done in the past with the subsidiarity tests.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

Political group meetings are important for the preparation of ordinary COSAC meetings, and have to be as long as necessary. One should also consider the organisation of other group meetings before or during the ordinary COSAC (Greens, women, ...). This meetings are not necessary during the COSAC Chairpersons meetings.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

N/A

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

See answer 8c

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

See answer 8c

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

One of the ideas that exist in the Belgian Senate is the creation of an interparliamentary co-operation based on the organisation of the Council. A general affairs conference could be organised as COSAC is today (2 chairpersons' meetings, 2 plenary meetings in one year). Specialised conferences, like those already organised today (foreign affairs, finance, social affairs, equal rights, etc), can be organised in the framework of this organisation. Co-ordination of these meetings could fall under the responsibility of a secretariat that is based on the current COSAC secretariat. The current acronym 'COSAC' in this idea needs to be replaced by an acronym that encompasses as much as possible the article 10 wording "Conference of Parliamentary Committees for Union Affairs".

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- a) Should not be limited **No**
- b) Should be limited to once per Parliament / Chamber **Yes**
- c) Should be limited to twice per Parliament / Chamber **No**
- d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak **No**
- e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor **Yes**
- f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Yes. Maximum speaking time of 2 minutes.

Bulgaria: Narodno Sabranie

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

No

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

Yes, an amendment to the Rules of Procedure of the National Assembly is foreseen to be adopted soon.

F) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The monitoring includes not only the legislative proposals of the Commission, but also the important political documents, programs and strategies of other EU institutions.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The monitoring applies selectively to certain questions of particular national interest. Regarding the scrutiny procedure, there is a preliminary selection of the draft legislative acts, made by the Committee on European Affairs and Control of the European Funds (CEAOEF).

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The committees involved are the competent permanent committees and the CEAOEF. The competent permanent committee carries out a discussion on the proposal, prepares a report and submits it to the CEAOEF. This report is taken into account when the CEAOEF examines the proposal in order to adopt a final report.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Yes, the Government is obliged to submit an explanatory memorandum and a position on the proposal. According to Art. 104 of the Rules of Procedure, the explanatory memorandum contains a short description of the act, an initial position on the basis of an assessment of the country's interests and the impact of the act on them, information on the adoption procedure and other relevant information.

Art. 109 of the Rules of Procedure states that the Government presents to the National Assembly a report on its actions related to the adoption of European Union acts. The report specifies also issues on which differences have occurred with the adopted position of the Bulgarian side when the act is adopted finally by the EU institutions.

According to Art. 113 of the Rules of Procedure, the Prime Minister should present a report at the beginning of every six-month period of the presidency of the European Union concerning its action during the preceding presidency and the current presidency.

The National Assembly may hold hearings of the Prime Minister related to the meetings of the European Council.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Not Applicable

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The European Law Department assists the standing committees in the framework of the scrutiny procedure. The experts prepare reports and opinions on the content of the proposals and on the compliance with principles of subsidiarity and proportionality.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The relevant permanent committees and the CEAOEF.

2b. Briefly describe the procedures involved.

We use the normal scrutiny procedure which includes the compliance with the principle of subsidiarity.

After the adoption of the proposal, the Government submits an explanatory memorandum to the National Assembly. The President of the National Assembly distributes the draft proposal and the explanatory memorandum to the CEAOEF and to the competent permanent committees. The draft proposal is being examined by the relevant permanent committee which adopts a report and submits it to the CEAOEF. Then the proposal is being scrutinized by the CEAOEF which adopts a report and submits it to the President of the National Assembly. The final report could contain a reasoned opinion on a draft legislative act's non-compliance with the principle of subsidiarity. Finally, the President of the National Assembly submits the report to the Government and to the European Institutions.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not Applicable

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes , we regularly use the information on the IPEX website. The use of IPEX will increase.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

We support the idea of creating an internet forum.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The National Assembly sends its reports on the draft acts directly to the EU institutions. The meetings of the Parliamentary Committees may be attended by the members of the European Parliament.

There is no possibility of a video conference at the moment, but we are planning to make it possible in the near future.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note¹⁴ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

No. However, the CEAOEF considers discussing the matter.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The Internal Security and Public Order Committee
The Committee on European Affairs and Oversight of the European Funds

3b. Briefly describe the procedures involved.

There is no specific procedure concerning the evaluation of the activities of Europol in the Rules of Procedure. These activities are evaluated as a part of the normal scrutiny process.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not Applicable

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

¹⁴ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

The Legal Affairs Committee

The Committee on European Affairs and Oversight of the European Funds

4b. Briefly describe the procedures involved.

There are no specific provisions concerning the evaluation of the activities of Eurojust in the Rules of Procedure. The normal scrutiny procedure applies.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not Applicable

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

(see above)

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The Committee on European Affairs and Oversight of the European Funds

The plenary

5b. Briefly describe the procedures involved.

The National Assembly can adopt a resolution.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not Applicable

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not Applicable

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

The competent permanent committee and the CEAOEF, the plenary.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

No specific procedure has been established.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not Applicable

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not Applicable

6e. In which cases, if any, may the national Government reject the Parliament's request?

No specific procedure has been established.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

(see above)

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The CEAOEF and the plenary.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

Currently, the Rules of procedure do not foresee a specific procedure. The issue could be debated by the CEAOEF and the National Assembly can adopt a resolution.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No, but it has been distributed to the members of the CEAOEF.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, “the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union”. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

No

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No, but they are distributed to the members of the Committee.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

No

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The Bi-annual Report and the Subsidiarity Check.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

The meetings of political groups.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- a) Bi-annual Report Yes
- b) Presidency programme Yes
- c) The principle of subsidiarity Yes
- d) COSAC contribution and conclusions Yes
- e) Commission Annual Policy Strategy or similar document Yes

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- a) Commission Legislative and Work Programme Yes
- b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice Yes
- c) Political monitoring of Europol and evaluation of Eurojust's activities Yes
- d) Common foreign and security policy, including common security and defence policy Yes
- e) Other (please specify)

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- a) The Commission Yes
- b) The Council Yes

c) Other (please specify)
European Parliament

Yes

Debate on draft EU acts¹⁵

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

The selection could be made by the Host Parliament, by the Presidential Troika or by the COSAC Ordinary Meeting, based on the proposals of the National Parliaments.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Yes

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Yes

¹⁵ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

- Proposal for a Regulation of the European Parliament and of the Council on the implementation of the citizens initiative
- Proposal for a Regulation of the European Parliament and of the Council amending regulation (EC) No 44/2001 on jurisdiction, recognition and enforcement of judgments in civil and commercial matters (Brussels I)

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes , under the established procedure.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

No

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

No recommendations

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

Yes, the acronym could be different in all the official languages of the European Union. Another option would be to validate a single acronym, for example CPCUA or COPS AU.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

Yes, the Rules of Procedure could be amended. The conferences could be hosted by the Member State, holding the Presidency of the EU or by the European Parliament. The topics could be related to the Common Foreign and Security Policy, the Area of Justice, Freedom and Security, the evaluation of Europol and Eurojust etc.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- a) Should not be limited
- b) Should be limited to once per Parliament / Chamber
- c) Should be limited to twice per Parliament / Chamber
- d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak
- e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor Yes

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Yes, each Parliament should be entitled to a strict maximum of four minutes' speaking time, unless the meeting determines otherwise.

Cyprus: Vouli ton Antiprosopon

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

1c. Parliamentary Standing Orders

1d. Other (please specify)

No.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

There are no plans of reorganisation of the administration of the House of Representatives of Cyprus or a change in the Rules of Procedure of the House in view of the entry into force of the Treaty of Lisbon, as all matters can effectively be managed with the use of the existing structures and procedures. However, an informal procedure may be adopted.

G) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

To date the Committee on European Affairs scrutinises mainly legislative proposals and consultation documents, however, Commission working documents are regularly forwarded to the Committee and the sectoral Committees for their consideration. It also examines documents forwarded by the European Parliament and the European Court of Auditors.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

At the present time, the selection of topics is based on their importance and potential impact on Cyprus.

The filtering process is mainly carried out by the Officers of the European Affairs Service of the Parliament. However, MPs also receive electronically all draft legislative EU acts, in order to be able to bring to the Committee draft legislation for consideration. There are thoughts of exploring means of cooperation with the executive for identifying legislative proposals which are important to Cyprus.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

To date, the Parliamentary Committee on European Affairs is the primary Committee involved in the scrutiny process of EU documents. The issue of involving the sectoral Parliamentary Committees in future proceedings is still under consideration.

The legislative process at the EU level is monitored by the Officers of the European Affairs Service of the House of Representatives who propose matters that may be of interest for discussion before the Parliamentary Committee on European Affairs.

The executive is invited to the Committee meetings in order to present its position on the proposal at hand. At this point, it must be noted that, due to the fact that Cyprus is a presidential democracy with a clear separation of powers, the House of Representatives cannot mandate the government with respect to the position that the latter will take at the EU level, even though political influence can be exerted. However, in practice, the executive is always willing to be represented and give its opinion at the Committee meetings. Interested parties and NGOs are also invited to the Committee meetings in order to present their position.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The Presidential system in Cyprus provides that the Parliament cannot force the executive to appear before a Committee, nor can the Parliament mandate the government, although the executive is always willing to be represented at Committee meetings.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

N/A

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The European Affairs Officers, along with the Permanent Representative of the House of Representatives of Cyprus to the European Parliament, provide technocratic support to the House of Representatives, in order to facilitate the process of monitoring.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

Since there is no separate procedure with regard to the subsidiarity checks, these checks are conducted by the Parliamentary Committee on European Affairs without precluding the involvement of the sectoral committees.

2b. Briefly describe the procedures involved.

A legislative proposal, accompanied by material concerning the principle of subsidiarity and proportionality as well as the explanatory note concerning the matter, are distributed to the members of the Parliamentary Committee on European Affairs. The documents are also accompanied by a letter from the President of the Parliamentary Committee on European Affairs, explaining the requirements of the task before the Committee. A report of the European Affairs Service, which studied the legislative proposal and put down its recommendations concerning the principle of subsidiarity and proportionality, is also distributed to all the members of the Parliamentary Committee on European Affairs. The proposal is then examined by the Committee in one or several meetings. The executive and interested parties are also invited to participate.

After completing a subsidiarity check, the Committee adopts a report which is then forwarded to the EU institutions and/or the COSAC Secretariat.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes. We are of the opinion that the use of IPEX will increase.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

The brief and timely inclusion of summaries of important documents in the English or French language will further enhance its effectiveness.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The House of Representatives occasionally asks for an opinion from the European Commission and expresses its views to European Union institutions. This practice will be further extended.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "*special legislative procedure*" and therefore a "*legal act*" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note¹⁶ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

A broader interpretation should be given to the definition of "legal act" so that the new powers given to national parliaments are not limited.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The European Affairs Committee, in the framework of exercising scrutiny and control on matters falling within the ambit of EU Affairs.

The sectoral parliamentary committees within the framework of the exercise of parliamentary control as provided for under the Constitution of Cyprus and the Rules of Procedure of the House of Representatives.

3b. Briefly describe the procedures involved.

Due to the fact that Cyprus' political system is presidential democracy with a complete separation of powers, the House of Representatives cannot legally bind the government or impose its views and opinions on the government. However, the House of Representative of Cyprus is vested with the power of scrutiny of the actions of the executive including those pertaining to European Affairs and can exert political pressure on the government. Scrutiny can be conducted through, inter alia,

(a) the Parliament's right to amend or reject bills of law submitted before it by the executive,

(b) the submission of questions to the various Ministries,

(c) debate of matters pertaining to the actions of the executive to be discussed before the Parliamentary Committees and/or the plenary of the Parliament and

(d) the submission by MP's of proposals for amendment of legislation.

Moreover, the Parliamentary Committees invite the competent ministries to attend its meetings during which the Ministers or their representatives (Ministry officials) present the government's position and policy concerning a matter

¹⁶ The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

under examination including the reasons for having chosen the specific position, provide further information, answer questions and hear the views/position of the committee on the matter at hand.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation
See answer to question 3a.

4b. Briefly describe the procedures involved.

See answer to question 3b.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding
Matter still under consideration

5b. Briefly describe the procedures involved.

Matter still under consideration

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

N/A

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

Matter still under consideration.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

Matter still under consideration.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

N/A

6e. In which cases, if any, may the national Government reject the Parliament's request?

A decision on annulment before the Court of Justice will be the sole responsibility of the House of Representatives.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

Matter still under consideration.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The Parliamentary Committee on Foreign Affairs and the European Affairs Committee.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

When an accession Treaty is submitted before the House of Representatives for ratification, the Parliamentary Committee on Foreign Affairs and the European Affairs Committee may jointly or separately be involved in the examination of the said ratification Treaty and following the completion of the examination, a report with a recommendation is compiled which is forwarded to the Plenary of the House for discussion along with the said Treaty.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, “*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*”. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The House of Representatives has not yet debated the way this cooperation will be organised. However, this procedure will be shaped by decisions taken at the level of the Conference of Speakers and COSAC.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

No.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

The Parliamentary Committee on European Affairs is being kept regularly informed of the workings, contributions and conclusions of COSAC meetings.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Yes. COSAC meetings give an opportunity to MPs to exchange information and best practices on European affairs.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The Biannual Reports are important in improving the exchange of best practices within national parliaments and the selection of topics either for discussion or conduct of subsidiarity checks.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

None

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|------------|----|
| a) Bi-annual Report | Yes | No |
| b) Presidency programme | Yes | No |
| c) The principle of subsidiarity | Yes | No |
| d) COSAC contribution and conclusions | Yes | No |
| e) Commission Annual Policy Strategy or similar document | Yes | No |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|---|------------|-----------|
| a) Commission Legislative and Work Programme | Yes | No |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | Yes | No |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | Yes | No |
| d) Common foreign and security policy, including common security and defence policy. | Yes | No |
| e) Other (please specify) | Yes | No |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | | |
|---------------------------|------------|----|
| a) The Commission | Yes | No |
| b) The Council | Yes | No |
| c) Other (please specify) | | |

Debate on draft EU acts¹⁷

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by

¹⁷ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

Selection made by the Presidential Troika.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Yes.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

No, as this would increase the number of members of the delegation.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Our suggestions will be submitted as soon as the Legislative Programme of the European Commission is available.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes. The current practice could be followed.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

No.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

None.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

The House of Representatives is not in favour of increasing the number of interparliamentary conferences.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | | |
|--|------------|-----------|
| a) Should not be limited | Yes | No |
| b) Should be limited to once per Parliament / Chamber | Yes | No |
| c) Should be limited to twice per Parliament / Chamber | Yes | No |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes | No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | Yes | No |
| f) Other criteria: (please specify) | | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

2 minutes.

Czech Republic: Poslanecká sněmovna

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

1c. Parliamentary Standing Orders:
the Rules of Procedure of the Chamber of Deputies

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

H) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The Committee for European Affairs focuses mainly on legislative proposals, nevertheless non-legislative proposals are being deliberated too.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The monitoring of the Committee for European Affairs is based on the selective approach.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The Committee for European Affairs is the central committee for EU affairs.

The Government submits draft acts of the European Union and its preliminary opinion on the draft acts to the Chamber via the Committee for European Affairs.

Draft acts and other documents are to be deliberated by the Committee for European Affairs based upon the Government's preliminary opinion without undue delay. The Committee for European Affairs may pass such drafts to other competent committees or to the plenary.

If the draft is not passed to the plenary the decision of the Committee for European Affairs is to be considered as the resolution of the Chamber.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The Rules of Procedure of the Chamber state that "the Government submits draft acts of the European Communities and the European Union and its preliminary opinion on the draft acts to the Chamber via the Committee for European Affairs." (Section § 109a)

If more detailed information needed, please consult the English version of the Rules of Procedure of the Chamber, more specifically its Section 15a concerning EU Affairs scrutiny: <http://www.psp.cz/cgi-bin/eng/docs/laws/1995/90.html#s15a>

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

No formal procedure applies, nevertheless the informal relations are close.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

- *The Secretariat of the Committee for European Affairs for administrative matters,*

- *the EU-Unit of the Parliamentary Institute for expert support of the Committee.*

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The Committee for European Affairs.

2b. Briefly describe the procedures involved.

The Chamber apply the same procedure as for the scrutiny of EU matters in general.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

We consider IPEX very useful and appropriate tool for information exchange. The database is used widely by the legislative experts of the Parliamentary Institute not only within the subsidiarity tests.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

The real-time information exchange can be reached through an unofficial forum / network of e.g. national representatives to the European Parliament, liaisons officers or IPEX correspondents.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The Chamber has its permanent representative to the EP who is responsible for the direct communication primarily with the EP and with the other EU institutions if needed.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of

Lisbon, as outlined in the Note¹⁸ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

No, no.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The Committee for European Affairs is the central committee for EU affairs. Nevertheless, the Committee for European Affairs may relay such drafts to other competent committee and may at the same time specify the time period in which draft is to be deliberated. Such committee could be the Committee on Security or the Committee on Constitutional and Legal Affairs for example.

3b. Briefly describe the procedures involved.

See 3a.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

The Committee for European Affairs is the central committee for EU affairs. Nevertheless, the Committee for European Affairs may relay such drafts to other competent committee and may at the same time specify the time period in which draft is to be deliberated. Such committee could be the Committee on Security or the Committee on Constitutional and Legal Affairs for example.

4b. Briefly describe the procedures involved.

¹⁸ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

See 4a.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The Committee for European Affairs and the Plenary.

5b. Briefly describe the procedures involved.

*Rules of Procedure of the Czech Chamber of Deputies:
Section 109i*

*The consent on behalf of the Czech Republic may not be declared without a prior approval of the Chamber of Deputies,
in the European Council when deciding pursuant to Article 31 paragraph (3) of the Treaty on European Union;
in the European Council when deciding on the amendment of the provisions of Part Three of the Treaty on the Functioning of the European Union pursuant to Article 48 paragraph (6) of the Treaty on European Union;
in the European Council when deciding on the application of the ordinary legislative procedure or on acting by a qualified majority pursuant to Article 48 paragraph (7) of the Treaty on European Union;
in the Council when deciding on determination of the aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure pursuant to Article 81 paragraph (3) of the Treaty on the Functioning of the European Union;
in the Council or, alternatively in the European Council, when deciding in other cases on the application of the ordinary legislative procedure or on acting by a qualified majority, pursuant to Article 153 paragraph (2), Article 192 paragraph (2), Article 312 paragraph (2) and Article 333 paragraphs (1) and (2) of the Treaty on the Functioning of the European Union;
in the Council when deciding on appropriate measures to attain the objectives laid down in the founding treaties of the European Union pursuant to Article 352 of the*

Treaty on the Functioning of the European Union, save for measures necessary for the functioning of the internal market.

Section 109j

(1) The Government shall submit the proposal for granting the Chamber's prior consent pursuant to Section 109i without undue delay so as to allow its timely deliberation in the Chamber; it shall do so at the latest on the day of announcement of the draft decision of the body of the European Union to the Parliaments of the Member States in line with the procedure set by the European Union law.

(2) The Government shall submit the proposal together with the valid wording of the relevant provisions of the European Union law with the proposed changes and amendments marked and with its opinion on them.

(3) The Government shall submit the proposal to the President of the Chamber. The proposal of the Government shall be delivered immediately to all the deputies. The President of the Chamber shall pass it on to the Committee for European Affairs for deliberation and set an adequate period of time for it, which may not be shorter than 5 days.

(4) After deliberation of the proposal of the Government, the Committee for European Affairs shall submit its resolution to the President of the Chamber, in which it shall recommend, in particular, whether the Chamber should pronounce its prior consent pursuant to Section 109i.

(5) The resolution of the Committee and, alternatively a Dissenting report, shall be delivered to all the deputies no later than 24 hours before the deliberation of the proposal of the Government is commenced in the Chamber. The proposal of the Government might be deliberated in the Chamber even if the Committee has not adopted any resolution in the set period of time.

(6) The President of the Chamber shall include the proposal of the Government on the agenda for the next session of the Chamber or, as the case may be, he shall summon a session of the Chamber so as to allow for a timely deliberation of the proposal.

(7) The Chamber shall decide on the proposal of the Government pursuant to Section 109i Subsections (a), (b), (e) and (f) without undue delay. In cases referred to in Section 109i Subsections (c) and (d), the Chamber shall decide on the proposal of the Government within the period of 6 months since the announcement of the draft decision of the European Union authority to the parliaments of the Member States in line with the procedure set by the European Union law.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not applicable. Both chambers of the Czech Parliament do have its independent procedures in order to grant its prior content.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

The Committee for European Affairs, or a group of at least 41 deputies may propose to the Chamber in writing to adopt a resolution to file an action on the grounds of infringement of the principle of subsidiarity by an act of the European Union.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

Rules of Procedure of the Czech Chamber of Deputies:

Actions on the Grounds of Infringement of the Principle of Subsidiarity by an Act of the European Union

Section 109d

(1) The Committee for European Affairs, or a group of at least 41 deputies may propose to the Chamber in writing to adopt a resolution to file an action on the grounds of infringement of the principle of subsidiarity by an act of the European Union (hereinafter referred to as "draft action"). A draft action must contain the exact wording of the action upon which the Chamber is to resolve.

(2) A draft action shall be submitted to the President of the Chamber the fifteenth day at the latest prior to the expiration of the term for filing the action, which is laid down in the European Union law. The President of the Chamber shall include the timely submitted Draft Action on the agenda for the next session of the Chamber or, alternatively shall call a session of the Chamber for its deliberation so that he enables a timely deliberation of a draft action.

(3) The draft action shall be delivered to all the deputies at least 72 hours prior to its deliberation in the Chamber.

Section 109e

(1) If the Chamber approves a draft action, it shall authorize a deputy or, alternatively, other suitable person, to represent it in proceedings before the European Court of Justice (hereinafter referred to as "Authorized representative"). The authorization is not tied to the term of office of the deputy.

(2) The Authorized representative is bound by the wording of the action, and he is not entitled to withdraw the action.

(3) Should it find grounds the Chamber may change its valid resolution on the authorization.

Section 109f

(1) The President of the Chamber shall immediately pass on the resolution of the Chamber that contains the wording of the action to the Government, and for information also to the President of the Senate.

(2) The Government shall submit the action to the European Court of Justice without undue delay.

Section 109g

(1) The Government, members of the Government, Government Commissioners and the heads of central and other public administration authorities shall provide the Authorized Representative with all the necessary co-operation for his course of action in the proceedings.

(2) The Authorized representative shall inform the Committee for European Affairs of the course of the proceedings in terms and in a manner laid down by the Committee.

Section 109h

The status of the Chamber as a party to the proceedings before the European Court of Justice and the status of the Authorized representative will remain unaffected by the lapse of the electoral term of the Chamber or by its dissolution.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not applicable. Both chambers of the Czech Parliament do have its independent procedures in order to adopt a resolution to file an action on the grounds of infringement of the principle of subsidiarity by an act of the European Union.

6e. In which cases, if any, may the national Government reject the Parliament's request?

The main provision of the Rules of Procedure is that after the President of the Chamber passes on the resolution of the Chamber that contains the wording of the action to the Government, and for information also to the President of the Senate, the Government submits the action to the European Court of Justice without undue delay.

To your question: It seems that only procedural objection would be acceptable.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

See above 6e.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The plenary of the Chamber.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

No resolution adopted.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

Yes, the Committee for European Affairs has debated the Report on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon on its 51st session held on 16th April 2009 in the presence of Mr Elmar Brok. No resolution was adopted due to the fact that no proposal was made by any member of the Committee.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No, there has been no special debate on any new form of this cooperation. Members of the Committee for the European Affairs deem the COSAC meetings, IPEX and the mutual cooperation of the permanent representatives of the national Parliaments to the European Parliament useful, fruitful and sufficient means of the interparliamentary cooperation.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

No formal debate on the COSAC agenda topics prior to COSAC meetings.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No formal debate on the COSAC agenda topics after the COSAC meetings.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

No.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

In our opinion, COSAC meetings are an important platform of interparliamentary exchange of information, best practices and views on EU matters.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

=

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report	<u>Yes</u>	No
b) Presidency programme No		<u>Yes</u>
c) The principle of subsidiarity No		<u>Yes</u>
d) COSAC contribution and conclusions No		<u>Yes</u>
e) Commission Annual Policy Strategy or similar document No		<u>Yes</u>

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

a) Commission Legislative and Work Programme No		<u>Yes</u>
--	--	------------

b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice Yes
No

c) Political monitoring of Europol and evaluation of Eurojust's activities Yes No

d) Common foreign and security policy, including common security and defence policy Yes No

e) Other (please specify) Yes No
The letter on the subsidiarity checks assisted by COSAC has been sent to the presidency of COSAC. It can be found at COSAC web site <http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>.

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission Yes No
b) The Council Yes No
c) Other (please specify)

Debate on draft EU acts¹⁹

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

We do not consider the debate on specific drafts to be focus of the COSAC, however if someone brings this topic on the agenda we are ready to discuss on it.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or

¹⁹ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Definitely yes.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

Not at all.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

We are satisfied with the way the COSAC Secretariat works.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

We are open to discussion on possible proposals.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

We are open to discussion on possible proposals.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

Current practice is satisfactory.

a) Should not be limited Yes
No

b) Should be limited to once per Parliament / Chamber Yes
No

c) Should be limited to twice per Parliament / Chamber Yes
No

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak

Yes No

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor Yes
No

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

The Chairperson of COSAC meeting should assess the concrete situation, development of the discussion and the number of requests for the floor and in case of need limit the speaking time accordingly.

Czech Republic: Senát

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

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1b. Legal provisions - Statutory provisions

See 1c below (parliamentary Standing Rules are of statutory character).

1c. Parliamentary Standing Orders

New powers entrusted to the national Parliaments by the Treaty of Lisbon have been implemented by the "Lisbon amendments"²⁰ of the Standing Rules of the Senate and of the Rules of Procedure of the Chamber of Deputies.²¹

1d. Other (please specify)

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2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

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I) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

²⁰ Act of 6 May 2009 No. 162/2009 Coll. amending Act No. 90/1995 Coll., the Rules of Procedure of the Chamber of Deputies, as amended, and Act No. 107/1999 Coll., on the Standing Rules of the Senate, as amended.

²¹ Although changes introduced to both chambers' Standing Orders are materially symmetric, there are slight formal differences. For the Standing Rules of the Senate, as amended, see http://www.senat.cz/informace/zadosti/zak107-eng.php?ke_dni=12.03.2010&O=7

Consideration of Affairs of the European Union is regulated in Part XII.

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

In general, the monitoring may include all the activities of all the EU institutions.²² In practice, however, the bulk of the documents monitored originate in the European Commission.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The monitoring is comprehensive in sense of submitting all the documents (proposals of legislative acts, communication documents and others) from the European institutions to the responsible committees (Committee on EU Affairs and Committee on Foreign Affairs, Defence and Security), irrespective of their topic. In practice, there are some areas scrutinized more thoroughly than others (e.g. economic affairs or documents falling within the area freedom, security and justice).

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

In the Senate, the so-called designated committees (i.e. Committee on European Union Affairs and Committee on Foreign Affairs and Security) in their respective fields of competence are responsible for selection of documents for scrutiny. They can ask one or more of the other Senate committees (which would have subject-matter jurisdiction should a bill be deliberated) to provide their opinion. After a committee's opinion is supplied the designated committee uses this expertise in formulating its own resolution. The scrutiny is completed either by taking the document into account by the designated committee or by a substantive resolution of the designated committee which has to be approved by the Plenary, should it be regarded as the position of the Senate.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

²² Section 119a of the Senate's Rules of Procedure

The Standing Rules of the Senate set a number of reporting duties for the Government, the most frequently used one being the providing of the explanatory memoranda to all scrutinized documents. The Government's position is essential for the scrutiny and the Senate will not put the dossier on the agenda until it receives the Government memorandum. By the same token the Government shall update the memoranda and provide the Senate with information on further proceeding of negotiations on respective legislative acts.

Among other reporting duties are

- the report on the development of the European Union during the preceding year and its further development, which shall be submitted by the Government at least once a year;
- the report on incorporating obligations resulting from membership in the European Union into the legal order, particularly on the implementation of legislative acts requiring transposition, which shall be submitted by the Government at least once a year;
- preliminary Government information on the agenda of any meeting of the European Council, and subsequent information on the results thereof;
- Government information on the commencement and course of negotiations on altering the treaties upon which the European Union is established.²³

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

The Constitution of the Czech Republic contains provision²⁴ allowing for the two chambers to establish a joint body for the purposes of European scrutiny. This provision has never been invoked and, for the time being, the immediate and medium-term prospects for its invocation seem to be rather dim. Hence, there is no formal division of competences or coordination mechanisms in place. The exchange of information is informal.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The expert background for monitoring the EU institutions by the Senate consists within the Senate Chancellery of the European Union Unit and advisor of the Committee on European Union Affairs. The EU Unit experts are in charge of preparation of the background documents not only for the Committee on European Affairs but, when dealing with European dossiers, for any committees.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

²³ Ibid.

²⁴ Article 10b(3) "An Act on the principles of conduct and relations between both Chambers and in their external relations, may entrust the exercise of the competence of the Chambers under Subsection 2 to a joint body of the Chambers."

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

Since there is no specific procedure relating to the subsidiarity issues, the system described in the answer to question 1c will apply. The primary responsibility lies in the hands of the Committee on European Union Affairs as the designated committee, but its resolutions have to be confirmed by the plenary.

2b. Briefly describe the procedures involved.

See the previous answer. Principles of subsidiarity and proportionality are essential scrutiny factors present in consideration of every European document in the area of shared competence.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There are no regional parliaments in the Czech Republic.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

The Senate considers IPEX to be a very helpful database containing formal positions of parliaments. The Senate instantly uploads information regarding every document under scrutiny (i.e. not only documents tested as for the compliance with principle of subsidiarity), including English versions of Senate resolutions on European agenda and brief summaries thereof. With regard to the fact that coordination among national parliaments will be crucial for the functionality of the subsidiarity procedures, the Senate is of the opinion that expansion of IPEX functionalities and more intensive use of this database will be necessary.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

To use the potential of the database in full, it is crucial that all chambers upload the information as soon as possible and translated into a working language of the EU. Moreover, all parliaments must understand correctly and unambiguously the rules governing IPEX (e.g. symbols).

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

According to the Senate's Standing Rules, the Senate shall consider documents referred to the Senate directly by bodies of the European Union.²⁵ The resolutions whereby the Senate expresses its opinion on a document referred thereto directly by a body of the European Union are sent by the

²⁵ Section 119^a para. 3 of the Senate's Rules of Procedure

President of the Senate to the respective body.²⁶ This kind of direct communication is presently pursued in relation to the European Commission: Since autumn 2006, Senate is actively participating in the political dialogue within the so called Barroso initiative.

As for the possible improvements, the Senate expressed several times in its resolutions to annual reports from the Commission on relations with national parliaments that it would welcome presentation of new arguments in situations when the Senate did not find convincing the ones included in the recitals, explanatory memorandum or impact assessment of the proposal and the Commission intends to stick to its position. Furthermore, the Senate would like the Commission to present, in conformity with the COSAC contributions in Berlin, Estoril and Brdo, concept of an aggregate settlement of national Parliaments' comments and suggestions regarding the substance of the individual Union policy tools, including information on how the Commission has taken these into account in further formulations of its policy.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note²⁷ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The Senate is of the opinion that there is a thorough analysis from part of the Commission necessary. Therefore, we recommend that the COSAC draw attention of the Commission to this subject. If this has happened already (e.g. by a letter of Mr. Arias Cañete similar to that one sent to the President of the European Council²⁸) we hope that the answer is available before the COSAC plenary meeting in May.

As a result of the restrictive interpretation (i.e. documents falling within the special legislative procedure which are not designated as such under the Lisbon Treaty are not regarded as legislative acts pursuant to Protocols 1 and 2) , parliamentary access to the EU documents pursuant to Protocol No. 1 would be limited. We would like to ask the COSAC secretariat to launch an inquiry as for the number of national Parliaments which would be, as a result of this restrictive interpretation, denied access to documents in question.

Moreover, sensitive clauses enabling changes to the treaty framework (e.g. articles 81(3), 82(2)d and 83(1) para 3) would not fall under the regime of parliamentary reserves which is guaranteed by the Protocols 1 and 2 of the Lisbon Treaty. Let us remind that these clauses can in some Member States fall

²⁶ Section 119i ff. of the Senate's Rules of Procedure

²⁷ The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

²⁸ Council document No. 7222/10

under special mechanisms of parliamentary consent given to the Government prior to the decision taken on these measures in the Council.

For those reasons, the Senate cannot accept the restrictive interpretation.

Although the issue has not been consulted with the Czech Government, its position may be deduced from the fact that it did not have any objections to approving of the response of the General Secretariat of the Council to the above mentioned letter of Mr. Arias Cañete at Coreper II meeting on 18th March.²⁹

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

Discussions with Czech liaison officers in Europol to inquire current topics Europol is dealing with take place in the Committee on EU Affairs on an irregular basis. Plenary is not involved.

3b. Briefly describe the procedures involved.

Committee on EU Affairs invites Czech liaison officer to its meetings.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

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3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No specific criteria have been set. We expect proposal of regulation to be submitted by the Commission setting the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments (Article 88 TFEU) which could be used in practice as soon as possible. Besides, we expect COSAC to continue with the debate on these issues started in 2008.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Hearings of the Czech Member of Eurojust have been established by the Committee on EU Affairs. Currently the Member of Eurojust has been invited to the meeting of the Committee for the third time (meeting will take place in April 2010). Plenary is not involved.

4b. Briefly describe the procedures involved.

²⁹ Council document No. 7273/10

Committee on EU Affairs invites Czech Member of Eurojust to its meetings. The information provided is based mainly on the Eurojust Annual Report from the previous year.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

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4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No specific criteria have been set. We expect proposal of regulation to be submitted by the Commission determining arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities (Article 85 TFEU) which could be used in practice as soon as possible. Besides, we expect COSAC to continue with the debate on these issues started in 2008.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The same bodies as described in 1c are involved.

5b. Briefly describe the procedures involved.

In addition to the Treaty provisions establishing the right of the national parliaments to veto decisions of the European Council authorising the Council to act by a qualified majority instead of unanimity³⁰ and decisions of the Council determining aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure,³¹ the amendments to Standing Orders of both chambers require the Government to obtain the approval of the Parliament before granting consent on behalf of the Czech Republic in application of those provisions.³² As a result, even though no national parliament vetoes the decision in six month period and thus it can be put to vote in the European Council/Council, the Czech Government cannot give its consent without obtaining Parliament's approval. Furthermore, the duty of the Government to obtain approval of both chambers prior to granting, on behalf of the Czech Republic, consent in the Council/European Council applies also for simplified Treaty revision pursuant to Article 48(6) TEU, for extending the powers of the Union (flexibility clause,³³ save for measures necessary for the functioning of the internal market) and for other

³⁰ Article 48(7) TEU, so called general passerelle

³¹ Article 81(3) TFEU

³² Section 119m of the Standing Rules of the Senate

³³ Article 352 TFEU

special passerelles.³⁴ Moreover, the deliberation on decisions of the European Council to amend the provisions of Part Three of the Treaty on the Functioning of the European Union under Article 48(6) TEU shall be subject to the same regime as an international treaty (i.e. respective decision of the European Council will be subject to ratification in the Czech Republic).

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

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5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

The chambers of the Parliament act autonomously, i.e. any of them may veto the decision under Article 48(7) TEU or 81(3) TFEU or express its disapproval with the Government granting the consent in the Council/European Council with decisions under Articles 48(6) TEU, 48(7) TEU, 81(3) TFEU, 31(3) TEU, Articles 153(2), 192(2), 312(2), 333(1) and (2) TFEU and Article 352 TFEU save for measures necessary for the functioning of the internal market.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

The Designated Committee (see 1c) or a group of at least 17 Senators may submit a proposal to the Senate that the Senate file an action on the grounds of infringement of the principle of subsidiarity by a legislative act under the law of the European Union (hereinafter the "Draft Action"). The Draft Action shall contain the wording of the action upon which the Senate is to resolve.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

The Draft Action shall be submitted to the President of the Senate who shall send it to all the Senators and Senators' Groups without delay and place it on the agenda of the next Senate meeting so that it may be considered no later than 10 days prior to the elapse of the period stipulated by the law of the European Union.

An invitation to the debate on the Draft Action shall always be delivered to the relevant member of the Government.

If the Senate passes the Draft Action, it shall authorise a Senator and, as the case may be, another suitable person, to represent the Senate in proceedings before the European Court of Justice.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

³⁴ Decisions pursuant to Article 31(3) TEU, Articles 153(2), 192(2), 312(2), 333(1) and (2) TFEU.

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6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

The Chambers are autonomous. The President of the chamber submitting the proposal to file an action shall send the resolution passing the Draft Action and the wording of the action to the President of the other chamber.

6e. In which cases, if any, may the national Government reject the Parliament's request?

The Government may not reject the request. The government agent representing the Czech Republic before the European Court of Justice shall provide the persons authorised to represent the Senate (see 6b) with any and all necessary cooperation in respect of the appropriate course of action within the proceedings; nevertheless, their relation to the Government and to its opinion on the subject matter of the proceedings will remain unaffected thereby.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

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7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

According to Section 119a, para. 1 d) of the Senate's Standing Rules, the Senate shall consider information from the Government on the commencement and course of negotiations on altering the treaties upon which the European Union is established.

Accession Treaties are generally considered by the Committee on Foreign Affairs and Security and Committee on European Union Affairs, the consent being given by the plenary.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

Although the above mentioned Section 119a, para. 1 d) has never been applied; it is assumed that the Senate would probably just take such information into account.

Subsequent Accession Treaty is subject to ratification requiring the consent of Parliament (three-fifths majority of all Deputies and three-fifths majority of Senators in attendance).

8. Participation in the inter-parliamentary cooperation between national Parliaments and with the European Parliament.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

Brok Report has not been formally debated in the Senate. Nevertheless, the report was the main issue of meeting of Mr. Brok with the Chairman of the Committee on EU Affairs of the Senate Mr. Luděk Seřzig which took place in Prague on 16 April 2009.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

These issues have not been formally debated so far.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

There is no formal debate on the COSAC agenda prior to COSAC meeting. As for the topics for the COSAC agenda, there has been a procedure established by the Committee on EU Affairs on deliberation of Commission's Legislative and Work Programmes. In the respective resolution, the Committee enumerates the proposals recommended for the subsidiarity test within the COSAC.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

The Chairman of the Committee on EU Affairs briefly informs his colleagues at the committee session about the discussions and conclusions of the COSAC meeting.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Concerning parliamentary practices, the COSAC conclusions and contribution relating to the subsidiarity check and its coordination via COSAC have a direct effect on the work of the Committee on EU Affairs.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The Committee on EU Affairs of the Czech Senate considers any activities relating to the exchange of information and best parliamentary practices as being particularly useful. The committee emphasizes the coordination role that can be executed by the COSAC i.a. vis-à-vis the subsidiarity checks.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

Very general debates relating to the topics of non-legislative nature have no direct effect on legislative work of parliamentary chambers.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | |
|--|-----|
| a) Bi-annual Report | Yes |
| b) Presidency programme | Yes |
| c) The principle of subsidiarity | Yes |
| d) COSAC contribution and conclusions | Yes |
| e) Commission Annual Policy Strategy or similar document | No |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | |
|---|-----|
| a) Commission Legislative and Work Programme | Yes |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | Yes |

c) Political monitoring of Europol and evaluation of Eurojust's activities

Yes

d) Common foreign and security policy, including common security and defence policy

No

e) Other (please specify)

No

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission

No

b) The Council

No

c) Other (please specify)

Debate on draft EU acts³⁵

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Such an idea would be acceptable, especially if it were related to the subsidiarity issue and the coordination role of COSAC.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

The selection should be taken on the basis of the Commission Legislative and Work Programme (LWP) on recommendation of the delegations at the beginning of the year. The decision should be given by the consensus of the COSAC chairpersons during the February meeting.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

No. The contributions of the delegations are already compiled in the Bi-annual Report, questionnaire to which was launched months before the meeting. Therefore, not only issues addressed in Bi-annual Report but also others (for instance more actual) should be on the agenda.

³⁵ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes. It would make the debate more authentic and enable real exchange of views.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

The decision to introduce such practice should be left to the national Parliaments, pursuant to their scrutiny practices.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

No, the debate should concentrate on interparliamentary information exchange.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

We will not be able to submit a list of proposed documents until the LWP 2010 is available.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes, the mechanism should evolve from the existing practice of pilot projects, as suggested in the letter of 8 chairpersons of the parliamentary committees on EU affairs of Members States dated on November 26th, 2009. We hope that the debate on this issue will not be exhausted only by this single question but thoroughly pursued in the plenary debate. Thereby we invite the Spanish Presidency, when drafting the agenda of XLIII. COSAC, to ensure that due attention is paid to this issue.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

No.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?
No suggestions.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?
No (see answer to 4bc). Nevertheless, a part of the meeting should be reserved to representatives of National Parliaments in order to provide a forum for their debates concerning management and administration of powers conferred by the Treaty of Lisbon on National Parliaments..

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.
No suggestions.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?
We do not see any need to consider a modification in the Rules of Procedure.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.
No.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | | |
|----|---|-----|
| a) | Should not be limited | Yes |
| b) | Should be limited to once per Parliament / Chamber | No |
| c) | Should be limited to twice per Parliament / Chamber | No |

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak

No

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor

No

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Yes, we propose 2-3 minutes for one speech.

Denmark: Folketing

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

- 1a. Constitutional provisions
- 1b. Legal provisions - Statutory provisions
- 1c. Parliamentary Standing Orders
- 1d. Other (please specify)

Yes an agreement has been made between the European Affairs Committee and the Government on how to monitor the principle of subsidiarity. The procedure was formally endorsed by the Committee on 26 March 2010.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

J) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

In principle there are no limits to what kind of EU-matters and what EU-institutions the scrutiny of Parliament could concern. However in practise most interest is concentrated on the agenda of the council plus the work of the Commission, European Parliament and the European Court of Justice.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The European Affairs Committee does not scrutinize all EU proposals. In the outset only proposals of either “major significance” or “considerable importance” are being examined. It is the Government’s responsibility to filter the proposals of the Commission and to decide which matters fall within each of the two categories.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The Government will present the above mentioned proposals to the European Affairs Committee orally, either for information (proposals of considerable importance) or in order to secure its proposed negotiating position (proposals of major significance).

The Government must obtain its mandate from the European Affairs Committee before the Danish position is determined. The Government undertakes to provide the European Affairs Committee, at the earliest possible date, with continuous information about considerations of proposals of major significance.

There are no votes as such in the European Affairs Committee. If the committee Chairman concludes that (s)he has not established the existence of a majority against the Government's negotiating position, the Government shall negotiate on that basis. When counting votes in the European Affairs Committee, party representatives carry a voting weight reflecting their party's strength in the Chamber.

It is rare for the European Affairs Committee to reject the Government's proposed mandate. Instead, the Government often will change or modify the mandate originally sought during deliberations in the European Affairs Committee.

Finally, with a view to monitoring the European Court of Justice, Government Ministers present orally to the European Affairs Committee pending Court cases of considerable importance in which the Danish Government has decided to take part in. In addition the Government transmits to the European Affairs Committee under confidentially a copy of all correspondence regarding infringement proceedings against Denmark.

Finally EU proposals are also often presented in the competent sectoral committees for information prior to the presentation in the EAC.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The Government is obliged to present the above mentioned proposals to the European Affairs Committee orally, either for information (proposals of considerable importance) or in order to secure its proposed negotiating position (proposals of major significance).

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

There are seven members of staff – including two Clerks of the European Affairs Committee and five assistants. In addition to this come three special EU Advisors in the EU-advisory unit and five information officers at the Parliament's EU Information Centre.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

It is a joint responsibility of the European Affairs Committee and the competent sectoral committee(s) to scrutinise subsidiarity issues.

2b. Briefly describe the procedures involved.

According to the new procedures the task of monitoring subsidiarity issues is a joint responsibility of the European Affairs Committee and the competent sectoral committee(s). The initial examination of a proposal is carried out by the sectoral committee whereas the final adoption of a reasoned opinion is made by the European Affairs Committee. However if a sectoral committee is of the opinion that a proposal is in breach of subsidiarity, it may adopt a recommendation to the European Affairs Committee.

If there is a discrepancy between the views of the European Affairs Committee and a sectoral committee, a joint meeting will be convened to settle the matter.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Regional parliaments are not involved

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes the Folketing has made use of information on the IPEX-website. And yes we foresee that the use of IPEX will increase.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

There are already direct contacts between the Folketing and the EU-institutions. The European Affairs Committee and the competent sectoral committees regularly submit opinions to the European Commission under the Barroso initiative. The opinions typically concern Green Papers and White Papers from the Commission or important EU draft legislative acts.

There are for the time being no plans to change this practise.

The Folketing also gives priority to have a good dialogue with the European Parliament. Regular meetings are held between the European Affairs Committee and the Danish MEP's.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "*special legislative procedure*" and therefore a "*legal act*" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note³⁶ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The powers of national parliaments under protocol 2 are clearly and rightly limited to EU draft legislative acts adopted under either the ordinary legislative procedure or special legislative procedures.

The Danish Parliament therefore finds that the legal bases mentioned in the note of the UK House of Commons fall outside the scope of application of the principle of subsidiarity.

The Government's view has not been sought.

3. POLITICAL MONITORING OF EUROPOL

³⁶ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The European Affairs Committee and the Legal Affairs Committee.

However as far as legislative acts are adopted regarding Europol, Denmark is not bound by these due to the Danish opt-out in the field of Justice and Home Affairs.

3b. Briefly describe the procedures involved.

Due to Denmark's opt-out in JHA the Government only presents the above mentioned proposals to the European Affairs Committee for information.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

NO

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

The European Affairs Committee and the Legal Affairs Committee.

However as far as legislative acts are adopted on Eurojust, Denmark is not bound by these due to the Danish opt-out in the field of Justice and Home Affairs.

4b. Briefly describe the procedures involved.

Due to Denmark's opt-out in JHA the Government only presents the above mentioned proposals to the European Affairs Committee for information.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

NO

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The Bill of accession § 1 (2) lays down that the Government cannot participate in a passerelle clause without the assent of Parliament.

This will probably happen through a bill or a decision of the Chamber on the basis of a report of the European Affairs Committee.

5b. Briefly describe the procedures involved.

See above

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

The Folketing is unicameral

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

The Chamber and the European Affairs Committee

6b. Briefly describe the procedures involved in your Parliament / Chamber.

A majority in Parliament may decide to bring actions before the Court of Justice on the basis of a recommendation of the European Affairs Committee

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not applicable

6e. In which cases, if any, may the national Government reject the Parliament's request?

It is not foreseen in the procedure that the Government should reject a request from Parliament in this matter. It is a normal practise in EU-matters that the government follows the position of the majority in Parliament. It must therefore be considered as unlikely that Government should decide to reject such a request from Parliament.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

See above.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The Chamber and the European Affairs Committee

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

Denmark approves an accession treaty through a bill adopted in Parliament. The bill is adopted on the basis of a report drawn up by the European Affairs Committee during Parliament's second reading of the bill.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national

Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No, Parliament has neither debated nor adopted a resolution on the Brok report.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No, Parliament has neither debated nor adopted a resolution on this particular article of the protocol. However the issue has been discussed in the European Affairs Committee. The European Affairs Committee has in its latest report on the early warning mechanism stated that it finds it important to promote a closer cooperation between national parliaments on the monitoring of EU draft legislation in order to make the subsidiarity checks more effective.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Any discussions on COSAC's agenda take place in the European Affairs Committee. There is no regular procedure in place for preparing topics on the COSAC-agenda. The level of preparation is decided on ad-hoc basis depending on the importance of the topics on the agenda.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

An oral report is given from the COSAC-delegation to the European Affairs Committee.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Discussions in COSAC on a particular topic could be included in the deliberations of the European Affairs Committee.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The exchange of views between Members of national parliaments and of the European Parliament is very useful. In particular the exchange of information on the examination of EU legislative proposals between national parliaments and the European Parliament is considered to be valuable. This includes the exchange of views on possible subsidiarity problems. Finally the possibility to address the Prime Minister and other Ministers of the Council Presidency and members of the European Commission is of great importance.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report Yes **No**

The bi-annual report should serve as a background documents for other points on the agenda

b) Presidency programme Yes No

c) The principle of subsidiarity **Yes** No

d) COSAC contribution and conclusions **Yes** No

e) Commission Annual Policy Strategy or similar document **Yes** No

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

a) Commission Legislative and Work Programme **Yes** No

b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice **Yes** No

c) Political monitoring of Europol and evaluation of Eurojust's activities **Yes** No

d) Common foreign and security policy, including common security and defence policy **Yes** No

e) Other (please specify) Yes No

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission Yes **No**

b) The Council Yes **No**

c) Other (please specify)

Debate on draft EU acts³⁷

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

YES

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

The selection of a proposal could take place either on the basis of a submission by the Presidency or of any other COSAC-delegation.

³⁷ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

The decision to put a legislative proposal on COSAC's agenda should be taken in accordance with the procedures laid down in art, 7.1, 7.2 and 7.3 of COSAC's rules of procedure.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

YES, that is one possibility. But the COSAC Secretariat could also be asked to draw up a specific background document on the legislative proposal.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

YES, the presence of all three would be valuable. In addition to this the presence of members of the competent standing committees of the European Parliament would facilitate a better exchange of information on important legislative dossiers.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

YES if a member of a sectoral committee in a national parliament has been granted a particular responsibility on an EU draft legislative act, it should be possible to invite him/her to be part of a parliament's COSAC-delegation.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes, this already takes place.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

We will be happy to do so, but find it useful to wait for the new Commission's legislative programme, which has not yet been published.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes it is important that COSAC continues the subsidiarity checks. The checks raise the awareness of Members regarding their responsibility vis a vis monitoring the subsidiarity principle and the checks promote a European approach to the issues. COSAC provides furthermore the possibility for MP's to discuss any issues with representatives of the European Commission and the European Parliament.

However two subsidiarity checks per semester may be too many. One per semester seems more appropriate. If additional checks should be requested by parliaments, it could be considered to introduce a procedure whereby 1/4 of the parliaments could ask to have a subsidiarity check run on a particular proposal.

It could be considered to put a proposal on the agenda of COSAC for discussion if a third of national parliaments find a European legislative proposal in non-compliance with the principle of subsidiarity and the Commission decides to maintain the proposal.

Finally it could be decided to carry out a review of any such arrangements after 2 or 3 years.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

It should be left to the political groups to decide on whether more time or more meetings are needed.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

The Secretariat has been a very valuable creation. It has improved the quality of preparations of COSAC meetings significantly. The biannual reports are very important sources of information – not just for the COSAC-delegations but also for academics and others with particular interest in national parliaments' involvement in EU matters.

However, it could further be considered to ask the Secretariat to produce factual background notes on specific agenda points for COSAC and perhaps involve the secretariat even further in the planning and preparation of meetings.

Finally the Secretariat should be asked to update the website, which has become an extremely important source of information.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

The composition of COSAC was neither established in The Amsterdam Protocol on the role of national parliaments. So the fact that Protocol 1 of the Lisbon Treaty doesn't mention the composition does not in itself justify any modification of COSAC's composition. The current composition of six members per Member State is appropriate and well established in paragraph 4.1 of the rules of procedure.

However if a national parliament should wish to include members of a sectoral committee in its delegation this should be allowed in accordance with the wording of article 10 of Protocol 1 of the Lisbon Treaty, which encourages national parliaments to promote the exchange of information between sectoral committees of national parliaments in the framework of COSAC.

Finally it could be decided to carry out a review of any such arrangements after 2 or 3 years.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No, there is no reason why the acronym should be changed.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

Obviously interparliamentary conferences organised by COSAC should include foreign and security policy and defence issues as this is foreseen by Protocol 1. But otherwise it should be an ad-hoc decision by COSAC to decide on the organisation and format of a conference on other topics.

However this would probably require an amendment of the rules of procedure, if the format of the interparliamentary conferences would deviate significantly from the format of COSAC's ordinary meetings. Otherwise not.

Finally it could be decided to carry out a review of any such arrangements after 2 or 3 years.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

The current format is fine.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | | |
|--|-------------------|------------------|
| a) Should not be limited | Yes | <u>No</u> |
| b) Should be limited to once per Parliament / Chamber | Yes | <u>No</u> |
| c) Should be limited to twice per Parliament / Chamber | Yes | <u>No</u> |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | | |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | <u>Yes</u> | No |
| | <u>Yes</u> | No |
| f) Other criteria: (please specify) | | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Yes the aim should be to ensure that the largest number of parliaments are allowed to speak. And yes the chairman should be empowered to fix a maximum speaking time of either 2 minutes or even 1 minute. This is by the way something which is already being practised in COSAC.

Estonia: Riigikogu

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

1c. Parliamentary Standing Orders (which are legal provisions)

1d. Other (please specify)

Answer: 1c. Parliamentary Standing Orders (which are legal provisions)

The Act on amendments to the Riigikogu Rules of Procedure and Internal Rules is currently being under discussion (second reading will take place 04.05.2010) and amendments are foreseen to be adopted soon.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

Answer: The Act on amendments to the Riigikogu Rules of Procedure and Internal Rules has not been passed yet.

THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

Answer: The monitoring includes all the activities.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

Answer: Basically any activity, the scope of which requires, pursuant to the Constitution of the Republic of Estonia, adoption, amendment or repealing of an Act or Resolution of the Riigikogu (Parliament) or the passage of which would bring about important economic or social consequences.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

Answer: The EU Affairs Committee's work is following two main lines: the Council of Ministers meetings (and the European Council) and the legislative proposals by the European Commission.

The legislative initiatives of the European Commission are discussed in the Government and then sent to the Board of the Riigikogu. The Board forwards the draft to the EU Affairs Committee (or Foreign Affairs Committee in matters of Common Foreign and Security Policy and treaties with third countries) and one or more specialised standing committees for an opinion to be delivered to the EU Affairs Committee. After receiving the opinion of the specialised standing committee, the EU Affairs Committee discusses the draft and gives its opinion to the Government.

In case of the Council of Ministers meetings, the Government sends Estonia's positions adopted by the Government to the EU Affairs Committee and the relevant minister appears before the Committee to explain the positions and for discussions with the members of the EU Affairs Committee. After the EU Affairs Committee session the Committee's position is sent to the Government. The Committee may also decline to form an opinion. Prime Minister appears before the Committee before the European Council meetings in order to discuss Estonia's positions.

The Government of the Republic is required to adhere to the opinion of the Riigikogu. If the Government of the Republic has failed to do so, it shall provide justification thereof to the EU Affairs Committee or the Foreign Affairs Committee at the earliest opportunity.

Please find enclosed legislative provision concerning the procedure in our Parliament.

PROCEDURE FOR LEGISLATIVE PROCEEDING OF EUROPEAN UNION AFFAIRS
[RT I 2004, 12, 77, entered into force 15.03.2004]

§ 152¹. Submission to Riigikogu of European Union affairs

(1) In order to enable the Riigikogu to express its opinion, the Government of the Republic shall submit the following draft European Union legislation to the Riigikogu:

- 1) the scope of which requires, pursuant to the Constitution of the Republic of Estonia, adoption, amendment or repealing of an Act or Resolution of the Riigikogu;
- 2) the passage of which would bring about important economic or social consequences.

(2) The Government of the Republic shall, on its own initiative or at the request of the European Union Affairs Committee or the Foreign Affairs Committee, also submit other European Union affairs of significance to the Riigikogu for an opinion.

§ 152². Submission and acceptance for legislative proceeding of draft European Union legislation

(1) An explanatory memorandum which sets out the purpose of the draft European Union legislation, the procedure and schedule for proceedings regarding the draft legislation in the institutions of the European Union, an overview of the effects related to passage of the draft legislation as legislation and the opinion of the Government of the Republic on the draft legislation shall be annexed to draft European Union legislation.

(2) The Government of the Republic shall submit draft legislation at the earliest opportunity after receipt of the draft legislation.

(3) Draft legislation shall be submitted to the Board of the Riigikogu which shall forward it promptly to the European Union Affairs Committee, or to the Foreign Affairs Committee if the draft legislation concerns the common foreign and security policy of the European Union, and designate one or more standing committees to provide an opinion on the draft legislation.

(4) Members of the Riigikogu shall be notified of forwarded draft legislation and the committees which have been designated to provide an opinion thereon.

§ 152³. Opinion of standing committee on draft legislation

A standing committee which has been designated by the Board of the Riigikogu to provide an opinion on draft legislation shall submit its opinion to the European Union Affairs Committee or the Foreign Affairs Committee by the time specified by the Board of the Riigikogu.

§ 152⁴. Proceedings regarding draft legislation in European Union Affairs Committee and Foreign Affairs Committee

(1) The European Union Affairs Committee or the Foreign Affairs Committee shall enter the draft legislation on the agenda for a sitting after expiry of the term specified in § 152³ of this Act.

(2) The European Union Affairs Committee or the Foreign Affairs Committee shall form an opinion regarding the draft legislation on behalf of the Riigikogu and the opinion shall be indicated in the minutes of the sitting of the

committee. The committee may decline to form an opinion. The committee shall inform the Government of the Republic of its opinion or of its having declined to form an opinion.

(3) The Government of the Republic is required to adhere to the opinion of the Riigikogu. If the Government of the Republic has failed to do so, it shall provide justification therefor to the European Union Affairs Committee or the Foreign Affairs Committee at the earliest opportunity.

§ 152⁵. Prime Minister's overview of activities of Government of Republic upon implementation of European Union policies

(1) During the autumn session of the plenary assembly of the Riigikogu, the Prime Minister shall, on behalf of the Government of the Republic, present to the Riigikogu an overview of the activities of the Government in implementing European Union policies. The overview shall be presented pursuant to the procedure provided in § 155 of this Act, taking into account the provisions of subsection (2) of this section.

(2) On the application of the European Union Affairs Committee, the Board of the Riigikogu shall grant the Chairman of the specified Committee an opportunity to make a report after the overview of the Prime Minister but before opening a debate. Members of the Riigikogu may each pose one oral question to the presenter.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Answer: In addition to the abovementioned procedure, ministers appear before the EU affairs Committee before each Council of Ministers meeting or European Council meeting.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Answer: Estonia has a unicameral parliament.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

Answer: From the Parliament side the administrative and advisory resources of EU Affairs Committee and other Committees. The EU Affairs Committee Secretariat consists of six civil servants - head of the secretariat, two counsellors, consultant and counsellor in the Estonia's permanent representation to the European Union in Brussels. The tasks have been divided between the officials according to the policy areas of the European Union in order to enable clearer responsibility and better preparation of documents for the Committee. There are also the Research Department of the The Chancellery of the Riigikogu. The service provide support and advise in research in EU matters.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

Answer: According to the new procedure for legislative proceeding of draft resolution of the Riigikogu containing a reasoned opinion on why a draft European Union legislative act does not comply with the principle of subsidiarity (provisions are not adopted yet) there are following Parliamentary bodies in charge of ensuring compliance: the European Union Affairs Committee and other standing committees.

2b. Briefly describe the procedures involved.

Answer: Procedure for legislative proceeding of draft resolution of the Riigikogu containing a reasoned opinion on why a draft European Union legislative act does not comply with the principle of subsidiarity (provisions are not adopted yet):

"The European Union Affairs Committee may submit a draft resolution of the Riigikogu containing a reasoned opinion on why a draft European Union legislative act does not comply with the principle of subsidiarity. A draft resolution shall be deliberated at one reading in plenary. The leading committee of the draft resolution is the European Union Affairs Committee. The Government of the Republic submit its opinion in writing to the European Union Affairs Committee."

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Answer: Estonia has a unicameral parliament.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Answer: Yes, we have used IPEX, however the frequency of the usage will depend on content and language, needs and availability of other resources.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

Answer: No suggestions

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Answer: Not available

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of

Lisbon, as outlined in the Note³⁸ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter? Answer: No

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring. Answer: No

3b. Briefly describe the procedures involved. Answer: There are no procedures

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Answer: Estonia has a unicameral parliament

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria. Answer: No

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation. Answer: There are no such parliamentary bodies

4b. Briefly describe the procedures involved.

Answer: There are no procedures

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Answer: Estonia has a unicameral parliament

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria. Answer: There are no specific criteria regarding the exercise of the evaluation.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

Answer: According to the draft Act on amendments to the Riigikogu Rules of Procedure and Internal Rules (law has not been passed yet) the following

³⁸ The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

parliamentary bodies are involved: the European Union Affairs Committee, standing committees and factions.

5b. Briefly describe the procedures involved.

Answer: Please find enclosed procedures according to the draft Act on amendments to the Riigikogu Rules of Procedure and Internal Rules (provisions are not adopted yet).

Procedure for legislative proceeding of draft resolution of the Riigikogu to make known its opposition to an initiative taken by the European Council.

A standing committee or faction may submit a draft resolution of the Riigikogu to make known its opposition to an initiative taken by the European Council to adopt a decision referred to in the first or second subparagraph of Article 48(7) of the Treaty on European Union or to proposal by Commission according to Article 81 (3) of the TFEU. Motions to amend may be submitted by standing committees and factions. The leading committee of the draft resolution is the European Union Affairs Committee. The draft resolution shall be sent to the Government of the Republic for an opinion. The Government shall submit its opinion in writing to the European Union Affairs Committee. A draft resolution shall be deliberated at one reading. If motions to amend the draft resolution are submitted, the motions shall be put to vote, thereafter, the draft legislation is put to a final vote.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Answer: Estonia has a unicameral parliament.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Answer: Estonia has a unicameral parliament.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

Answer: According to the draft Act on amendments to the Riigikogu Rules of Procedure and Internal Rules (law has not been passed yet) the following parliamentary bodies are involved: the European Union Affairs Committee, standing committees and factions.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

Answer: Please find enclosed provisions for procedure (provisions are not adopted yet).

Procedure for legislative proceeding of draft resolution of the Riigikogu containing a request to the Government of the Republic to file an action at the European Court of Justice

A standing committee or faction may submit a draft resolution of the Riigikogu containing a request to the Government of the Republic to file an action at the European Court of Justice concerning the violation of the principle of subsidiarity in a legislative act of the European Union.

In this case, the possibility of initiating a procedure is not limited to the EU Affairs Committee, rather a broader range of possible actors is envisaged. The draft resolution must contain the text of the action. The leading committee will be still the EU Affairs Committee. The draft resolution will have ("normal") two readings giving the leading committee a possibility to amend either on its own initiative or taking into account tabled amendments to "finetune" the text.

The draft resolution shall be sent to the Government of the Republic for an opinion. The Government of the Republic shall submit its opinion in writing to the European Union Affairs Committee. The Government of the Republic shall organise the filing of an action at the European Court of Justice.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Answer: Estonia has a unicameral parliament

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Answer: Estonia has a unicameral parliament

6e. In which cases, if any, may the national Government reject the Parliament's request?

Answer: There are no such cases

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

Answer: According to the draft act the Parliament adopt a resolution of the Riigikogu containing a request to the Government to file an action at the European Court of Justice concerning the violation of the principles of subsidiarity in a legislative act of the European Union. After that the Government shall organise the filing of an action at the European Court of Justice.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

Answer: There are not yet special procedures adopted

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

Answer: There are not yet special procedures adopted

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French). Answer: No

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French). Answer: No.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Answer: There are no plenary debate on the COSAC agenda topics prior to the COSAC meetings, only occasionally in the EU Affairs Committee. Usually the agenda items are separate agenda items (based on the content)

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify. Answer: No, the delegates just file in their report

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work? Answer: Not recently

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful? Answer: Contacts, discussions with colleagues, depending on items- exchange of experiences

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant? Answer: Items that focus too much on procedures, rather than current politically sensitive issues

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- a) Bi-annual Report
Yes
- b) Presidency programme
Yes
- c) The principle of subsidiarity this could be shifted into IPEX No
- d) COSAC contribution and conclusions
Yes
- e) Commission Annual Policy Strategy or similar document
Yes

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- a) Commission Legislative and Work Programme Yes
- b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice Yes
- c) Political monitoring of Europol and evaluation of Eurojust's activities Yes
- d) Common foreign and security policy, including common security and defence policy
No
- e) Other (please specify)

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- a) The Commission Yes
- b) The Council Yes
- c) Other (please specify)

Debate on draft EU acts³⁹

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?
Answer: No

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?) -

4b. In your Parliament's / Chambers' opinion, how could such debates be organised? -

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation? -

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting? -

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting? -

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC? -

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority. -

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how. Answer: No

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings.

³⁹ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

Should political group meetings also be organised during the meetings of COSAC Chairpersons? Answer: No

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC? Answer: No

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions. Answer: No

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences? Answer: Yes.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | | |
|----|---|-----|
| a) | Should not be limited | |
| b) | Should be limited to once per Parliament / Chamber | Yes |
| c) | Should be limited to twice per Parliament / Chamber | No |
| d) | Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | No |

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor

Yes f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest? No

Finland: Eduskunta

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

- 1c. Parliamentary Standing Orders

Detailed procedural provisions were added to the Rules of Procedure of the Eduskunta

- 1d. Other (please specify)

A new section was added to the Rules of Procedure of the Grand Committee concerning the finer details of the subsidiarity procedure.

K) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

AND

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

The new tasks given to the national parliaments in the Lisbon Treaty did not require amendments to the Finnish Constitution. The supplementary procedural provisions in the Eduskunta's rules of procedure and in the Grand Committee's rules of procedure were sufficient. These amendments (in Parliament's rules of procedure): regulate the *passerelle* procedure; introduce standing orders and reporting requirement for Parliament's representatives at Conventions; and the procedures for the examination of conformity with the subsidiarity principle *ex-ante* and *ex post*. To the Grand Committee's rules of procedure were added detailed procedural provisions concerning subsidiarity control.

The provisions concerning national parliaments in the Treaty of Lisbon do not affect relations between the Eduskunta and the Government or the national preparation of EU matters. We consider that the Lisbon Treaty regulations regarding new powers of the national parliaments are supplementary to our national system. The principle of subsidiarity is understood narrowly and juridically, *i.e.*, it is confined to the questions

regulated in Art 5 of the EU Treaty. The procedure is limited to the question of the appropriate decision-making level and does not deal with the proposal's goals or content. The assessment is that the supervision of the subsidiarity principle will not be of great significance to the Eduskunta's activities (SuVL 2/2008 vp).

The primary channel of influence for the Eduskunta will continue to be sections 96 and 97 of the Constitution. The main content of the Grand Committee's functions is the formulation of Finland's national positions and the general supervision of the Government's effectiveness in representing Finnish interests in the European Union (SuVL 2/2008 vp; SuVM 1/2009 vp).

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The Plenary, the Grand Committee and the sector Committees.

2b. Briefly describe the procedures involved.

According to the new provisions, the proposals are not automatically examined in terms of the subsidiarity principle - the examination only takes place if someone proposes an examination and the proposal gets sufficient support. The Eduskunta's EU Secretariat monitors compliance with the subsidiarity principle of the legislative proposals and reports its findings to the Grand Committee. The EU Secretariat delivers the subsidiarity documents to (1) the members of the Grand Committee, (2) the appropriate sector committees and (3) to the regional parliament of Åland in electronic form with notice that any proposal that the Grand Committee examines the matter in terms of subsidiarity must be made within six weeks. A sector committee (or the Åland provincial parliament) may, by a majority decision request the Grand Committee to examine whether or not the subsidiarity principle has been violated; if there is no majority support for this, the matter is terminated without further action.

The rules of procedure of the Grand Committee provide a six week limit for proposing that the Grand Committee examines the conformity of proposals with the subsidiarity principle. This leaves at least two weeks for the Grand Committee to examine the matter of subsidiarity and to contact the Government. (Two weeks are deemed to be sufficient for examining the issues mentioned in Art 5 TEU.) Subsidiarity procedures automatically expire if eight weeks have lapsed without the Eduskunta issuing a reasoned opinion.

When a Grand Committee member or the sector committee concerned proposes a subsidiarity examination, the Grand Committee decides by a majority decision whether to carry it out. The examination is automatically carried out if proposed by the Åland regional assembly. The Grand Committee prepares its report after having heard the Government. The GC report either concludes that there is no subsidiarity

problem or it contains the draft text of a reasoned opinion to the EU Institutions. The final decision is made in the plenary by a simple majority vote. If the Eduskunta approves the draft reasoned opinion, this, together with the GC report, is sent to the Institutions. If the Eduskunta finds that there is no breach of the subsidiarity principle, the decision and GC report are sent to the Institutions for information.

The Parliament of Finland may decide to oblige the Government to take annulment proceedings in the Court of Justice because a legal act is in breach of the subsidiarity principle. The Grand Committee may initiate an examination of this issue on its own, ending in a report and recommendation to the plenary session. If it finds a breach of subsidiarity, it may instruct the Government to take action in the Court of Justice.

In both the *ex ante* and *ex post* procedures, the Grand Committee will consult with the Government as a matter of course. In the Finnish constitutional understanding, the Eduskunta has ultimate control over policy, and the Government is obliged to act according to the wishes of the Eduskunta. It would be inconceivable for the Finnish Government to express different opinions than the Eduskunta on any EU issue.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.
See above (Åland islands).

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests?

No subsidiarity procedures have been initiated so far. The Secretariat has, of course, looked at IPEX, but not found it immediately useful for subsidiarity matters.

Do you foresee that the use of IPEX will increase or decrease?

That will depend on how IPEX develops. So far, it is not particularly useful for parliaments engaging in a subsidiarity examination. (With limited time available, one can hardly be expected to delay one's own subsidiarity examination until the other parliaments have completed theirs.)

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

We are not convinced that IPEX is the right tool for quick information exchange. It is a database, not an information tool. Parliaments that want to disseminate information will probably prefer more active means, e.g., e-mail.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The Eduskunta does not see direct interaction with the EU Institutions as particularly desirable; normally, the Eduskunta instructs the government to negotiate on behalf of the Republic of Finland. However, we do hope that the EU institutions, particularly the Commission, will be more prepared than before to send representatives to justify or explain their proposals and positions to the Eduskunta's committees.

Subsidiarity control will probably increase cooperation between national parliaments, and lead to a new kind of political activity in EU affairs. The Lisbon Treaty's provisions will hopefully encourage more national parliaments to participate more actively in discussion on the EU level. The Eduskunta is prepared to participate, if this does happen.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁴⁰ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The powers of national parliaments in ensuring compliance with the principle of subsidiarity concern only proposals within the "normal legislative procedure" regulated in article 289.1. This arrangement resulted from the recasting of the constitutional treaty as the Lisbon Treaty. (The constitutional treaty would have included most legislative matters in the subsidiarity mechanism.) The Eduskunta was made aware of the change by the Government in the Bill concerning ratification of the Lisbon Treaty.

The above was reconfirmed by our government at the Eduskunta's request following the British question.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring. // 3b. Briefly describe the procedures involved. // 3c. Briefly describe the procedures for the participation of regional parliaments, if

⁴⁰ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

applicable. // 3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

AND

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation // 4b. Briefly describe the procedures involved. // 4c. Briefly describe the procedures for the participation of regional parliaments, if applicable. // 4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

The Eduskunta's Rules of Procedure give the Grand Committee, together with the appropriate sector committees, a general competence for all EU-related matters, including Europol and Eurojust. No one knows yet what the monitoring mentioned in the treaty will mean concretely. In our understanding, the task will involve receiving, evaluating and issuing statements on *ex post* reports and, possibly, *ex ante* policy statements. This is standard political work for our parliament, and can/will be carried out within existing procedures.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding
Plenary; Grand OR Foreign Affairs Committee; sector committees optionally

5b. Briefly describe the procedures involved.

Art. 48.7 issues will be announced in the plenary and referred to one or more committees for report. On completion of the report, the plenary will decide by a simple majority to approve or oppose the revision. The result will be communicated to the EU Institutions.

Art 48.6: Through a government Bill in the same manner as any other ratification issue.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

See above.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The Plenary, the Grand Committee together with the sector Committees.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The notification received from the EU Institutions is noted and filed without action. As before, the Eduskunta will monitor accession procedures through periodic reports by the government. The Grand Committee may give instructions to the Government, as in any other EU issue. The actual accession treaty is subject to the same procedure as any other treaty.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised?

No.

If so, has a resolution been adopted? Please attach the relevant information.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in

place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

The plenary does not deal with COSAC. If the topics of COSAC are politically interesting and current, they will have been on the Eduskunta's agenda on their own merits. There are no particular procedural provisions concerning COSAC in the Eduskunta. When preparatory work for the COSAC is needed, it is done by the working sub-committee of the Grand Committee.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

In principle, the work of COSAC adds to the political input on which the Eduskunta's work is based.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

No comment.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

No comment.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

e) Bi-annual Report; b) Presidency programme; c) The principle of subsidiarity; d) COSAC contribution and conclusions ; e) Commission Annual Policy Strategy or similar document

We are unable to answer these questions in the requested yes/no format. All of these documents are good material for COSAC if they are interesting in themselves and topical at the time of the conference. However, no agenda item should be kept just "because it's always on the agenda". Ultimately, the Presidency, Troika and

Chairpersons' meeting have to take responsibility for the relevance and topicality of each COSAC agenda.

- a) The Bi-annual Report should not be discussed as such but in certain cases it could serve as a background note for the discussion.
- b) COSAC should take note of the Lisbon Treaty's effects on the Council i.e. the presidency programmes are not as important as before.
- c) As the Treaty gives COSAC a particular responsibility for subsidiarity, it would seem logical for subsidiarity to be a recurring element on the COSAC agenda, possibly as an exchange of best practices.
- d) Contributions and conclusions are based on the Rules of procedure, and proposed by the presidency.

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- a) Commission Legislative and Work Programme; b) Taking part in the evaluation mechanisms for the implementation of the .Union policies in the area of freedom, security and justice; c) Political monitoring of Europol and evaluation of Eurojust's activities; d) Common foreign and security policy, including common security and defence policy; e) Other (please specify)

As for previous question.

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- a) The Commission; b) The Council; c) Other (please specify)

As for previous questions. We should be careful not to confuse the nature of COSAC debates: Commissioners or Ministers speaking to and taking questions from COSAC participants is not necessarily the same thing as a dialogue between COSAC and an EU Institution.

COSAC should take note of the Lisbon Treaty's effects on the Council: for example the permanent chairman of the European Council could be invited. Correspondingly there may be less value in hearing ministers of the host country.

Debate on draft EU acts⁴¹

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

⁴¹ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

Yes, provided the topics are current and of genuine interest to (most) participants.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

By the Presidential Troika or by the Host Parliament.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Not necessarily: topical, "hot" issues often evolve much too quickly.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

That could be useful.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Each parliament can decide on the composition of its delegation by itself.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

That is the idea of contributions.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Definitely not. Since the Lisbon Treaty entered into force, all national parliaments are supposed independently to carry out subsidiarity checks on all legislative proposals covered by the relevant Treaty protocols. For COSAC to coordinate one or two or four out of a hundred or more proposals a year is not helpful.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

The political groups can each decide whether they want to meet. The organisers should simply provide a time slot and rooms for such meetings, to be used or not, as the political groups decide.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

No suggestions.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

In view of the *travaux préparatoires* of the Treaty, we take it for granted that the article refers to COSAC.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

That is really a separate issue; the composition of COSAC can be amended by amending the Rules of Procedure, if that is wanted. The article could be interpreted (3d sentence) as giving COSAC a coordinating role also for sector and foreign affairs committees. One could imagine these meetings under the COSAC banner. The issue is sensitive, but should be explored in greater depth.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

Not necessarily. "COSAC" has a certain history. It is also widely recognised and easy to pronounce and remember, rather like the film in the yellow box. It might be better to keep COSAC, and introduce a more current long title.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

Yes. That seems to be what was intended in Art. 10 of Protocol 1 to the Treaty. However, this needs to be prepared carefully, with full involvement of the specialist committees, many of which have developed their own recurring conferences with distinct identities.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

We would consider anything on an *ad hoc* or experimental basis. However, the current standard length of meetings strikes a balance between the time needed for debates and the time that participants can be away from their home parliaments.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- a) Should not be limited; b) Should be limited to once per Parliament / Chamber; c) Should be limited to twice per Parliament / Chamber; d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak; e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor; f) Other criteria: (please specify)

Again, we do not think yes/no answers are appropriate. It is up to the chairperson to assign speaking time in the fairest possible manner, bearing in mind the equality of chambers and of members. This may include giving priority to chambers that have not yet had the floor ahead of those that already have spoken.

2. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Yes. The precise time will have to be decided by each Presidency and chairperson for each debate. The chairperson should also take care to introduce time limits at an early enough moment to be fair to all participants, and to enforce time limits consistently.

France: Assemblée nationale

CHAPITRE 1 : LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX SUITE A L'ENTREE EN VIGUEUR DU TRAITE DE LISBONNE

Questions :

A) ANALYSE DES NORMES ADOPTÉES

1. De nouvelles normes ont-elles été adoptées par votre Etat membre afin d'incorporer à la législation nationale les nouveaux pouvoirs conférés aux Parlements nationaux par le Traité de Lisbonne? Si la réponse est oui, veuillez spécifier quelles normes ont été adoptées et les classer dans les catégories suivantes.

1a. Dispositions constitutionnelles

L'article 88-6, introduit par la loi constitutionnelle du 4 février 2008 préalable à la ratification du traité de Lisbonne, a permis à chaque assemblée d'adopter des avis motivés contestant la conformité d'actes législatifs européens au principe de subsidiarité et de former des recours auprès de la CJUE. Son dernier alinéa précise que ce dernier recours est de droit lorsque 60 députés ou 60 sénateurs le demandent.

L'article 88-7 pour sa part dispose que l'Assemblée nationale et le Sénat peuvent, par le vote d'une motion « adoptée en termes identiques », s'opposer aux modifications des règles d'adoption des actes européens prévues par l'article 48 du TUE et 81 du TFUE.

Il importe de remarquer que ces dispositions ont coïncidé avec une profonde modernisation du contrôle parlementaire des affaires européennes à l'occasion de la réforme des institutions du 23 juillet 2008, permettant notamment à chaque assemblée de s'exprimer, par la voie de résolutions, sur « tout document émanant d'une institution européenne ».

1b. Dispositions légales

Aucune disposition législative n'était nécessaire pour assurer la mise en œuvre de ces nouvelles prérogatives

1c. Règlements parlementaires

Le Règlement de l'Assemblée nationale a été adapté à l'occasion de sa révision du 27 mai 2009 liée à la réforme des institutions de 2008. Ainsi, les nouveaux articles 151-9 à 151-11 déterminent les procédures applicables aux

avis et aux recours sur la subsidiarité (sur le modèle des «résolutions européennes», avec un droit d'initiative accordé à tout député, un examen préalable systématique, dans les 15 jours, par la Commission des affaires européennes puis un examen exprès ou tacite, dans les 15 jours, par la commission permanente concernée au fond et une possibilité, à la demande d'un président de groupe politique, de commission ou du Gouvernement, d'un débat en séance publique).

L'article 151-12 quant à lui dispose des règles applicables aux motions s'opposant aux modification des règles d'adoption des actes européens prévues par l'article 48 du TUE et 81 du TFUE. Leur initiative doit provenir d'au moins un dixième des membres de l'Assemblée. Un mécanisme de navette entre l'Assemblée nationale et le Sénat, avec une seule lecture dans chaque chambre, est organisé afin de parvenir à l'adoption d'un texte identique.

1d. Autres (veuillez spécifier)

2. Si aucune norme n'a été adoptée pour le moment, de telles normes sont-elles prévues ? Veuillez spécifier la hiérarchie des dispositions qui seront probablement adoptées à court ou à moyen terme (Dispositions constitutionnelles, dispositions légales, règlements parlementaires...).

L) LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX DANS LE PROCESSUS DECISIONNEL DE L'UNION EUROPÉENNE

Les questions suivantes portent sur chacun des différents mécanismes par le biais desquels les Parlements nationaux sont appelés à participer dans le cadre de l'Union européenne. Les questions portent sur les principaux éléments des débats qui, conformément aux normes nationales qui ont été adoptées ou qui sont sur le point de l'être, mettront en œuvre au sein de chaque Parlement national les mécanismes établis dans les Traités.

1. CONTRÔLE DES ACTIVITÉS DES INSTITUTIONS DE L'UE

1a. Veuillez indiquer si le contrôle comprend toutes les activités de toutes les institutions de l'UE. Si ce n'est pas le cas, veuillez spécifier quelles activités et quelles institutions seront soumises à ce contrôle (par exemple, seulement les projets d'actes législatifs émanant de la Commission).

En application de l'article 88-4 de la Constitution, le contrôle parlementaire des affaires européennes portent sur tous les projets et propositions d'actes européens (quelle qu'en soit la nature) que le Gouvernement transmet obligatoirement aux assemblées.

La Commission des affaires européennes examine ainsi tous ces textes :

– prenant acte de ceux d'importance mineure ou ne soulevant aucune difficulté ;

– se prononçant expressément sur les autres, en proportionnant son intervention à leurs enjeux, d'une simple approbation après exposé du Président ou d'un rapporteur à l'adoption de conclusions de la Commission ou à la publication d'un rapport d'information éventuellement accompagné du dépôt d'une proposition de résolution soumise à l'assemblée dans son ensemble.

Dans ce dernier cas, la proposition de résolution est transmise à la commission permanente concernée au fond qui dispose d'un mois pour la rejeter ou l'adopter, éventuellement amendée. Son silence vaut approbation de la proposition.

Ensuite, un président de groupe politique, de commission ou le Gouvernement peut demander à la Conférence des présidents son inscription à l'ordre du jour de la séance publique. La Conférence des présidents dispose de 15 jours pour se prononcer. Lorsque cette inscription n'est pas décidée, ou lorsque la proposition est approuvée par l'Assemblée dans son ensemble, la résolution est transmise au Gouvernement.

1b. Veuillez indiquer si ce contrôle est global ou s'il s'applique de façon sélective à certains dossiers ou à certaines questions présentant un intérêt national particulier.

Voir réponse à la question 1a

1c. Décrivez brièvement la procédure et spécifiez quels sont les organes parlementaires impliqués dans celle-ci.

Voir réponse à la question 1a

1d. Les normes déterminent-elles le devoir du Gouvernement de présenter des rapports au Parlement / à la Chambre ? Le cas échéant, dans quelles conditions ?

La seule obligation imposée au Gouvernement est de transmettre tous les projets et propositions d'actes européens (voir supra). Les commissions parlementaires disposent néanmoins de la faculté de lui demander tout document utile à leur examen et peuvent évidemment auditionner les ministres concernés.

1e. Dans les Parlements bicaméraux, pourriez-vous décrire les mécanismes d'échange d'informations et de coordination entre les deux Chambres ?

Le droit de résolution ainsi que l'exercice des prérogatives liées à la subsidiarité, bien que répondant à des normes constitutionnelles communes, est organisé de manière autonome dans chaque assemblée, entre lesquelles aucune coordination n'est nécessaire.

Pour autant, les deux chambres échangent régulièrement de nombreuses informations et leurs commissions tiennent parfois des réunions communes.

1f. Veuillez décrire brièvement les moyens administratifs et de conseil ainsi que l'assistance disponible pour mener à bien la tâche de contrôle des institutions de l'UE.

La Commission des affaires européennes de l'Assemblée nationale dispose d'une équipe de 10 administrateurs et de sept secrétaires/agents.

2. VEILLER AU RESPECT DU PRINCIPE DE SUBSIDIARITÉ

2a. Veuillez spécifier quels sont les organes parlementaires chargés de veiller au respect du principe de subsidiarité.

Comme il a été vu supra les procédures applicables à la subsidiarité sont identiques à celle applicables aux résolutions européennes avec des délais toutefois abaissés : initiative de chaque député, examen préalable systématique de la CAEU, examen exprès ou tacite, dans les 15 jours, par la commission permanente compétente au fond, possibilité d'évocation séance publique.

2b. Décrivez brièvement les procédures engagées.

Concrètement, le secrétariat de la CAEU examine tous les textes transmis au titre du protocole n°2 et alerte les rapporteurs ou le Président sur les projets susceptibles de justifier un contrôle de subsidiarité. Ce travail n'est pas exclusif du droit de chaque député de déposer une proposition d'avis sur tout projet d'acte législatif.

La CAEU examine ensuite la proposition d'avis. Si elle l'adopte, la commission permanente dispose de 15 jours pour la rejeter ou l'adopter, éventuellement amendée. A défaut d'intervention de sa part, la proposition d'avis est réputée approuvée. Par suite, la Conférence des Présidents, saisie par un président de groupe, de commission ou par le Gouvernement peut décider, dans les 15 jours, de l'inscrire en séance publique. A défaut, l'avis est transmis aux présidents des institutions européennes.

2c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

2d. Votre Parlement / Chambre a-t-il/t-elle utilisé les informations mises à disposition sur le site web de l'IPEX pendant les tests portant sur le principe de subsidiarité ? D'après vous, l'utilisation de l'IPEX va-t-elle augmenter ou diminuer ?

L'Assemblée nationale utilise activement les informations de la base IPEX. Son succès repose à ses yeux essentiellement sur la réactivité des parlements dans la mise en ligne des diverses étapes de leur procédure et sur la disponibilité des documents en anglais ou en français.

2e. Quelles améliorations suggèreriez-vous d'apporter à l'IPEX afin de permettre un échange d'informations en temps réel entre les Parlements ?

Voir réponse à la question 2d

2f. Quel genre de communication directe votre Parlement / Chambre envisage-t-il/t-elle d'établir avec les institutions de l'UE et à quelles améliorations avez-vous pensé ?

L'Assemblée nationale est particulièrement attentive à approfondir son dialogue avec le Parlement européen. Ainsi la CAEU a organisé, le 26 janvier dernier, la première réunion commune, par visioconférence, avec une Commission du Parlement européen sur un projet à l'ordre du jour de l'Union (la directive relative à la protection des consommateurs) et tient une rencontre régulière sur les grands sujets de l'agenda européen avec les députés européens français, au cours de leur semaine dite de « circonscription ».

2g. Concernant la question posée par la délégation de la Chambre des Communes du Royaume-Uni lors de la réunion des présidents de la COSAC le 5 février 2010 à Madrid, votre Parlement / Chambre pense-t-il/elle que la définition d'une « procédure législative spéciale » et par conséquent d'un « acte juridique » conformément à l'Article 289 du Traité sur le fonctionnement de l'Union européenne pourrait limiter les nouveaux pouvoirs octroyés aux parlements nationaux dans le cadre du Protocole 1 et du Protocole 2 du Traité de Lisbonne, comme a fait remarquer la Note⁴² circulée par la Chambre des Communes britannique lors de la réunion des présidents de la COSAC à Madrid ? Avez-vous consulté votre Gouvernement à ce sujet ?

3. CONTRÔLE POLITIQUE D'EUROPOL

3a. Veuillez spécifier quels sont les organes parlementaires chargés d'exercer le contrôle politique.

⁴² La Note est publiée sur le site web de la COSAC : <http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3b. Décrivez brièvement les procédures engagées.

3c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

3d. Vos normes incluent-elles des critères spécifiques concernant l'exercice du contrôle politique ? Le cas échéant, veuillez spécifier quels sont ces critères.

4. EVALUATION DES ACTIVITÉS D'EUROJUST

4a. Veuillez spécifier quels sont les organes parlementaires chargés de cette évaluation.

4b. Décrivez brièvement les procédures engagées.

4c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

4d. Vos normes incluent-elles des critères spécifiques concernant la conduite de cette évaluation ? Le cas échéant, veuillez spécifier quels sont ces critères.

Pour 3. et 4. : l'évaluation d'Europol et d'Eurojust s'exerce jusqu'à présent selon la procédure de contrôle de droit commun applicable à l'ensemble des projets et propositions européens (voir supra).

5. PARTICIPATION À LA RÉVISION SIMPLIFIÉE DES TRAITÉS (CLAUSE PASSERELLE)

5a. Veuillez spécifier quels sont les organes parlementaires impliqués dans cette procédure.

5b. Décrivez brièvement les procédures engagées.

5c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

5d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour garantir un accord sur la position commune du Parlement national, le cas échéant.

Comme il a été vu supra, l'opposition aux modifications des règles d'adoption des actes de l'Union prévue par l'article 48 du TUE et 81 du TFUE repose, aux termes l'article 88-7 de la Constitution, sur l'adoption d'une motion commune à l'Assemblée nationale et au Sénat.

L'initiative du dépôt de la motion appartient, à l'Assemblée nationale, à un dixième au moins des députés. Elle doit être déposée dans les 6 mois qui suivent la transmission de l'initiative du Conseil européen, qui ne peut faire l'objet que d'une seule motion.

La motion est examinée par la commission permanente concernée au fond, après que la Commission des affaires européennes a examiné l'initiative du Conseil européen.

La discussion en séance publique est organisée selon les règles applicables à la discussion des projets et propositions de lois. Lorsque la motion est adoptée, elle est immédiatement transmise au Sénat.

6. RECOURS DEVANT LA COUR DE JUSTICE DE L'UNION EUROPÉENNE POUR CAUSE DE VIOLATION DU PRINCIPE DE SUBSIDIARITÉ

6a. Veuillez spécifier quels sont les organes parlementaires impliqués.

Comme il a été vu supra, le recours est examiné et adopté selon les règles applicables à l'ensemble des résolutions européennes (initiative accordée à chaque député, examen préalable par la Commission des affaires européennes dans les 15 jours, examen, exprès ou tacite par la commission permanente concernée au fond dans ce même délai, possibilité d'inscription à l'ordre du jour).

Toutefois, la France a choisi de permettre à 60 députés ou 60 sénateurs de former ce recours au nom de l'Assemblée.

6b. Décrivez brièvement les procédures engagées dans votre Parlement / Chambre.

6c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

6d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour arriver à un accord sur la position commune du Parlement national, le cas échéant.

Le recours est une prérogative accordée à chaque assemblée.

6e. Dans quels cas, le cas échéant, le Gouvernement national pourrait-il rejeter la demande du Parlement ?

Le Gouvernement ne peut pas rejeter la décision de l'une ou l'autre des deux chambres.

6f. Quels sont les effets du rejet par le Gouvernement de la demande formulée par un Parlement national de former un recours pour cause de violation du principe de subsidiarité ?

7. CANDIDATURES D'ADHÉSION À L'UNION EUROPÉENNE

7a. Veuillez spécifier quels sont les organes parlementaires impliqués.

Les candidatures d'adhésion sont examinées selon la procédure applicable à l'ensemble des projets d'actes européens (voir supra).

7b. Décrivez brièvement les procédures et les effets de toute résolution adoptée (le cas échéant).

Voir réponse 7a. Il importe en tout état de cause de rappeler que les résolutions européennes adoptées par le Parlement français ne sont pas juridiquement impératives pour le Gouvernement.

En parallèle, il est utile d'indiquer que l'article 88-5 de la Constitution, dans sa rédaction issue de la révision constitutionnelle du 23 juillet 2008, dispose que les projets de loi autorisant la ratification des traités d'adhésion sont soumis par principe à référendum.

Toutefois, le Parlement, par le vote d'une motion adoptée par chaque assemblée à la majorité des trois cinquièmes, peut autoriser le recours à la procédure dite du Congrès. Dans ce cas, le projet de loi est adopté s'il recueille, en premier lieu, la majorité absolue des membres dans chaque chambre puis, en second lieu, la majorité des trois cinquièmes des membres du Congrès qui réunit tous les députés et tous les sénateurs.

8. PARTICIPATION À LA COOPÉRATION INTERPARLEMENTAIRE ENTRE LES PARLEMENTS NATIONAUX ET AVEC LE PARLEMENT EUROPEEN.

8a. La Résolution prise par le Parlement européen le 7 mai 2009 sur le développement des relations entre le Parlement européen et les Parlements nationaux dans le cadre du Traité de Lisbonne (le Rapport Brok) a-t-elle fait l'objet d'un débat ou d'une étude au sein de votre Parlement / Chambre ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

La résolution du 7 mai 2009 n'a pas fait l'objet d'un débat spécifique au sein de l'Assemblée nationale.

8b. Selon l'article 9 du Protocole sur le rôle des Parlements nationaux au sein de l'Union européenne, « le Parlement européen et les parlements nationaux

définissent ensemble l'organisation et la promotion d'une coopération interparlementaire efficace et régulière au sein de l'Union », Votre Parlement / Chambre a-t-il/t-elle organisé un débat pour décider comment cette coopération devra être organisée ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

Aucun débat/aucune résolution particulier n'a été organisé/adoptée par l'Assemblée nationale sur cette question. Néanmoins, la promotion d'une coopération interparlementaire efficace est au cœur de l'agenda de la Commission des affaires européennes (voir réponse à la question 2f)

CHAPITRE 2 : LE ROLE FUTUR DE LA COSAC

Questions :

A) ACTUELS POINTS FORTS ET FAIBLES DE LA COSAC

1. Votre Parlement / Chambre tient-il/elle des débats sur le programme des réunions de la COSAC avant que celles-ci n'aient lieu ? Existe t-il une procédure régulière ou extraordinaire pour la préparation des points de l'ordre du jour de la COSAC ? Le cas échéant, quelle est cette procédure et quel organe en est-il responsable ?

L'Assemblée nationale ne tient pas de débat spécifique préalable aux réunions de la COSAC.

2. Au terme de chaque réunion de la COSAC, les conclusions / la contribution de la COSAC font-elles/fait-elle l'objet d'un débat dans votre Parlement / Chambre ? Le cas échéant, veuillez spécifier.

Les réunions de la COSAC font l'objet d'une communication de l'un de ses participants (en général le Président) auprès de la Commission des affaires européennes. A cette occasion, les conclusions et les contributions sont remises aux membres de la Commission, qui peuvent ainsi en débattre.

3. Les points faisant l'objet de débats lors des réunions de la COSAC tout comme les conclusions / la contribution de la COSAC ont-ils un effet sur le travail de votre Parlement / Chambre ?

Outre le débat en Commission évoqué à la réponse à la question 2, les rapporteurs tiennent évidemment compte des conclusions et les contributions adoptées sur les sujets sur lesquels ils travaillent.

4. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être particulièrement utiles ?

La Commission des affaires européennes de l'Assemblée nationale attache la plus grande importance aux discussions portant sur les débats immédiatement à l'ordre du jour de l'Europe afin d'en explorer plus en détail les enjeux. Si la COSAC constitue un précieux forum pour échanger sur les grandes directions de la marche de l'Europe (voir par exemple les débats récents sur la sécurité énergétique ou le changement climatique), elle offre aussi l'occasion de confronter les points de vue des « praticiens » directs de la législation européenne afin d'éclairer les institutions européennes sur les enjeux immédiats liés aux décisions qu'elles envisagent d'adopter.

Dans un même esprit, la CAEU salue la qualité du travail accompli par la COSAC pour coordonner l'exercice du contrôle de la subsidiarité et réaffirme son attachement à la continuation des tests pilotes qui ont rencontré un succès croissant dont témoigne notamment le test sur la proposition de règlement relative aux successions transfrontalières.

5. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être moins pertinents ?

La CAEU s'interroge sur la nécessité de maintenir des débats très généraux, comme ceux portant par exemple sur « les priorités des présidences tournantes » ou « les nouveaux pouvoirs des parlements nationaux » qui ne permettent guère d'approfondir les échanges et par conséquent peuvent conduire à un « saupoudrage » d'opinions disparates portant sur des sujets divers.

Il semblerait plus pertinent de se concentrer sur quelques grands thèmes précis, par exemple en évoquant des propositions d'acte législatif concrètes, afin, le cas échéant, de dégager des consensus propres à éclairer les législateurs européens, de se saisir au plus tôt des enjeux politiques posés par ces projets (et non d'attendre leur déclinaison nationale lors de la phase de transposition) et de mieux informer les parlementaires nationaux, et partant les opinions publiques, sur les questions concrètes soulevées par ces textes.

B) LE ROLE FUTUR DE LA COSAC

Points de l'ordre du jour

1. Veuillez spécifier si votre Parlement / Chambre souhaiterait maintenir les points réguliers suivants sur l'ordre du jour de la COSAC :

- | | |
|-------------------------------|-----|
| a) Rapport semestriel | Oui |
| b) Programme de la Présidence | Non |

- c) Le principe de subsidiarité *Oui*
- d) La contribution et les conclusions de la COSAC *Oui*
- e) Stratégie politique annuelle ou document similaire de la Commission
Oui

2. Veuillez spécifier quel est le point de vue de votre Parlement / Chambre quant à la possibilité d'ajouter d'autres points réguliers sur l'ordre du jour de la COSAC, par exemple :

- a) Programme de travail et programme législatif de la Commission
Oui
- b) Participer aux mécanismes d'évaluation de la mise en œuvre des politiques communautaires dans l'espace de liberté, de sécurité et de justice *Oui*
- c) Contrôle politique d'Europol et évaluation des activités d'Eurojust
Oui
- d) Politique étrangère et de sécurité commune, y compris la politique de sécurité et de défense *Oui*
- e) Autres (veuillez spécifier) *propositions législatives concrètes*

3. Veuillez spécifier si votre Parlement / Chambre considère qu'il est nécessaire de consacrer davantage de temps lors des réunions de la COSAC aux débats avec les Institutions de l'UE :

- a) La Commission *Oui*
- b) Le Conseil *Non*
- c) Autres (veuillez spécifier)

Débat sur les projets d'actes de l'UE⁴³

4. Votre Parlement / Chambre serait-il/elle favorable à ce que la COSAC débattre de propositions concrètes d'actes (en particulier législatifs) à l'agenda de l'Union européenne ?

⁴³ Les questions 4 à 4d ont été soumises par M. Pierre LEQUILLER, Président de la Commission des Affaires européennes de l'Assemblée nationale française.

La CAEU est très favorable à ce type de débat, dont son Président a pris l'initiative (voir réponse A)5).

4a. Le cas échéant, selon quelles modalités la sélection des actes susceptibles de faire l'objet de ces discussions pourrait-elle être effectuée ? (soumission réalisée par une délégation de la COSAC ou par le Parlement exerçant la Présidence de la COSAC ? Sélection effectuée par la troïka présidentielle, par le Parlement hôte ou par la COSAC plénière précédant immédiatement la réunion au cours de laquelle ce ou ces projets seraient débattus etc. ?)

Chaque délégation pourrait faire parvenir à la Présidence une liste des textes dont elle estime opportun de débattre. Ces propositions seraient confrontées, débattues et sélectionnées au cours de la COSAC des présidents.

4b. Selon votre Parlement / Chambre, quelles pourraient être les modalités d'organisation de ces débats ?

4ba. Devraient-ils notamment faire l'objet d'un chapitre du rapport semestriel de la COSAC, étayé par les contributions apportées par chacune des délégations ?

Il serait très utile qu'un chapitre du rapport semestriel permette d'éclairer les participants sur les éléments de calendrier et les principaux enjeux liés aux projets sélectionnés.

4bb. Les présences du Commissaire européen et du rapporteur du Parlement européen sur le projet d'acte concerné, voire du Président de la commission parlementaire qui travaille sur le sujet vous apparaissent-elles opportunes ?

La présence des principaux acteurs du dossier à Bruxelles apparaît indispensable.

4bc. Pensez-vous que les parlementaires qui travaillent sur le sujet dans leur Parlement / Chambre devraient s'incorporer à leurs délégation et participer dans ces réunions de la COSAC ?

Cette présence, qui demeurerait une simple faculté soumise à l'appréciation de chaque Commission des affaires européennes, semble utile.

4c. Les éléments de consensus dégagés par ces discussions auraient-ils vocation, à vos yeux, à s'intégrer dans les contributions émises par la COSAC ?

Il serait de bonne pratique que les éléments de convergence constatés, ainsi qu'un exposé bref des principaux points de divergences, trouvent une formalisation écrite susceptible d'éclairer les législateurs européens.

4d. Dans ce contexte, pouvez-vous nous indiquer quels projets d'actes européens pourraient utilement à vos yeux faire l'objet de débats au cours des prochaines réunions ordinaires de la COSAC ? Merci de les présenter par ordre de priorité.

1. Directive sur la protection des consommateurs
2. Paquet réglementation financière
3. Eventuellement, si des propositions sont publiées, fiscalité carbone et politique de l'énergie

Tests du principe de subsidiarité

5. Votre Parlement / Chambre est-il/elle d'avis que la COSAC devrait continuer à coordonner des tests du principe de subsidiarité au sein des Parlements nationaux ? Le cas échéant, veuillez préciser comment.

Les modalités actuelles de coordination, via les tests pilotes, semblent avoir fait leur preuve. Il serait dans ce contexte intéressant que le Secrétariat de la COSAC établisse un compte-rendu des principaux avis adoptés lorsque leur nombre dépasse un certain niveau (par exemple 5), et ce aussi vite que possible, afin d'encourager les autres parlements à se saisir rapidement de cette question.

COSAC et groupes politiques

6. Veuillez préciser si votre Parlement / Chambre considère qu'il est nécessaire de consacrer plus de temps à la délibération des groupes politiques lors des réunions ordinaires de la COSAC. Les réunions des groupes politiques devraient-elles être aussi organisées lors des réunions des présidents de la COSAC ?

Secrétariat de la COSAC

7. Quelles améliorations suggèreriez-vous quant aux moyens disponibles de la COSAC, notamment le Secrétariat de la COSAC ?

Les moyens disponibles de la COSAC apparaissent aujourd'hui satisfaisants.

Article 10 du Protocole 1 du Traité de Lisbonne

8. L'article 10 du Protocole 1 du Traité de Lisbonne prévoit une conférence des organes parlementaires spécialisés dans les affaires de l'Union, alors que la COSAC n'est plus mentionnée.

8a. Cet article ne fait pas mention de la composition de cette conférence : suggèreriez-vous une modification de la composition de la COSAC ?

La composition de la COSAC, fruit d'une longue histoire, apparaît aujourd'hui satisfaisante.

8b. Votre Parlement / Chambre considère-t-il/elle que l'acronyme actuel de COSAC devrait être modifié ? Le cas échéant, veuillez nous faire part de vos suggestions.

La Commission des affaires européennes n'a pas débattue de cette question.

8c. Envisageriez-vous de modifier les Règles de Procédure de la COSAC pour organiser des conférences interparlementaires sur des sujets spécifiques ? D'après vous, comment de telles conférences pourraient-elles être organisées ? Quels thèmes considèreriez-vous particulièrement intéressants d'aborder lors de ces conférences ?

La Commission des affaires européennes n'a pas débattue de cette question.

C) FUTURE PROCÉDURE POUR LES RÉUNIONS DE LA COSAC

1. D'après leur format actuel, les réunions ordinaires de la COSAC durent deux jours et les réunions des présidents de la COSAC durent un jour. Suggèreriez-vous d'apporter des changements aux formats actuels ? Le cas échéant, veuillez spécifier.

Aucune modification ne semble devoir s'imposer.

2. Concernant le nombre de fois que chaque Parlement / Chambre peut prendre la parole sur chacun des points de l'ordre du jour, veuillez indiquer votre préférence :

- | | |
|---|-----|
| a) Il ne devrait pas être limité | Oui |
| b) Il devrait être limité à une fois par Parlement / Chambre | Non |
| c) Il devrait être limité à deux fois par Parlement / Chambre | Non |
| d) Il ne devrait pas être limité mais les deuxièmes et troisièmes utilisations de tour de parole devraient être octroyées une fois que tous les Parlements nationaux ont eu leur chance de s'exprimer | Non |
| e) Le Président pourra adopter chacune de ces procédures en fonction du nombre de requêtes présentées pour prendre la parole | Oui |

f) Autres critères : (veuillez préciser)

3. Le temps de parole devrait-il être limité afin de garantir que le plus grand nombre de Parlements / de Chambres puissent prendre la parole ? Quel temps maximum de parole suggèreriez-vous ?

Deux minutes.

France: Sénat

CHAPITRE 1 : LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX SUITE A L'ENTREE EN VIGUEUR DU TRAITE DE LISBONNE

Questions :

A) ANALYSE DES NORMES ADOPTÉES

1. De nouvelles normes ont-elles été adoptées par votre Etat membre afin d'incorporer à la législation nationale les nouveaux pouvoirs conférés aux Parlements nationaux par le Traité de Lisbonne? Si la réponse est oui, veuillez spécifier quelles normes ont été adoptées et les classer dans les catégories suivantes.

1a. Dispositions constitutionnelles

En 2008, deux nouveaux articles ont été introduits dans la Constitution française, préalablement à la ratification du traité de Lisbonne par la France. Il s'agit des articles 88-6 et 88-7.

L'article 88-6 porte sur le contrôle relatif au respect du principe de subsidiarité et la possibilité de recours devant la Cour de justice de l'Union européenne :

« Article 88-6

L'Assemblée nationale ou le Sénat peuvent émettre un avis motivé sur la conformité d'un projet d'acte législatif européen au principe de subsidiarité. L'avis est adressé par le Président de l'assemblée concernée aux présidents du Parlement européen, du Conseil et de la Commission européenne. Le Gouvernement en est informé.

Chaque assemblée peut former un recours devant la Cour de justice de l'Union européenne contre un acte législatif européen pour violation du principe de subsidiarité. Ce recours est transmis à la Cour de justice de l'Union européenne par le Gouvernement.

À cette fin, des résolutions peuvent être adoptées, le cas échéant en dehors des sessions, selon des modalités d'initiative et de discussion fixées par le règlement de chaque assemblée. À la demande de soixante députés ou de soixante sénateurs, le recours est de droit. »

L'article 88-7 a pour objet les droits octroyés aux parlements nationaux en ce qui concerne l'utilisation des « clauses passerelles » en matière de révision simplifiée des traités (article 48, paragraphe 7, du traité sur l'Union européenne) et de coopération judiciaire civile (mesures relatives au droit de la famille ayant une incidence transfrontière ; article 81, paragraphe 3, du traité sur le fonctionnement de l'Union européenne) :

« Article 88-7

Par le vote d'une motion adoptée en termes identiques par l'Assemblée nationale et le Sénat, le Parlement peut s'opposer à une modification des règles d'adoption d'actes de l'Union européenne dans les cas prévus, au titre de la révision simplifiée des traités ou de la coopération judiciaire civile, par le traité sur l'Union européenne et le traité sur le fonctionnement de l'Union européenne, tels qu'ils résultent du traité signé à Lisbonne le 13 décembre 2007. »

Les procédures relatives à la mise en œuvre de ces pouvoirs sont ou seront prévues par le Règlement de chaque assemblée.

1b. Dispositions légales

Aucune

1c. Règlements parlementaires

Une révision du Règlement du Sénat est prévue afin de mettre en œuvre les procédures relatives au contrôle de subsidiarité et aux droits d'opposition à l'utilisation des « clauses passerelles ». La date à laquelle cette révision sera adoptée n'est pas encore connue.

1d. Autres (veuillez spécifier)

Non

2. Si aucune norme n'a été adoptée pour le moment, de telles normes sont-elles prévues ? Veuillez spécifier la hiérarchie des dispositions qui seront probablement adoptées à court ou à moyen terme (Dispositions constitutionnelles, dispositions légales, règlements parlementaires...).

Voir question 1a et 1c.

M) LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX DANS LE PROCESSUS DECISIONNEL DE L'UNION EUROPÉENNE

Les questions suivantes portent sur chacun des différents mécanismes par le biais desquels les Parlements nationaux sont appelés à participer dans le cadre de l'Union européenne. Les questions portent sur les principaux éléments des débats qui, conformément aux normes nationales qui ont été adoptées ou qui sont sur le point de l'être, mettront en œuvre au sein de chaque Parlement national les mécanismes établis dans les Traités.

1. CONTRÔLE DES ACTIVITÉS DES INSTITUTIONS DE L'UE

1a. Veuillez indiquer si le contrôle comprend toutes les activités de toutes les institutions de l'UE. Si ce n'est pas le cas, veuillez spécifier quelles activités et quelles institutions seront soumises à ce contrôle (par exemple, seulement les projets d'actes législatifs émanant de la Commission).

1b. Veuillez indiquer si ce contrôle est global ou s'il s'applique de façon sélective à certains dossiers ou à certaines questions présentant un intérêt national particulier.

Le Sénat entend exercer un contrôle sur les activités des institutions de l'Union européenne en utilisant les différents moyens prévus par la Constitution française et les traités :

- le premier contrôle est celui exercé sur la politique européenne du Gouvernement dans le cadre de l'application de l'article 88-4 de la Constitution. Il porte sur « les projets d'actes législatifs européens et les autres projets ou propositions d'actes de l'Union européenne » transmis par le Gouvernement ainsi que « sur tout document émanant d'une institution de l'Union européenne ».

- La seconde forme de contrôle est celle correspondant au contrôle de subsidiarité portant sur les projets d'actes législatifs, tels que définis par le protocole n°2.

- La troisième forme de contrôle est celle qui sera mise en jeu en cas d'utilisation des « clauses passerelles », et s'appuiera sur les documents transmis par le Conseil européen.

A ces trois contrôles, on peut ajouter la procédure de dialogue politique avec la Commission européenne (« initiative Barroso »).

L'envoi de documents par les institutions européennes tel que cela est prévu par les articles 1 et 2 du protocole n°1 sur le rôle des parlements nationaux dans l'Union européenne, viendra nourrir le travail de contrôle du Sénat dans le cadre des formules énoncées ci-dessus.

Le Sénat ne prévoit pas d'adopter une approche volontairement sélective en privilégiant le contrôle de certaines activités ou institutions. Toutefois, par un effet mécanique, en raison du nombre de textes émanant de la Commission européenne, il est évident que le Sénat sera amené à contrôler plus particulièrement les projets d'actes législatifs de la Commission européenne.

1c. Décrivez brièvement la procédure et spécifiez quels sont les organes parlementaires impliqués dans celle-ci.

D'une manière générale, c'est la commission des affaires européennes qui a la responsabilité principale en ce qui concerne le contrôle des activités de l'Union européenne au Sénat. Toutefois, les commissions législatives permanentes sont également en mesure de participer aux activités de contrôle du Sénat en matière européenne. En dernier ressort, les décisions peuvent être prises en séance plénière.

1d. Les normes déterminent-elles le devoir du Gouvernement de présenter des rapports au Parlement / à la Chambre ? Le cas échéant, dans quelles conditions ?

Non

1e. Dans les Parlements bicaméraux, pourriez-vous décrire les mécanismes d'échange d'informations et de coordination entre les deux Chambres ?

Il n'existe pas de mécanismes prédéfinis en matière d'échange d'information et de coordination entre les deux chambres du Parlement français. Le Sénat et l'Assemblée nationale effectuent leur travail de contrôle de façon indépendante. Les procédures d'examen au sein des deux chambres ne sont d'ailleurs pas les mêmes. Au-delà, des contacts informels entre fonctionnaires des deux assemblées peuvent se nouer sur des dossiers ponctuels.

1f. Veuillez décrire brièvement les moyens administratifs et de conseil ainsi que l'assistance disponible pour mener à bien la tâche de contrôle des institutions de l'UE.

Les principales tâches en matière de contrôle des activités de l'Union européenne (article 88-4 de la Constitution, respect du principe de subsidiarité, « initiative Barroso ») sont effectuées par le service des affaires européennes qui assure le secrétariat de la commission des affaires européennes. Ce service compte un effectif de 12 personnes (dont l'antenne permanente à Bruxelles) pour assurer les tâches de conseil et de suivi.

2. VEILLER AU RESPECT DU PRINCIPE DE SUBSIDIARITÉ

2a. Veuillez spécifier quels sont les organes parlementaires chargés de veiller au respect du principe de subsidiarité.

2b. Décrivez brièvement les procédures engagées.

La révision du Règlement du Sénat en ce qui concerne le contrôle de subsidiarité n'étant pas encore adoptée, il est difficile de donner une réponse détaillée et définitive à ces questions.

Toutefois, il est envisagé de confier à la commission des affaires européennes du Sénat la responsabilité principale en cette matière. Tout sénateur devrait, par ailleurs, pouvoir proposer qu'un avis motivé soit adopté sur la non-conformité d'un texte au principe de subsidiarité. Cette demande serait alors instruite par la commission des affaires européennes du Sénat. En dernier ressort, la décision peut être prise en séance plénière.

2c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

N/A

2d. Votre Parlement / Chambre a-t-il/t-elle utilisé les informations mises à disposition sur le site web de l'IPEX pendant les tests portant sur le principe de subsidiarité ? D'après vous, l'utilisation de l'IPEX va-t-elle augmenter ou diminuer ?

Lors des tests de subsidiarité réalisés dans le cadre de la COSAC, le Sénat a toujours pris soin de consulter les avis ou informations mises en ligne sur IPEX par les autres parlements nationaux. Avec l'entrée en vigueur du traité de Lisbonne, la mise en ligne et la consultation d'informations relative au contrôle de subsidiarité dans le délai imparti de huit semaines devrait logiquement être plus importantes. Cela repose toutefois sur le degré d'implication des parlements nationaux dans la procédure de contrôle.

2e. Quelles améliorations suggèreriez-vous d'apporter à l'IPEX afin de permettre un échange d'informations en temps réel entre les Parlements ?

En dehors de problèmes techniques liés à la performance du site, IPEX n'a pas véritablement besoin d'améliorations. Il dispose ainsi déjà de fonctionnalités permettant un échange en temps réel entre parlements : recherche avancée, « abonnements » pour être alerté de la mise en ligne de nouvelles informations. De plus, si le projet technique XML d'IPEX est mis en œuvre par un nombre croissant de parlements, le délai de publication sur IPEX des avis émis par les parlements sera considérablement réduit.

2f. Quel genre de communication directe votre Parlement / Chambre envisage-t-il/t-elle d'établir avec les institutions de l'UE et à quelles améliorations avez-vous pensé ?

Au-delà des perspectives offertes par le traité de Lisbonne, le Sénat a pour objectif principal de poursuivre le dialogue politique avec la Commission européenne instauré en 2006. C'est une forme de communication directe qui a prouvé sa pertinence, et à laquelle les sénateurs sont désormais attachés. Le Sénat compte également prendre part à des rencontres avec les députés européens français ; ce type de rencontre entre parlementaires européens et parlementaires nationaux d'un même pays peut contribuer à rapprocher les points de vue.

2g. Concernant la question posée par la délégation de la Chambre des Communes du Royaume-Uni lors de la réunion des présidents de la COSAC le 5 février 2010 à Madrid, votre Parlement / Chambre pense-t-il/elle que la définition d'une « procédure législative spéciale » et par conséquent d'un « acte juridique » conformément à l'Article 289 du Traité sur le fonctionnement de l'Union européenne pourrait limiter les nouveaux pouvoirs octroyés aux parlements nationaux dans le cadre du Protocole 1 et du Protocole 2 du Traité

de Lisbonne, comme a fait remarquer la Note⁴⁴ circulée par la Chambre des Communes britannique lors de la réunion des présidents de la COSAC à Madrid ?

Il ne nous semble pas que ces définitions aboutissent à une réelle limitation des pouvoirs accordés aux parlements nationaux par les deux protocoles.

Avez-vous consulté votre Gouvernement à ce sujet ?

Oui.

3. CONTRÔLE POLITIQUE D'EUROPOL

3a. Veuillez spécifier quels sont les organes parlementaires chargés d'exercer le contrôle politique.

3b. Décrivez brièvement les procédures engagées.

3c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant. N/A

3d. Vos normes incluent-elles des critères spécifiques concernant l'exercice du contrôle politique ? Le cas échéant, veuillez spécifier quels sont ces critères.

4. EVALUATION DES ACTIVITÉS D'EUROJUST

4a. Veuillez spécifier quels sont les organes parlementaires chargés de cette évaluation.

4b. Décrivez brièvement les procédures engagées.

4c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant. N/A

4d. Vos normes incluent-elles des critères spécifiques concernant la conduite de cette évaluation ? Le cas échéant, veuillez spécifier quels sont ces critères.

Il n'est pas prévu pour le moment d'établir un quelconque dispositif au sein du Parlement français afin de mettre en œuvre au niveau national l'association des parlements au contrôle d'Europol et à l'évaluation d'Eurojust prévue par le traité de Lisbonne.

A plusieurs reprises, le Sénat s'est déclaré favorable à la création d'une commission mixte composée de parlementaires européens et nationaux qui serait chargée d'assurer le contrôle d'Europol. Dans ces conditions, il estime qu'il convient d'abord de bâtir un consensus entre les différents parlements nationaux et le Parlement européen avant d'envisager les incidences au niveau national de l'association des parlements nationaux au contrôle d'Europol.

⁴⁴ La Note est publiée sur le site web de la COSAC :
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

De même, la perspective, ouverte par le traité de Lisbonne, d'association des parlements nationaux à l'évaluation d'Eurojust doit conduire à examiner un certain nombre de questions : l'extension aux parlements nationaux de l'information dont bénéficient aujourd'hui le Conseil et le Parlement européen, la mise en place d'une relation directe entre Eurojust et tous les parlements, Parlement européen et parlements nationaux, la faculté pour les parlements d'auditionner les responsables d'Eurojust et la mise en place éventuelle d'une structure commune sous la forme d'une commission mixte.

Dans les deux cas, quelle que soit la formule qui fera l'objet d'un accord entre parlements, celle-ci ne pourra voir le jour que lorsque les règlements prévus par le traité de Lisbonne déterminant « la structure, le fonctionnement, le domaine d'action et les tâches » d'Europol et d'Eurojust, qui fixeront également les modalités de l'association du Parlement européen et des parlements nationaux au contrôle des activités d'Europol et à l'évaluation des activités d'Eurojust, auront été adoptés.

5. PARTICIPATION À LA RÉVISION SIMPLIFIÉE DES TRAITÉS (CLAUSE PASSERELLE)

5a. Veuillez spécifier quels sont les organes parlementaires impliqués dans cette procédure.

5b. Décrivez brièvement les procédures engagées.

La décision sera prise en séance plénière, compte tenu de l'importance du sujet et de son caractère exceptionnel.

Pour les autres modalités, il est difficile de donner une réponse précise car la révision du Règlement du Sénat en ce qui concerne la clause passerelle n'est pas encore adoptée.

Toutefois, il est envisagé que, pour un éventuel veto à l'utilisation d'une clause passerelle, l'initiative appartienne à tout sénateur. La commission compétente serait la commission des affaires étrangères.

5c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant. N/A

5d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour garantir un accord sur la position commune du Parlement national, le cas échéant.

Les motions visant à opposer un veto à l'utilisation d'une clause passerelle adoptées par l'Assemblée nationale ou le Sénat feront l'objet d'une navette dans l'autre assemblée. Au terme de la procédure, les deux chambres doivent se prononcer dans le même sens.

6. RECOURS DEVANT LA COUR DE JUSTICE DE L'UNION EUROPÉENNE POUR CAUSE DE VIOLATION DU PRINCIPE DE SUBSIDIARITÉ

6a. Veuillez spécifier quels sont les organes parlementaires impliqués.

6b. Décrivez brièvement les procédures engagées dans votre Parlement / Chambre.

La révision du Règlement du Sénat en ce qui concerne les recours devant la Cour de justice pour violation du principe de subsidiarité n'étant pas encore adoptée, il est difficile de donner une réponse détaillée et définitive à cette question.

Toutefois, il est envisagé de distinguer deux cas possibles pour soumettre un recours :

- la Constitution française (article 88-6, voir question 1a du présent document) prévoit que dès lors qu'un recours est formé par soixante sénateurs, celui-ci doit être transmis au Gouvernement aux fins de saisine de la Cour de justice.

- un recours pourrait également être décidé par le Sénat : dans cette hypothèse, la même procédure de décision prévue pour l'adoption des avis motivés au regard du principe de subsidiarité s'appliquerait (voir question 2a et 2b du présent document).

6c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

N/A

6d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour arriver à un accord sur la position commune du Parlement national, le cas échéant.

Une position commune des deux chambres du Parlement français ne serait pas nécessaire pour former un recours.

6e. Dans quels cas, le cas échéant, le Gouvernement national pourrait-il rejeter la demande du Parlement ?

Le Gouvernement n'aura pas la possibilité de s'opposer à un recours.

6f. Quels sont les effets du rejet par le Gouvernement de la demande formulée par un Parlement national de former un recours pour cause de violation du principe de subsidiarité ?

N/A

7. CANDIDATURES D'ADHÉSION À L'UNION EUROPÉENNE

7a. Veuillez spécifier quels sont les organes parlementaires impliqués.

7b. Décrivez brièvement les procédures et les effets de toute résolution adoptée (le cas échéant).

Aucune procédure spécifique visant à ce que le Sénat se prononce sur les candidatures d'adhésion à l'Union européenne n'est prévue.

En revanche, le Parlement réuni en Congrès peut se prononcer, selon certaines conditions, sur la ratification du traité relatif à l'adhésion d'un État à l'Union européenne (article 88-5 de la Constitution).

8. PARTICIPATION À LA COOPÉRATION INTERPARLEMENTAIRE ENTRE LES PARLEMENTS NATIONAUX ET AVEC LE PARLEMENT EUROPEEN.

8a. La Résolution prise par le Parlement européen le 7 mai 2009 sur le développement des relations entre le Parlement européen et les Parlements nationaux dans le cadre du Traité de Lisbonne (le Rapport Brok) a-t-elle fait l'objet d'un débat ou d'une étude au sein de votre Parlement / Chambre ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

Non

8b. Selon l'article 9 du Protocole sur le rôle des Parlements nationaux au sein de l'Union européenne, « le Parlement européen et les parlements nationaux définissent ensemble l'organisation et la promotion d'une coopération interparlementaire efficace et régulière au sein de l'Union », Votre Parlement / Chambre a-t-il/t-elle organisé un débat pour décider comment cette coopération devra être organisée ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

Non

CHAPITRE 2 : LE ROLE FUTUR DE LA COSAC

Questions :

A) ACTUELS POINTS FORTS ET FAIBLES DE LA COSAC

1. Votre Parlement / Chambre tient-il/elle des débats sur le programme des réunions de la COSAC avant que celles-ci n'aient lieu ? Existe t-il une procédure régulière ou extraordinaire pour la préparation des points de l'ordre du jour de la COSAC ? Le cas échéant, quelle est cette procédure et quel organe en est-il responsable ?

C'est la commission des affaires européennes du Sénat qui est responsable de la préparation et du suivi de la COSAC. Les travaux menés par la commission des affaires européennes contribuent aux interventions des sénateurs français au sein de la COSAC.

2. Au terme de chaque réunion de la COSAC, les conclusions / la contribution de la COSAC font-elles/fait-elle l'objet d'un débat dans votre Parlement / Chambre ? Le cas échéant, veuillez spécifier.

Pas de débat spécifique. Lorsque les sujets qui ont fait l'objet d'un débat au sein de la COSAC sont évoqués par la commission des affaires européennes, les enseignements du débat de la COSAC sont mentionnés.

3. Les points faisant l'objet de débats lors des réunions de la COSAC tout comme les conclusions / la contribution de la COSAC ont-ils un effet sur le travail de votre Parlement / Chambre ?

Les travaux des parlements nationaux doivent avoir un effet sur les travaux de la COSAC. Et les travaux de la COSAC doivent avoir un effet sur les travaux des parlements nationaux. Les travaux de la COSAC sont un élément d'information précieux pour le Sénat car ils lui donnent connaissance des travaux menés dans les parlements nationaux et favorisent les échanges entre parlementaires de tous les États membres.

4. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être particulièrement utiles ?

Les échanges de bonnes pratiques sur l'action européenne de chacune des assemblées des États membres. Le dialogue des parlementaires avec le Conseil. Les rencontres entre parlementaires nationaux.

5. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être moins pertinents ?

—

B) LE ROLE FUTUR DE LA COSAC

Points de l'ordre du jour

1. Veuillez spécifier si votre Parlement / Chambre souhaiterait maintenir les points réguliers suivants sur l'ordre du jour de la COSAC :

- | | | |
|-------------------------------|-----|----------------|
| a) Rapport semestriel | Oui | Non |
| b) Programme de la Présidence | | Oui |
| Non | | |

D'une part, la COSAC a lieu généralement dans la seconde partie du semestre d'une présidence, c'est-à-dire trop tard pour qu'un débat sur les priorités de la présidence puisse avoir un réel intérêt. D'autre part, on peut penser que le traité de Lisbonne devrait amoindrir l'importance du programme de la présidence tournante. Il serait en

revanche utile de maintenir un échange de questions-réponses avec la présidence sur l'activité de l'Union.

c) Le principe de subsidiarité Oui
~~Non~~

d) La contribution et les conclusions de la COSAC Oui
~~Non~~

e) Stratégie politique annuelle ou document similaire de la Commission ~~Oui~~
Non

Les réunions de la COSAC ne se déroulent généralement pas à une date qui permettrait d'avoir une influence sur la stratégie politique annuelle de la commission. De plus, l'expérience montre que ce document est rédigé en termes trop généraux pour permettre un débat intéressant et conclusif.

2. Veuillez spécifier quel est le point de vue de votre Parlement / Chambre quant à la possibilité d'ajouter d'autres points réguliers sur l'ordre du jour de la COSAC, par exemple :

a) Programme de travail et programme législatif de la Commission

~~Oui~~ Non

Cela paraît difficile car les réunions de la COSAC ne se déroulent pas à une date propice. De plus, le programme se présente comme une énumération de textes dont on ne connaît que le sujet général.

- [b) Participer aux mécanismes d'évaluation de la mise en œuvre des politiques communautaires dans l'espace de liberté, de sécurité et de justice
- | c) Contrôle politique d'Europol et évaluation des activités d'Eurojust
- | d) Politique étrangère et de sécurité commune, y compris la politique de
- L sécurité et de défense

Pour chacun de ces sujets, la COSAC peut jouer un rôle déterminant pour définir en commun les procédures les plus adéquates. En revanche, une fois que ces procédures seront arrêtées, c'est en fonction de celles-ci que les parlements nationaux pourront agir en commun de la meilleure manière. Cela n'empêchera pas la COSAC de prévoir, de temps à autres, un débat sur l'un de ces sujets ; mais il ne lui reviendra pas de le faire de manière régulière.

e) Autres (veuillez spécifier) Oui
Non

3. Veuillez spécifier si votre Parlement / Chambre considère qu'il est nécessaire de consacrer davantage de temps lors des réunions de la COSAC aux débats avec les Institutions de l'UE :

- | | | |
|--------------------------------|-----|----------------|
| a) La Commission | Oui | Non |
| b) Le Conseil | Oui | Non |
| c) Autres (veuillez spécifier) | | |

En premier lieu, le Conseil ; en second lieu, la Commission.

Débat sur les projets d'actes de l'UE⁴⁵

4. Votre Parlement / Chambre serait-il/elle favorable à ce que la COSAC débattre de propositions concrètes d'actes (en particulier législatifs) à l'agenda de l'Union européenne ?

La COSAC pourrait débattre utilement de propositions d'actes législatifs dès lors :

- que ces propositions d'actes ont une importance politique marquée,*
- que le débat est lié aux travaux menés non seulement au sein du Parlement européen, mais aussi au sein du Conseil, en sorte que chacun des parlements nationaux ait été amené à l'examiner,*
- que le débat au sein de la COSAC peut se traduire par une position de la COSAC exprimée dans la contribution finale.*

4a. Le cas échéant, selon quelles modalités la sélection des actes susceptibles de faire l'objet de ces discussions pourrait-elle être effectuée ? (soumission réalisée par une délégation de la COSAC ou par le Parlement exerçant la Présidence de la COSAC ? Sélection effectuée par la troïka présidentielle, par le Parlement hôte ou par la COSAC plénière précédant immédiatement la réunion au cours de laquelle ce ou ces projets seraient débattus etc. ?)

Le débat au sein de la COSAC ne portera pleinement ses fruits que si l'on choisit avec discernement le thème en tenant compte précisément du calendrier. Seule la présidence est susceptible de prendre pleinement en compte ces éléments et de tenir compte des propositions formulées par chacun.

⁴⁵ Les questions 4 à 4d ont été soumises par M. Pierre LEQUILLER, Président de la Commission des Affaires européennes de l'Assemblée nationale française.

4b. Selon votre Parlement / Chambre, quelles pourraient être les modalités d'organisation de ces débats ?

4ba. Devraient-ils notamment faire l'objet d'un chapitre du rapport semestriel de la COSAC, étayé par les contributions apportées par chacune des délégations ?

Non. Le rapport semestriel a pour mission de recenser les pratiques de chacun des États membres afin de faire apparaître les meilleures. Il n'a pas pour but de recueillir les positions politiques de chaque parlement national.

4bb. Les présences du Commissaire européen et du rapporteur du Parlement européen sur le projet d'acte concerné, voire du Président de la commission parlementaire qui travaille sur le sujet vous apparaissent-elles opportunes ?

Oui.

4bc. Pensez-vous que les parlementaires qui travaillent sur le sujet dans leur Parlement / Chambre devraient s'incorporer à leurs délégation et participer dans ces réunions de la COSAC ?

Il revient à chaque parlement national de déterminer la composition de sa délégation. C'est une exigence minimale de la subsidiarité.

4c. Les éléments de consensus dégagés par ces discussions auraient-ils vocation, à vos yeux, à s'intégrer dans les contributions émises par la COSAC ?

Oui.

4d. Dans ce contexte, pouvez-vous nous indiquer quels projets d'actes européens pourraient utilement à vos yeux faire l'objet de débats au cours des prochaines réunions ordinaires de la COSAC ? Merci de les présenter par ordre de priorité.

- *Swift,*
- *Droit des consommateurs,*
- *protection des sols.*

Tests du principe de subsidiarité

5. Votre Parlement / Chambre est-il/elle d'avis que la COSAC devrait continuer à coordonner des tests du principe de subsidiarité au sein des Parlements nationaux ? Le cas échéant, veuillez préciser comment.

En matière de subsidiarité, la COSAC doit recueillir les meilleures pratiques, permettre des échanges sur les difficultés rencontrées et susciter des débats sur les meilleures méthodes de travail et de communication.

COSAC et groupes politiques

6. Veuillez préciser si votre Parlement / Chambre considère qu'il est nécessaire de consacrer plus de temps à la délibération des groupes politiques lors des réunions ordinaires de la COSAC. Les réunions des groupes politiques devraient-elles être aussi organisées lors des réunions des présidents de la COSAC ?

La formule actuelle ne semble pas donner complètement satisfaction, mais il paraît difficile de dégager plus de temps.

Secrétariat de la COSAC

7. Quelles améliorations suggèreriez-vous quant aux moyens disponibles de la COSAC, notamment le Secrétariat de la COSAC ?

Aucune.

Article 10 du Protocole 1 du Traité de Lisbonne

8. L'article 10 du Protocole 1 du Traité de Lisbonne prévoit une conférence des organes parlementaires spécialisés dans les affaires de l'Union, alors que la COSAC n'est plus mentionnée.

8a. Cet article ne fait pas mention de la composition de cette conférence : suggèreriez-vous une modification de la composition de la COSAC ?

Non.

8b. Votre Parlement / Chambre considère-t-il/elle que l'acronyme actuel de COSAC devrait être modifié ? Le cas échéant, veuillez nous faire part de vos suggestions.

La COSAC commence aujourd'hui d'être connue dans l'ensemble des milieux européens sans que quiconque sache qu'il s'agit d'un acronyme. Il n'est peut-être pas nécessaire de modifier son nom au risque de brouiller la compréhension et la lisibilité.

8c. Envisageriez-vous de modifier les Règles de Procédure de la COSAC pour organiser des conférences interparlementaires sur des sujets spécifiques ? D'après vous, comment de telles conférences pourraient-elles être organisées ? Quels thèmes considèreriez-vous particulièrement intéressants d'aborder lors de ces conférences ?

Les conférences interparlementaires sur des sujets spécifiques devraient avoir la même composition que la COSAC, mais rassembler des parlementaires spécialisés dans le sujet traité.

Les thèmes particulièrement intéressants sont l'espace de liberté, de sécurité et de justice ainsi que la politique de sécurité et de défense commune.

C) FUTURE PROCÉDURE POUR LES RÉUNIONS DE LA COSAC

1. D'après leur format actuel, les réunions ordinaires de la COSAC durent deux jours et les réunions des présidents de la COSAC durent un jour. Suggèreriez-vous d'apporter des changements aux formats actuels ? Le cas échéant, veuillez spécifier.

Non.

2. Concernant le nombre de fois que chaque Parlement / Chambre peut prendre la parole sur chacun des points de l'ordre du jour, veuillez indiquer votre préférence :

a) Il ne devrait pas être limité ~~Oui~~
Non

b) Il devrait être limité à une fois par Parlement / Chambre ~~Oui~~
Non

c) Il devrait être limité à deux fois par Parlement / Chambre ~~Oui~~
Non

d) Il ne devrait pas être limité mais les deuxièmes et troisièmes utilisations de tour de parole devraient être octroyées une fois que tous les Parlements nationaux ont eu leur chance de s'exprimer

Oui ~~Non~~

e) Le Président pourra adopter chacune de ces procédures en fonction du nombre de requêtes présentées pour prendre la parole ~~Oui~~ Non

f) Autres critères : (veuillez préciser)

3. Le temps de parole devrait-il être limité afin de garantir que le plus grand nombre de Parlements / de Chambres puissent prendre la parole ? Quel temps maximum de parole suggèreriez-vous ?

Trois minutes, sauf pour les rapporteurs de thèmes spécifiques.

Excepts from the Constitution of France:

Article 88-6

L'Assemblée nationale ou le Sénat peuvent émettre un avis motivé sur la conformité d'un projet d'acte législatif européen au principe de subsidiarité. L'avis est adressé par le président de l'assemblée concernée aux présidents du Parlement européen, du Conseil et de la Commission européenne. Le Gouvernement en est informé.

Chaque assemblée peut former un recours devant la Cour de justice de l'Union européenne contre un acte législatif européen pour violation du principe de subsidiarité. Ce recours est transmis à la Cour de justice de l'Union européenne par le Gouvernement.

À cette fin, des résolutions peuvent être adoptées, le cas échéant en dehors des sessions, selon des modalités d'initiative et de discussion fixées par le règlement de chaque assemblée. À la demande de soixante députés ou de soixante sénateurs, le recours est de droit.

Article 88-7

Par le vote d'une motion adoptée en termes identiques par l'Assemblée nationale et le Sénat, le Parlement peut s'opposer à une modification des règles d'adoption d'actes de l'Union européenne dans les cas prévus, au titre de la révision simplifiée des traités ou de la coopération judiciaire civile, par le traité sur l'Union européenne et le traité sur le fonctionnement de l'Union européenne, tels qu'ils résultent du traité signé à Lisbonne le 13 décembre 2007.

Germany: Bundestag

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

Yes, Art. 23 Abs. 1 a and Art.45 Basic Law (Constitution) – provisions on subsidiarity proceedings, appealing to the Court against violation of the principle of subsidiarity (Subsidiaritätsklage).

1b. Legal provisions - Statutory provisions

Yes, as a result of the German Constitutional Court's decision on the Lisbon Treaty in June 2009 national legal provision were revised (→ Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union) and newly enacted (→ Act on the Exercise by the Bundestag and by the Bundesrat of their Responsibility for Integration in Matters concerning the European Union (Responsibility for Integration Act)).

1c. Parliamentary Standing Orders

A change of the Rules of Procedure is currently being discussed, esp. concerning competences/responsibilities of the EU committee and specialised committees for coordination in subsidiarity objections and proceedings.

1d. Other (please specify)

(-)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

Please refer to 1c.

N) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

Monitoring includes all activities of all EU institutions.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

Monitoring is comprehensive.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

Monitoring of EU documents of the German Bundestag, procedure:

1. Supply of EU documents by the responsible Ministry of Economics and Technology,
2. Europe Division (administration unit) receives documents, identifies significance for the Bundestag in cooperation with the parliamentary groups (so called prioritisation procedure) and proposes further procedure/handling,
3. Identified proposals on agenda of responsible committees, preparation of plenary decision on the proposal,
4. Plenary decision
5. Notification of EU institutions.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Yes, the Federal Government must provide all EU documents as well as accompanying information. The latter shall support the Bundestag in order to make an initial assessment of the importance of an EU proposal.

Furthermore, the Federal Government must provide both written and verbal reports of the negotiations in the Council, the Council working groups, and its bodies as well as of important meetings of the committees of the European Parliament.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

There are no formal mechanisms but informal early warning mechanisms.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The Bundestag Administration has established a Europe Division for these tasks (refer to question 1c). It first of all examines all EU items for their importance for the Bundestag. Then, in consultation with the parliamentary groups, the significance of those proposals for the Bundestag is identified. In this way, only around half of all EU proposals find their way onto the committees' agendas. This allows the Members to concentrate on the important items. The Europe Division forwards information to the relevant specialist policy-makers, for example the state of negotiations at European level or submissions from associations or institutions.

Like most national parliaments the Bundestag has a liaison office in Brussels.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance. The following parliamentary bodies are involved:

- Committees (depending on their responsibility)
- Plenary
- Parliamentary groups
- Bundestag's administration (secretariats of responsible committees, Europe Division, parliamentary secretariat)

2b. Briefly describe the procedures involved.

- Notation on compliance with the subsidiarity principle and further legal framework by Europe Division
- Deliberations in the responsible committees (lead and advisory)
- Written and/or oral information by government/ministries
- Lead committee prepares recommendation for the decision and report to the plenary
- Decision of plenary on proposal's compliance with subsidiarity principle
- Notification of EU institution by parliamentary secretariat

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

A participation of regional parliaments is not provided.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Bundestag published the results of the subsidiarity checks on IPEX website.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

A real time information support for the Parliaments via IPEX as it is currently in use seems difficult to realize, especially since many procedural steps/decisions are taken at an early stage and on an informal level. At that stage an improved informal cooperation and exchange of information between national parliaments is necessary.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The establishment of improved communication structures with EU institutions is currently discussed. A final decision on that question has not been made, yet.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁴⁶ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

A final decision on that question has not been made, yet.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

⁴⁶ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

Since the regulation foreseen by Article 88 Treaty on European Union does not exist yet, a definite answer cannot be given at this (early) stage.

For any final decision the Bundestag as a whole/the plenary would be responsible. As preparing organ the Committee on Internal Affairs, which is already responsible for questions concerning Europol, would be responsible.

3b. Briefly describe the procedures involved.

Please refer to question 3a.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

A participation of regional parliaments is not provided.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

Please refer to question 3a.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Since the foreseen regulation has not been finalized, yet, a definite answer cannot be given at this (early) stage.

Since the regulation foreseen by Article 85 Treaty on European Union does not exist yet, a definite answer cannot be given at this (early) stage.

For any final decision the Bundestag as a whole/the plenary would be responsible. As preparing organ the Committee on Legal Affairs, which is already responsible for questions concerning Eurojust, would be responsible.

4b. Briefly describe the procedures involved.

Please refer to question 4a.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

A participation of regional parliaments is not provided.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

Please refer to question 4a.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

Generally said, a decision in the European Council in the case of bridging clauses or special bridging clauses may only be taken on the basis of a law to that effect or a Bundestag's decision to that effect. In the absence of such a law or decision, the German representative in the European Council must reject the proposal for a decision.

Therefore, the parliamentary participation follows the legislative procedure. As parliamentary bodies, the plenary and the committees are involved.

5b. Briefly describe the procedures involved.

Please refer to question 5a.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

A participation of regional parliaments is not provided.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Please refer to question 5a.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

A change of the Rules of Procedure is currently being discussed.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

A change of the Rules of Procedure is currently being discussed.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

A participation of regional parliaments is not provided.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

No formal mechanisms of cooperation between Bundestag and Bundesrat foreseen.

6e. In which cases, if any, may the national Government reject the Parliament's request?

(-)

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

(-)

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

Generally, the accession to the EU follows the ratification procedure.

Before the final decision in the Council, the Federal Government on the opening of negotiations on accessions is to reach agreement with the Bundestag. This shall not prejudice the right of the Federal Government, in awareness of the Bundestag's opinion, to take divergent decisions for good reasons of foreign or integration policy. (10 II Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union).

As parliamentary bodies the plenary and the committees are involved. (§

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

How to reach an agreement is currently discussed.

The adoption of a resolution contains (briefly) the following steps:

- Deliberations in the responsible committees (lead and advisory), including written and/or oral information by government/ministries
- Lead committee prepares recommendation for the decision and report to the plenary
- Decision of plenary

Effect:

Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union

Section 9 Opinions of the Bundestag

- (1) *Before participating in projects, the Federal Government shall give the Bundestag the opportunity to deliver an opinion. To this end, the Federal Government shall communicate to the Bundestag the time by which it seems appropriate to deliver an opinion in the light of time constraints arising from the course of the procedure within the European Union.*
- (2) **If the Bundestag delivers an opinion, the Federal Government shall use it as a basis for its negotiation.** *The continuous notification by the Federal Government under section 4(1) of this Act shall also comprise indications regarding the consideration given to each opinion of the Bundestag in negotiations.*

- (3) *The Bundestag may adapt and supplement its opinion while a project is being discussed by the bodies of the European Union. The first sentence of paragraph 2 above shall apply, mutatis mutandis.*
- (4) *If the Bundestag avails itself of the opportunity to deliver an opinion under the first sentence of Article 23(3) of the Basic Law (Grundgesetz), the Federal Government shall invoke the requirement of prior parliamentary approval in the Council if the main interests expressed in the decision of the Bundestag cannot be asserted.*
The Federal Government shall notify the Bundestag thereof without delay in a special report. In its form and content, this report must lend itself to discussion by the bodies of the Bundestag.
Before the final decision in the Council, the Federal Government shall endeavour to reach agreement with the Bundestag. *This shall also apply if the Bundestag delivers an opinion on matters concerning municipal services of public interest in connection with projects of the European Union. The foregoing provisions shall not prejudice the right of the Federal Government, in awareness of the Bundestag's opinion, to take divergent decisions for good reasons of foreign or integration policy.*
- (5) **After the Council has taken its decision, the Federal Government shall notify the Bundestag in writing without delay, particularly as regards the adoption of the parliamentary opinion. If not all of the interests expressed in the opinion have been taken into account, the Federal Government shall also state the reasons for this. At the request of the Bundestag, the Federal Government shall also explain these reasons in the framework of a plenary debate.**

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The May 7, 2009 Resolution of the European Parliament on the development of the relations between the European Union Parliament and national Parliaments has been discussed in a broader context. Some of the major points mentioned in the Brok-Report, however, are already part of parliamentary practice.

Concerning Art. 6 of the Report, the Committee on the affairs of the European Union is closely working together with respective committees from other Member states. Joined Committee meetings are held on a regular basis or

whenever it becomes necessary. Additionally, extraordinary meetings like the "Triangle of Weimar" (Germany, France, Poland) are held. With reference to Art. 9 of the Report, 16 German MEPs are advisory members of the Committee.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

Effective and regular interparliamentary cooperation has been one of the important discussion issues since the Lisbon Treaty had been set into force. It has, however, been discussed not explicitly with the focus on Art. 9 of the Protocol on the role of the national Parliaments in the European Union but in a broader sense. Therefore, neither a resolution has been adopted so far nor concrete proposals on the cooperation were made.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Bundestag has no standing practice to discuss COSAC agenda beforehand. Mostly, however, COSAC agenda topics are of prevailing interest (e.g. agenda topics of presidency or current EU-initiatives) and therefore on the agenda of the committees.

The Bundestag's COSAC delegation regularly meets prior to the COSAC in order to prepare the conference.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

The delegation usually reports on the results of each COSAC to the EU-Committee.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Some topics have.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

- information by presidency on current agenda and following discussions
- discussion with national parliamentarians on
- exchange of thoughts on and enhancement of parliamentary control in EU-Affairs
- personal encounters/contacts between EU committees of national parliaments, also during the framework program

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|------------|------------|
| a) Bi-annual Report | Yes | No |
| → yes, if short and comparative topics | | |
| b) Presidency programme | | Yes |
| No | | |
| c) The principle of subsidiarity | | Yes |
| No | | |
| d) COSAC contribution and conclusions | | Yes |
| No | | |
| e) Commission Annual Policy Strategy or similar document | | Yes |
| No | | |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|---|--|------------|
| a) Commission Legislative and Work Programme | | Yes |
| No | | |
| b) Taking part in the evaluation mechanisms for the implementation of Union policies in the area of freedom, security and justice | | Yes |
| No | | |

- c) Political monitoring of Europol and evaluation of Eurojust's activities
Yes No
- d) Common foreign and security policy, including common security
and defence policy
Yes No
- e) Other (please specify) Yes No

➔ The number of REGULAR points of the agenda does not necessarily have to be increased, rather than the agenda kept flexible for ongoing and topical political developments, issues or initiatives.

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- a) The Commission Yes No
- b) The Council Yes No
- c) Other (please specify)

Debate on draft EU acts⁴⁷

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

In earlier discussions the EU Committee of the German Bundestag supported Chairman Lequiller's request for a more detailed discussion on specific draft acts on an interparliamentary level.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

In order to ensure a qualified discussion, draft acts should only be dealt with selectively, not necessarily during every COSAC and only when a discussion on COSAC level seems use- and fruitful.

Acts could be selected for debate as they used to be for the subsidiarity checks.

⁴⁷ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

For example, after a draft act had been selected the content wise discussion could be proceeded on a working level as well as between the rapporteurs of the EU Committees.

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Yes.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Generally COSAC delegations should consist of members of the EU Committee. In particular cases a participation of another committee's member can be reasonable, e.g. if concrete expertise of a certain deputy is needed.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

A specific letter about COSAC's consensus on the draft could have a stronger effect.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Firstly a decision on the "if" should be taken.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes, especially in identifying draft acts and coordinating (also informally) at an early stage within the eight-weeks deadline national parliaments approaches.

COSAC's existing infrastructure (Secretariat in Brussels, website, cooperation between national parliaments) should be further developed and taken advantage of. COSAC and its Secretariat should concentrate its work on the selection of draft acts and the following coordination of the check. Questionnaires, reports etc. at this stage do not seem necessary anymore. Please do also refer to the letter signed by the chairman of the Bundestag's EU-Committee on Subsidiarity Checks assisted by COSAC of November 26, 2009.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

No.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

Please refer to question 5.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

That question has not been discussed on an official level. The acronym of COSAC, however, is commonly used and should therefore be remained, at least as working title.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you

suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

In very particular cases interparliamentary conferences on specific topics could be useful, e.g. on topics that require a very high level of parliamentary coordination. Though, number and group of participants should be limited and enough room as well as time for discussions offered.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|---------------|
| a) Should not be limited | Yes |
| No | |
| b) Should be limited to once per Parliament / Chamber | Yes |
| No | |
| c) Should be limited to twice per Parliament / Chamber | Yes |
| No | |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | Yes |
| No | |
| f) Other criteria: (please specify) | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Yes, max. three minutes.

Germany: Bundesrat

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

Articles 23, 45 and 93 of Germany's Basic Law have been modified in order to implement the Treaty of Lisbon. A new paragraph was added to Article 23 (Sub-section 1a), enshrining in the constitution the right of the Bundestag and the Bundesrat to initiate proceedings in the European Court of Justice in cases of non-compliance with the principle of subsidiarity. The addition to Article 45, Basic Law and the modification of Article 93, Basic Law deal with details of procedure within the Bundestag.

1b. Legal provisions - Statutory provisions

Following the Federal Constitutional Court's ruling on the Treaty of Lisbon on 30 June 2009, the Bundestag and the Bundesrat have adopted the 'Responsibility for Integration Act' (*Integrationsverantwortungsgesetz*) concerning the provisions for involving the Bundestag and Bundesrat when sovereign rights are transferred to the EU, as well as provisions on participation of these bodies in shaping decision-making processes at European level. At the same time, amendments were made to existing legislation, namely to two bills concerning cooperation between the Federation and the federal states and between the Federal Government and the Bundestag on European issues. These two bills on cooperation stipulate the reporting obligations of the Federal Government and the rights of the Bundesrat and Bundestag to participate in determining Germany's position for negotiations in Brussels.

1c. Parliamentary Standing Orders

No modifications

1d. Other (please specify)

None

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

No further changes are planned at present.

O) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The Bundesrat's participation in European affairs does not extend to issues pertaining to the EU's Common Foreign and Security Policy.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The Bundesrat conducts a comprehensive review of all draft legislation affecting the interests of the federal states.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The Bundesrat's Committee on European Union Questions (EU Committee) and the Bundesrat's sector-specific committees participate in deliberations on EU draft legislation. The EU Committee is the lead committee when discussing proposals from the Council or the Commission which are of significance to the federal states. Deliberations in the EU Committee are usually based on recommendations from the sector-specific committees. In examining

draft legislation, the EU Committee is principally guided by considerations pertaining to policy on the European Union and on enhancing integration. Each of the sector-specific committees submits comments based on their specific area of technical competence.

The Office of the EU Committee prepares a document on the basis of the recommendations from all committees involved. This document is the basis for the adoption of an Opinion in the Bundesrat's plenary session. In urgent cases or when confidentiality is required, the Chamber of European Affairs, as enshrined in the Basic Law, may take a decision for the Bundesrat in lieu of the Bundesrat meeting in plenary session.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

There are long-standing provisions stipulating that the Federal Government is obliged to provide comprehensive information to the Bundesrat at the earliest opportunity in respect of any draft legislation within the framework of the European Union which could be of interest to the federal states. If and where the interests of the federal states are affected, the Federal Government is obliged to allow a reasonable timeframe for the Bundesrat to submit its Opinion on the topic in question before adopting Germany's official negotiating position. This obligation to provide comprehensive information to the Bundesrat also means that the Federal Government must present its position to the committees during their deliberations and to the plenary during the debate there.

In addition to these existing duties, the new 'Responsibility for Integration Act' and the amended bills on parliamentary participation in the process require the Federal Government to transmit a report on EU draft legislation no later than two weeks after informing the Bundestag and the Bundesrat about the draft legislation in question. In particular the report must contain a specific evaluation of the proposed legislation's compliance with the principles of subsidiarity and proportionality. Furthermore, within two weeks of transmitting the EU draft legislation to the Bundestag's committees, the Government must submit a comprehensive evaluation of the draft legislation to both chambers of parliament. This evaluation must include information on EU competence to legislate in the field in question, and an evaluation of the draft legislation's compliance with the principles of subsidiarity and proportionality. It must also contain a comprehensive impact assessment for Germany.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

There are plans to introduce a mechanism whereby the Secretariat of the Bundestag's Committee on European Affairs would have to be informed of the progress of the scrutiny procedure in cases in which the Bundesrat has objections concerning respect for the principle of subsidiarity.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The substantive issues pertaining to EU draft legislation are reviewed in the 16 federal states. The ministries in the federal states responsible for the specific technical areas discuss the EU draft legislation in the Bundesrat's sector-specific committees. The EU Committee subsequently discusses the draft legislation on the basis of the outcome of deliberations in the sector-specific committees, taking overarching integration policy issues into account in its deliberations.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The Bundesrat reviews compliance of draft legislation with the principle of subsidiarity in accordance with the procedure for reviewing EU draft legislation described under question 1c. These provisions were already applicable prior to entry into force of the Treaty of Lisbon. The bodies outlined in the answer to question 1c are in charge of conducting this scrutiny.

2b. Briefly describe the procedures involved.

Cf. question # 2a.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

The governments of the federal states involve the *Landtage* (parliaments of the federal states) in the decision-making process in keeping with *Land*-specific procedures.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

The IPEX system was used during the subsidiarity test runs. The Bundesrat's data-base on EU draft legislation was linked to the IPEX

pages which provide information on progress made in the subsidiarity tests conducted by the various Parliaments/Chambers. It therefore seems fair to expect that intensive use will be made of IPEX in the future.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Representatives of the Bundesrat will continue to take part in inter-parliamentary conferences. The Bundesrat intends to continue transmitting its Opinions on EU draft legislation directly to the Commission.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁴⁸ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

This question has not yet been raised by the Bundesrat vis-à-vis the Federal Government.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

Cf. response to question # 1c.

3b. Briefly describe the procedures involved.

Cf. response to question # 1c.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

⁴⁸ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

Cf. response to question # 2c.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No specific procedural provisions have been foreseen for monitoring Europol.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Cf. response to question 1c.

4b. Briefly describe the procedures involved.

Cf. response to question 1c.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Cf. response to question # 2c.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No specific rules have been foreseen for evaluating Eurojust's activities.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

Cf. response to question # 1c.

5b. Briefly describe the procedures involved.

In Germany a law has been put into force that provides for rules concerning the exercise of the integration responsibility of the Bundestag and the Bundesrat in matters of the EU. According to that law, the German representative in the European Council is allowed to agree to the usage of the Passerelle Clause or abstain from voting only if another law which has to be tabled and decided upon every time the motion of the usage of the Passerelle Clause is introduced explicitly legitimates him/her to do so. If such a law does not come into force, the

German representative will be compelled to vote against the motion of the usage of the Passerelle Clause. If the European Council communicates an initiative concerning the usage of the Passerelle Clause according to article 48 paragraph 7 subparagraph 3 TEU to the national parliaments the Bundestag alone is competent to enact the right to oppose the initiative if the core of the initiative touches the exclusive law making competence of the federal state ("Bund"). In any other case either the Bundestag or the Bundesrat can enact this right.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Cf. response to question # 2c.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

So far, no formal procedures have been foreseen for agreeing on a joint position.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

Cf. response to question # 1c.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

Cf. response to question # 1c.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Cf. response to question # 2c.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

To date no such procedures are foreseen.

6e. In which cases, if any, may the national Government reject the Parliament's request?

Pursuant to the 'Responsibility for Integration Act', the Federal Government, acting on behalf of the Bundestag and/or the Bundesrat, must inform the European Court of Justice without delay if either the

Bundestag or the Bundesrat has adopted a decision to bring a case to the European Court of Justice concerning non-compliance with the subsidiarity principle.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

The Federal Government may not refuse to initiate actions for annulment if either the Bundestag or the Bundesrat have adopted a decision to bring a case to the European Court of Justice concerning non-compliance with the subsidiarity principle.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

Cf. response to question # 1f.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

Cf. response to question # 1c for a description of the procedures.

Should the Council decide to start negotiations with a view to preparing accession of new Member States to the EU, the Federal Government must inform the Bundesrat about this decision and about progress in the Federal Government's decision-making process on this issue. The Federal Government is obliged to keep the Bundestag updated on the course of negotiations. Bundesrat Opinions in this regard must be taken into consideration by the Federal Government. If and when the matters addressed fall primarily within the ambit of the legislative competences of the federal states, the Bundesrat's position is binding on the Federal Government.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The Bundesrat has not held a debate on the Brok Report.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, “the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union”. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The Bundesrat has not yet held a debate on ways to ensure closer inter-parliamentary cooperation.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Prior to COSAC meetings, the Bundesrat has examined and held debates on individual topics on the COSAC agenda, such as the Baltic Sea Strategy and the Stockholm Programme. There is however no regular practice of always discussing topics on COSAC's agenda in the Bundesrat prior to COSAC meetings.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

There are no regular debates on COSAC conclusions and contributions after each COSAC meeting.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

After each COSAC meeting, the Office of the EU Committee prepares an internal report of the meeting, which is then circulated to members of the EU Committee. In the report there is a particular emphasis on statements from the conclusions or contributions to the debate which are of relevance for the Bundesrat. In the past this has repeatedly influenced deliberations in the Bundesrat. A case in point is the debate on the Commission's “Annual Policy Strategy”, which is now regularly conducted in the Bundesrat's EU Committee with Commission representatives in attendance. This regular debate was introduced

largely on the basis of an initiative promoted by COSAC to strengthen awareness of issues relating to the European Union.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The joint subsidiarity test runs were of great importance to the Bundesrat. Experience gleaned from these has been incorporated directly into considerations on implementation of the early-warning system in the Bundesrat. In this context it was also very important that requests could be formulated in COSAC contributions concerning the EU institutions' procedural arrangements for transmission of early-warning documents.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

The debates that have been held on how COSAC views its role were less relevant for the Bundesrat.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|---------------|---------------|
| a) Bi-annual Report | <u>Yes</u> | No |
| b) Presidency programme | <u>Yes</u> | No |
| c) The principle of subsidiarity | No | <u>Yes</u> |
| d) COSAC contribution and conclusions | No | <u>Yes</u> |
| e) Commission Annual Policy Strategy or similar document | No | <u>Yes</u> |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|--|---------------|------------|
| a) Commission Legislative and Work Programme | No | <u>Yes</u> |
|--|---------------|------------|

- the ~~No~~ b) Taking part in the evaluation mechanisms for the implementation of Union policies in the area of freedom, security and justice Yes
- c) Political monitoring of Europol and evaluation of Eurojust's activities Yes ~~No~~
- and defence d) Common foreign and security policy, including common security policy Yes ~~No~~
- e) Other (please specify) ~~Yes~~ No

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- a) The Commission Yes ~~No~~
- b) The Council Yes ~~No~~
- c) Other (please specify)

Debate on draft EU acts⁴⁹

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Given COSAC's role, an exchange of opinions on specific draft legislation would definitely be of interest to the Bundesrat. Where possible, the timing of debates should be scheduled to ensure that it is possible to address points of substance concerning the proposal in question.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

Any proposals for debates on draft legislation could be selected in a similar way to the selection of proposals on topics for subsidiarity test runs.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

⁴⁹ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Preparing debates in COSAC by means of COSAC's Bi-annual Reports has so far proved to be a useful approach.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

The participation of the persons mentioned above would certainly mean that the debates would carry greater weight.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

It would be helpful for e.g. rapporteurs from national parliaments to participate.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

This question should be reviewed diligently and discussed thoroughly, bearing in mind that COSAC Contributions cannot bind national parliaments in any way.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

The Bundesrat could submit a list with draft legislation to be addressed as a priority. A selection of draft legislation to be discussed in the COSAC framework could also be made on the basis of the annual Commission Work Programme.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

It would be advisable to continue to coordinate subsidiarity checks after entry into force of the Treaty of Lisbon. Efforts could be made in joint subsidiarity checks to ensure greater coordination of national

parliaments' positions. Conceivably, one or several "rapporteur parliaments" could endeavour to issue their subsidiarity statement as early as possible. These statements could then be integrated into deliberations in the other Chambers/ Parliaments when they conduct their own checks. Opinions submitted on subsidiarity checks would have a greater impact if these checks were based on the same or similar criteria. This will particularly be the case if it is not possible to attain a quorum.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

From the Bundesrat's perspective, COSAC has sufficient resources.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

Modifications of COSAC's composition should only be considered after detailed discussions.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

A change does not seem to be necessary. Other acronyms would probably not be meaningful to the general public.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

There does not appear to be an urgent need to amend COSAC's Rules of Procedure. The Rules of Procedure offer the requisite flexibility to organise conferences on specific topics. Members of sector-specific committees could also be invited as special guests. The respective COSAC Presidency should hold sole responsibility for organising such meetings and selecting specific topics as required.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

The current formats for COSAC Chairpersons' meetings and Ordinary COSAC meetings have proved to work well.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|--------------------------|
| a) Should not be limited | <u>Yes</u> |
| No | |
| b) Should be limited to once per Parliament / Chamber | Yes |
| <u>No</u> | |
| c) Should be limited to twice per Parliament / Chamber | Yes |
| <u>No</u> | |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | <u>Yes</u> No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | No <u>Yes</u> |
| f) Other criteria: (please specify) | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Speaking time should be limited to a maximum of 3 minutes.

Excerpts from the German Basic Law:

Article 23

[European Union – Protection of basic rights – Principle of subsidiarity]

(1) With a view to establishing a united Europe, the Federal Republic of Germany shall participate in the development of the European Union that is committed to democratic, social and federal principles, to the rule of law, and to the principle of subsidiarity, and that guarantees a level of protection of basic rights essentially comparable to that afforded by this Basic Law. To this end the Federation may transfer sovereign powers by a law with the consent of the Bundesrat.

The establishment of the European Union, as well as changes in its treaty foundations and comparable regulations that amend or supplement this Basic Law, or make such amendments or supplements possible, shall be subject to paragraphs (2) and (3) of Article 79.

(1a) The Bundestag and the Bundesrat shall have the right to bring an action before the Court of Justice of the European Union to challenge a legislative act of the European Union for infringing the principle of subsidiarity. The Bundestag is obliged to initiate such an action at the request of one fourth of its Members. By a statute requiring the consent of the Bundesrat, exceptions from the first sentence of paragraph (2) of Article 42, and the first sentence of paragraph (2) of Article 52, may be authorised for the exercise of the rights granted to the Bundestag and the Bundesrat under the contractual foundations of the European Union.

(2) The Bundestag and, through the Bundesrat, the Länder shall participate in matters concerning the European Union.

II. The Federation and the Länder 27

The Federal Government shall keep the Bundestag and the Bundesrat informed, comprehensively and at the earliest possible time.

(3) Before participating in legislative acts of the European Union, the Federal Government shall provide the Bundestag with an opportunity to state its position. The Federal Government shall take the position of the Bundestag into account during the negotiations. Details shall be regulated by a law.

(4) The Bundesrat shall participate in the decision-making process of the Federation insofar as it would have been competent to do so in a comparable domestic matter, or insofar as the subject falls within the domestic competence of the Länder.

(5) Insofar as, in an area within the exclusive competence of the Federation, interests of the Länder are affected, and in other matters, insofar as the Federation has legislative power, the Federal Government shall take the position of the Bundesrat into account. To the extent that the legislative powers of the Länder, the structure of Land authorities, or Land administrative procedures are primarily affected, the position of the Bundesrat shall be given the greatest possible respect in determining the Federation's position consistent with the responsibility of the Federation for the nation as a whole. In matters that may result in increased expenditures or reduced revenues for the Federation, the consent of the Federal Government shall be required.

(6) When legislative powers exclusive to the Länder concerning matters of school education, culture or broadcasting are primarily affected, the exercise of the rights belonging to the Federal Republic of Germany as a member state of the European Union shall be delegated by the Federation to a representative of the Länder designated by the Bundesrat. These rights shall be exercised with the participation of, and in coordination with, the Federal Government; their exercise shall be consistent with the responsibility of the Federation for the nation as a whole.

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(7) Details regarding paragraphs (4) to (6) of this Article shall be regulated by a law requiring the consent of the Bundesrat.

Article 45

[Committee on the European Union]

The Bundestag shall appoint a Committee on the Affairs of the European Union. It may authorise the committee to exercise the rights of the Bundestag under Article 23 vis-à-vis the Federal Government. It may also empower it to exercise the rights granted to the Bundestag under the contractual foundations of the European Union.

Article 93

[Jurisdiction of the Federal Constitutional Court]

(1) The Federal Constitutional Court shall rule:

1. on the interpretation of this Basic Law in the event of disputes concerning the extent of the rights and duties of a supreme federal body or of other parties vested with rights of their own by this Basic Law or by the rules of procedure of a supreme federal body;

2. in the event of disagreements or doubts concerning the formal or substantive compatibility of federal law or Land law with this Basic Law, or the compatibility of Land law with other federal law, on application of the Federal Government, of a Land government, or of one fourth of the Members of the Bundestag;

2a. in the event of disagreements whether a law meets the requirements of paragraph (2) of Article 72, on application of the Bundesrat or of the government or legislature of a Land;

3. in the event of disagreements concerning the rights and duties of the Federation and the Länder, especially in the execution of federal law by the Länder and in the exercise of federal oversight;

4. on other disputes involving public law between the Federation and the Länder, between different Länder, or within a Land, unless there is recourse to another court;

4a. on constitutional complaints, which may be filed by any person alleging that one of his basic rights or one of his rights under paragraph (4) of Article 20 or under Article 33, 38, 101, 103 or 104 has been infringed by public authority;

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4b. on constitutional complaints filed by municipalities or associations of municipalities on the ground that their right to self-government under Article 28 has been infringed by a law; in the

case of infringement by a Land law, however, only if the law cannot be challenged in the constitutional court of the Land;

5. in the other instances provided for in this Basic Law.

(2) At the request of the Bundesrat, a Land government or the parliamentary assembly of a Land, the Federal Constitutional Court shall also rule whether in cases falling under paragraph (4) of Article 72 the need for a regulation by federal law does not exist any longer or whether in the cases referred to in clause 1 of paragraph (2) of Article 125a federal law could not be enacted any longer. The Court's determination that the need has ceased to exist or that federal law could no longer be enacted substitutes a federal law according to paragraph (4) of Article 72 or clause 2 of paragraph (2) of Article 125a. A request under the first sentence is admissible only if a bill falling under paragraph (4) of Article 72 or the second sentence of paragraph (2) of Article 125a has been rejected by the German Bundestag or if it has not been considered and determined upon within one year, or if a similar bill has been rejected by the Bundesrat.

(3) The Federal Constitutional Court shall also rule on such other matters as shall be assigned to it by a federal law.

Greece: Vouli Ton Ellinon

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

- 1a. Constitutional provisions
- 1b. Legal provisions - Statutory provisions
- 1c. Parliamentary Standing Orders
- 1d. Other (please specify)

The Hellenic Parliament has not adopted any legal provisions related to the Lisbon Treaty. The only part of the Standing Orders that was affected recently was the one regulating the parliamentary services' structure, and especially the structure of the General Directorate for Foreign Affairs and Communication, which comprises the competent units for interparliamentary cooperation and for support of parliamentary committees when monitoring the EU Institutions or scrutinizing European legislation.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

There isn't any change envisaged in our Parliament's legal framework for the near future.

P) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be

adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

According to our Standing Orders, the monitoring should cover the activities of all EU Institutions.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The monitoring is applied selectively, according to the significance of each topic.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

When the monitoring is oriented towards draft legislation the primary source of information is the Legislative and Work Programme of the Commission. Moreover, Council agendas or agendas of EP Committee Meetings also serve as bases for the selection of topics to be further examined.

The European Affairs Committee has a key role, in the selection of issues, following criteria such as a) topical importance b) national interest c) concern regarding subsidiarity.

Broader issues which are not part of the legislative procedure are also scheduled to be debated.

The parliamentary bodies involved are the EAC and the sectoral competent committees.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Our Standing Orders provide for the presence (oral report) of the competent Minister during the Committee meetings in several occasions, apart from the usual case of obligatory participation which is the elaboration of bills or law proposals. One of these provisions refers specifically to the monitoring work of the committees (article 41 A), according to which the Committees can organize a hearing either of a minister or any other person they deem useful, provided that the topic of the hearing is compatible to the committees' competences.

The right of each Committee to hold a hearing can be exercised only once a month.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

The Hellenic Parliament consists of one chamber.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The Directorate for European Affairs and especially two of its Departments (E.U. Dept and Documentation Dept) are responsible for supporting the parliamentary Committees when monitoring the EU institutions and provide secretarial support to the EAC. The first department is comprised by four staff members with both advisory and administrative duties and three staff members with only administrative duties. The Documentation Department is comprised by three staff members whose main task is the reception, the classification of EU institutions' documents and a preliminary research about them.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The compliance with the principle of subsidiarity is examined by the competent Parliamentary Committee and /or the Special Standing Committee for European Affairs. Usually, according to the practice that has been followed until now, the competent sectoral committee (or committees) and the EAC are convened to joint sittings in order to examine subsidiarity compliance of a European draft legislative act.

2b. Briefly describe the procedures involved.

The procedure starts with the publication of the Commission's Legislative and Work Programme, which is distributed to the members of the EAC and the Greek MEPs in order to point out the most significant legislative proposals and consultation documents either for debate or for subsidiarity check. After a short period the Committee meets and drafts a timetable of meetings according to the proposals made by its members.

As mentioned above the examination is conducted jointly by EAC and competent sectoral committees .

The Government, or other stakeholders (according to the nature of the proposal) , are always asked to send their written opinion as well as to participate in the meetings.

Finally, the Committees adopt their opinion which is based on a draft prepared either by Rapporteurs (MPs) or by the Committee Secretariat under the supervision of the EAC Chairperson.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Regional Parliaments do not exist in Greece.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Information found through IPEX is always taken into consideration, when a legislative proposal is examined, usually by those who prepare draft opinions, provided that it is available in English or French.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

Several observations and proposals regarding the improvement of IPEX have been made at the framework of the EUSC and at the respective Secretary Generals meeting. Among them we point out the possibility of swift exchange of informal information through a private forum of discussion.

One of the improvements already achieved, and related to the implementation of Protocol 2 of the Treaty of Lisbon, is the addition of a symbol highlighting the adoption of a reasoned opinion for the breach of Subsidiarity principle.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

We will continue to depend mostly to our Brussels Representative for direct communication. At the same time we try to establish closer contacts and ties with the officials of our country's ministries who participate in COREPER councils or other preparatory meetings, in order to get information as early as possible.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁵⁰ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

According to our opinion, the wording of paragraph 3 of the Protocol 2 of the Lisbon Treaty does not leave any doubt that legislative proposals that are

⁵⁰ The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

initiated by other institutions and not by the Commission (according to the usual legislative procedure) can be subject to subsidiarity compliance examination.

However we may seek our Governments' legal advice if more Parliaments express uncertainty about this question.

3. POLITICAL MONITORING OF EUROPOL

Since our National legislation or Standing Orders have not been updated yet, in view of the entry into force of the Lisbon Treaty, it is difficult to give an answer to the questions of sections 3,4,5,6 and 7.

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

3b. Briefly describe the procedures involved.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

4b. Briefly describe the procedures involved.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

5b. Briefly describe the procedures involved.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6e. In which cases, if any, may the national Government reject the Parliament's request?

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The aforementioned resolution has been discussed at the context of a broader debate concerning the relations between National Parliaments and E.P. , but no report or any other document was produced.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

This question has been also raised in the EUSC framework and we fully support the final presidency conclusions that followed the exchange of views through the "Lisbon Forum" of discussion created in IPEX and the meeting of Secretaries General, on March the 8, 2010.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

There is not a regular procedure followed. Sometimes the agenda items are discussed prior to a meeting , but this usually depends on their significance.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

Same as above. The contributions/conclusions and the respective report (which is drafted under the supervision and the consent of the head of our parliament's delegation to COSAC) is usually distributed to all EAC members and to the Parliament's Speaker. In many cases the Speaker recommends the distribution of these documents to more Committees' members if he thinks the items raised are of particular interest for a sectoral committee.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Apart from the coordinated subsidiarity checks there is not any visible and direct effect. However there are indirect effects, which are connected to the knowledge acquired by the participants over important issues and especially regarding the views of their colleagues, from other EU Parliaments. In the end, this procedure turns into an export of best practices.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

All aspects are equally important: The exchange of views with Ministers - Council members or Commissioners, the items that highlight each Presidency's top priorities, the conclusions related to subsidiarity checks, as well as the internal organization procedures.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | Yes | No |
|--|-----|----|
| a) Bi-annual Report | | |
| <i>The biannual report is a very useful tool, but it does not initiate any debate.</i> | | |
| b) Presidency programme | Yes | |
| No | | |
| c) The principle of subsidiarity | Yes | |
| No | | |
| d) COSAC contribution and conclusions | Yes | |
| No | | |
| e) Commission Annual Policy Strategy or similar document | Yes | |
| No | | |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | |
|---|-----|
| a) Commission Legislative and Work Programme | Yes |
| No | |
| <i>In terms of timing, its discussion during the February Chairpersons meeting seems more suitable.</i> | |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | Yes |
| No | |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | Yes |
| | No |

d) Common foreign and security policy, including common security and defence policy
Yes No

e) Other (please specify) Yes No

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission Yes No

b) The Council Yes No

c) Other (please specify)

There should be flexibility, as it mostly depends on the nature of the item they are invited to introduce.

Debate on draft EU acts⁵¹

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

It would be interesting, but this aspect of interparliamentary cooperation is more or less covered by meetings organized by EP Committees or co-organized by the EP and the Presidency (JCMs and JPMs). Apart from the danger of overlapping procedures, there is a risk of overloading the programme and limiting the speaking time. However, if a Parliament feels that an important issue should be raised, in the framework of interparliamentary cooperation, it would be better to propose its inclusion to the COSAC agenda, rather than organizing a Conference itself.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

According to the existing rules any Parliament can propose to the Troika a topic for discussion.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Not necessarily, as this would delay the procedures.

⁵¹ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Without any doubt the presence of the competent Member of the Commission as well as the EP rapporteur would be valuable.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

The composition of our COSAC delegation is guided by the principle of representation of all political groups. We could however achieve a balance between expertise and equal political representation.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Definitely. The purpose of this procedure should be to make National Parliaments' voice heard.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Since some of the Parliaments do not examine all the legislative proposals in terms of subsidiarity compliance but proceed to a selection, it would be useful to have a common selection procedure in place even for a small proportion of the examined proposals. We think that this procedure should be connected with the discussion of the Commission's Legislative and Work Programme.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

There isn't always a clear political affiliation between National Parliaments' and European Parliament's political groups. Therefore the necessity of such meetings is doubtful.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

None.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

Since the article refers to Committees for EU Affairs, we don't see how the composition of the Conference could be modified. As mentioned above, some small ad hoc changes in the composition of delegations could be made in order to better adapt to the need for expertise.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

This discussion has not led to any conclusions in the past, and we don't think it will do so now, after 20 years of use of this acronym.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

Since the article 10 of the Protocol on the Role of National Parliaments provides the possibility to organize interparliamentary conferences, especially for issues of Foreign Policy, Security and Defence, COSAC should respond and proceed to organizing such conferences, in order to enhance democratic accountability in the above mentioned policies.

A similar approach could be envisaged for policies of the Area of Freedom, Security and Justice, even though it is not so explicitly mentioned in the Protocol.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No, if the duration of meetings is prolonged this could be done at the expense of MPs internal parliamentary work, and thus create serious problems for participation.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|--------|
| a) Should not be limited | Yes |
| No | |
| b) Should be limited to once per Parliament / Chamber | Yes |
| No | |
| c) Should be limited to twice per Parliament / Chamber | Yes |
| No | |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | Yes |
| No | |
| f) Other criteria: (please specify) | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

The rule of three minutes is fair enough, and it should be limited only in extraordinary circumstances.

The German Responsibility for Integration Act and the Act on Cooperation

Act on the Exercise by the Bundestag and by the Bundesrat of their Responsibility for Integration in Matters concerning the European Union (Responsibility for Integration Act)

(Gesetz über die Wahrnehmung der Integrationsverantwortung des Bundestages und des Bundesrates in Angelegenheiten der Europäischen Union
(Integrationsverantwortungsgesetz – IntVG))

Section 1

Responsibility for integration

- (1) In matters concerning the European Union, the Bundestag and the Bundesrat shall exercise their responsibility for integration primarily on the basis of the following provisions.
- (2) The Bundestag and the Bundesrat shall deliberate and take decisions in good time on the proposals referred to in this Act and, in so doing, shall take account of the relevant time limits for the adoption of decisions by the European Union.

Section 2

Simplified revision procedure for the Treaties

Approval by the Federal Republic of Germany of a decision of the European Union within the meaning of Article 48(6), second and third subparagraphs, of the Treaty on European Union shall take the form of a law as defined in Article 23(1) of the Basic Law (Grundgesetz).

Section 3

Special revision procedure for the Treaties

- (1) Approval by the Federal Republic of Germany of a decision of the Council within the meaning of the second sentence of Article 218(8), second subparagraph, or within the meaning of Article 311, third paragraph, of the Treaty on the Functioning of the European Union shall take the form of a law as defined in Article 23(1) of the Basic Law.
- (2) Paragraph 1 above shall also apply to provisions enacted by the Council under Article 25, second paragraph, Article 223(1), second subparagraph, or Article 262 of the Treaty on the Functioning of the European Union.
- (3) The German representative in the European Council may approve a proposal for a decision within the meaning of the second sentence of Article 42(2), first subparagraph, of the Treaty on European Union or abstain from voting on such a proposal only after the Bundestag has taken a decision to that effect. The Federal Government may also table a motion in the Bundestag to that end. In the absence of such a decision by the Bundestag, the German representative in the European Council must reject the proposal for a decision. Once a decision of the European Council within the meaning of the second sentence of Article 42(2), first subparagraph, of the Treaty on European Union has been taken, approval by the Federal Republic of Germany shall take the form of a law as defined in Article 23(1) of the Basic Law.

Section 4

Bridging clauses

(1) The German representative in the European Council may approve a proposal for a decision within the meaning of Article 48(7), first subparagraph, first sentence, or second subparagraph, of the Treaty on European Union or abstain from voting on such a proposal only after a law to that effect as defined in Article 23(1) of the Basic Law has entered into force. In the absence of such a law, the German representative in the European Council must reject the proposal for a decision.

(2) The German representative in the Council may approve a proposal for a decision within the meaning of Article 81(3), second subparagraph, of the Treaty on the Functioning of the European Union or abstain from voting on such a proposal only after a law to that effect as defined in Article 23(1) of the Basic Law has entered into force. In the absence of such a law, the German representative in the European Council must reject the proposal for a decision.

Section 5

Approval in the European Council in the case of special bridging clauses

(1) The German representative in the European Council may approve a proposal for a decision within the meaning of Article 31(3) of the Treaty on European Union or Article 312(2), second subparagraph, of the Treaty on the Functioning of the European Union or abstain from voting on such a proposal only after the Bundestag has taken a decision to that effect. The Federal Government may also table a motion in the Bundestag to that end. In the absence of such a decision by the Bundestag, the German representative in the European Council must reject the proposal for a decision.

(2) In addition to the decision of the Bundestag, the Bundesrat must also have taken a corresponding decision if areas of activity are affected

1. for which no federal legislative competence exists,
2. in which the Länder are empowered to legislate by virtue of Article 72(2) of the Basic Law,
3. in which the Länder may adopt divergent provisions under Article 72(3) or Article 84(1) of the Basic Law, or
4. the regulation of which by means of a federal law requires the consent of the Bundesrat.

Section 6

Approval in the Council in the case of special bridging clauses

(1) The German representative in the Council may approve a proposal for a decision within the meaning of Article 153(2), fourth subparagraph, Article 192(2), second subparagraph, or Article 331(1) or (2) of the Treaty on the Functioning of the European Union or abstain from voting on such a proposal only after the Bundestag has taken a decision to that effect. The second and third sentences of section 5(1) of this Act shall apply, mutatis mutandis.

(2) Section 5(2) of this Act shall apply, mutatis mutandis.

Section 7

Competence clause

(1) The German representative in the Council may approve a proposal within the meaning of Article 83(1), third subparagraph, or Article 86(4) of the Treaty on the Functioning of the European Union or abstain from voting on such a proposal only after a law to that effect as defined in Article 23(1) of the Basic Law has entered into force. In the absence of such a law, the German representative in the Council must reject the proposal for a decision.

(2) Paragraph 1 above shall apply, mutatis mutandis, to amendments to the Statute referred to in Article 308, third paragraph, of the Treaty on the Functioning of the European Union.

Section 8

Flexibility clause

The German representative in the Council may approve a decision on the adoption of measures within the meaning of Article 352 of the Treaty on the Functioning of the European Union or abstain from voting on such a decision only after a law to that effect as defined in Article 23(1) of the Basic Law has entered into force. In the absence of such a law, the German representative in the Council must reject the proposal for a decision.

Section 9

Emergency brake mechanism

(1) In the cases referred to in the first sentence of Article 48, second paragraph, in the first sentence of Article 82(3), first subparagraph, and in the first sentence of Article 83(3), first subparagraph, of the Treaty on the Functioning of the European Union, the German representative in the Council must table a motion that the matter be referred to the European Council if the Bundestag has adopted a decision instructing him or her to do so.

(2) If areas of activity within the meaning of section 5(2) of this Act are primarily affected, the German representative in the Council must table a motion in accordance with paragraph 1 above, even if a decision to that effect has already been taken by the Bundesrat.

Section 10

Right of rejection in the case of bridging clauses

(1) The following provisions shall apply to the rejection of a European Council initiative within the meaning of Article 48(7), third subparagraph, of the Treaty on European Union:

1. If an initiative relates primarily to an area in which exclusive legislative competence lies with the Federation, the Bundestag may decide that the initiative is to be rejected.
2. In all other cases, the Bundestag or the Bundesrat may decide that the initiative is to be rejected.

(2) The President of the Bundestag or the President of the Bundesrat shall notify the Presidents of the competent institutions of the European Union of the rejection of the initiative and shall inform the Federal Government accordingly.

(3) Paragraphs 1 and 2 above shall apply, *mutatis mutandis*, to proposals from the European Commission for a decision of the Council within the meaning of Article 81(3), third subparagraph, of the Treaty on the Functioning of the European Union.

Section 11

Subsidiarity objection

(1) In their Rules of Procedure, the Bundestag and the Bundesrat may stipulate how a decision on the delivery of a reasoned opinion in accordance with Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality is to be obtained.

(2) The President of the Bundestag or the President of the Bundesrat shall transmit the reasoned opinion to the Presidents of the competent institutions of the European Union and shall inform the Federal Government accordingly.

Section 12

Subsidiarity action

(1) At the request of one quarter of its Members, the Bundestag is required to bring an action under Article 8 of the Protocol on the application of the principles of subsidiarity and proportionality. At the request of one quarter of the Members of the Bundestag who do not support the bringing of the action, their view shall be made clear in the application.

(2) In its Rules of Procedure, the Bundesrat may stipulate how a decision on the bringing of an action within the meaning of paragraph 1 above is to be obtained.

(3) The Federal Government shall make the application without delay to the Court of Justice of the European Union on behalf of the institution that has taken the decision to bring an action under paragraph 1 or paragraph 2 above.

(4) The institution that has decided to bring the action under paragraph 1 or paragraph 2 above shall assume responsibility for conducting the proceedings before the Court of Justice of the European Union.

(5) If a motion is tabled in the Bundestag or the Bundesrat for the bringing of an action under paragraph 1 or paragraph 2 above, the other institution may deliver an opinion.

Section 13

Notification

(1) The Federal Government shall notify the Bundestag and the Bundesrat comprehensively, as early as possible, continuously and, as a rule, in writing of matters pertaining to this Act. The foregoing provision is without prejudice to details of the notification obligations arising from the Act of 12 March 1993 on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union (Federal Law Gazette I, p. 311), as amended by ..., from the Act of 12 March 1993 on cooperation between the Federation and the Länder in Matters concerning the European Union (Federal Law Gazette I, p. 313), as amended by ..., and from other provisions.

(2) The Federal Government shall notify the Bundestag and the Bundesrat if a matter is referred to the Council in preparation for an initiative of the European Council under Article 48(7) of the Treaty on European Union. The same shall apply if the European Council has taken such an initiative. The Federal Government shall notify the Bundestag and the Bundesrat of proposals made by the European Commission under Article 81(3), second subparagraph, of the Treaty on the Functioning of the European Union.

(3) Within two weeks of forwarding initiatives, proposals or decisions relating to the foregoing provisions, the Federal Government shall transmit to the Bundestag and the Bundesrat a comprehensive explanation of their implications for the contractual foundations of the European Union and an assessment of their necessity in terms of integration policy and their impact on such policy. The Federal Government shall also explain:

1. whether a law as defined in the first or second sentence of Article 23(1) of the Basic Law is required for the participation of the Bundestag and the Bundesrat;

2. whether, in the event of the procedure under section 9 of the present Act being an option:

a. draft legislative acts within the meaning of Article 48, first paragraph, of the Treaty on the Functioning of the European Union would affect important aspects of the German social-security system, including its scope, cost or financial structure, or would affect the financial balance of that system,

b. draft legislative acts under Article 82(2) or Article 83(1) or (2) of the Treaty on the Functioning of the European Union would affect fundamental aspects of the German criminal-justice system.

(4) In the case of urgent proposals, the time limit defined in paragraph 3 above shall be shortened so as to ensure that the Bundestag and the Bundesrat can deal with them in a manner commensurate with their responsibility for integration. If a particularly extensive appraisal is required, the time limit may be lengthened.

(5) The Federal Government shall notify the Bundestag and the Bundesrat in writing without delay of any request made by another Member State in the Council under the first sentence of Article 48, second paragraph, the first sentence of Article 82(3), first subparagraph, or the first sentence of Article 83(3), first subparagraph, of the Treaty on the Functioning of the European Union. This notification shall include the Member State's reasons for its request.

(6) The Federal Government shall transmit a comprehensive appraisal of proposals for legislative acts of the European Union within two weeks following their referral to the Bundestag committees but no later than the start of their discussion by the Council bodies. This appraisal shall contain indications regarding the competence of the European Union to adopt the proposed legislative act and its compatibility with the principles of subsidiarity and proportionality.

(7) The Federal Government shall notify the Bundestag and the Bundesrat as early as possible of the conclusion of legislative procedures of the European Union; this notification shall also contain an assessment as to whether the Federal Government considers the legislative act to be compatible with the principles of subsidiarity and proportionality.

Act on Cooperation between the Federal Government and the German Bundestag in Matters concerning the European Union

(Gesetz über die Zusammenarbeit von Bundesregierung und Deutschem Bundestag in Angelegenheiten der Europäischen Union - EUZBBG)

Section 1 Participation of the Bundestag

In matters concerning the European Union, the Bundestag shall participate in the decision-making processes of the Federation.

Section 2 Committee on the Affairs of the European Union

The Bundestag shall appoint a Committee on the Affairs of the European Union. The Bundestag may authorise the Committee to deliver opinions on its behalf.

Section 3 Projects of the European Union

- (1) Projects of the European Union ('projects') within the meaning of this Act are, in particular:
1. proposals and initiatives for decisions to open negotiations on amendments to the contractual foundations of the European Union,
 2. proposals and initiatives for decisions to open negotiations with a view to preparing accessions to the European Union,
 3. proposals for legislative acts of the European Union,
 4. negotiating mandates for the European Commission to engage in negotiations on international agreements of the European Union,
 5. items for discussion, initiatives, negotiating mandates and negotiation guidelines for the European Commission in the framework of the common commercial policy and the world trade rounds,
 6. communications and opinions of the European Commission,
 7. reports from the institutions of the European Union,
 8. action plans of the institutions of the European Union,
 9. green papers of the European Commission,
 10. white papers of the European Union,
 11. political programmes of the institutions of the European Union,
 12. recommendations of the European Commission,
 13. interinstitutional agreements between the institutions of the European Union,
 14. budgetary and financial planning on the part of the European Union.

The foregoing shall not apply to measures in the realms of the Common Foreign and Security Policy and the Common Security and Defence Policy.

- (2) Proposals and initiatives of the European Union for which the participation of the Bundestag is required under the Responsibility for Integration Act

(Integrationsverantwortungsgesetz) of ... (Federal Law Gazette ...) are also projects within the meaning of the present Act.

Section 4 Notification principles

- (1) Subject to the provisions of this Act, the Federal Government shall notify the Bundestag comprehensively, as early as possible, continuously and, as a rule, in writing of all projects. The notification shall cover, in particular, the Federal Government's decision-making process, the course of discussions within the institutions of the European Union and the opinions of the European Parliament, of the European Commission and of the other Member States of the European Union as well as the decisions that have been taken. In addition, the notification shall be made orally. The Federal Government shall ensure that the notification of projects serves to enable the Bundestag to deliberate on them.
- (2) The notification referred to in paragraph 1 above shall also encompass the assessment made by the European Commission and assessments in the possession of the Federal Government made by Member States of the European Union on the legal, economic, financial, social and environmental impact of the project.
- (3) For the purpose of early warning, the Federal Government shall inform the Bundestag, in writing as a rule, of current political developments in the framework of the European Union and planned projects.
- (4) The Federal Government shall also notify the Bundestag as early as possible:
 1. of international agreements between the Federal Republic of Germany and Member States of the European Union where such agreements provide for closer cooperation in policy areas that also fall within the competence of the European Union,
 2. of the conclusion of legislative procedures of the European Union; this notification shall also contain an assessment as to whether the Federal Government considers the legislative act to be compatible with the principles of subsidiarity and proportionality; in the case of directives, the Federal Government shall provide information regarding the deadlines to be observed for transposition into domestic law and the need for transposition,
 3. of the institution of infringement proceedings under Articles 258 and 260 of the Treaty on the Functioning of the European Union through the transmission of letters of formal notice and the delivery of reasoned opinions, in so far as these procedures relate to the non-transposition of directives by the Federation, and
 4. of proceedings before the Court of Justice of the European Union to which the Federal Republic of Germany is a party. It shall transmit the pertinent documents relating to proceedings in which the Federal Republic of Germany is involved.
- (5) The Bundestag may waive its right of notification in respect of individual projects or groups of projects, unless a parliamentary group or five per cent of the Members of the Bundestag lodge an objection.

Section 5 Transmission of documents and reporting obligations

- (1) The notification of the Bundestag under section 4 of this Act shall be effected in particular through the transmission of:

1. documents:
 - a. of the European Council, the Council, the informal ministerial meetings, the Committee of Permanent Representatives and other Council committees and working groups,
 - b. of the European Commission, in so far as they are addressed to the Council or are otherwise officially made accessible to the Federal Government, including legislative acts of the European Commission within the meaning of Article 290 of the Treaty on the Functioning of the European Union,
2. reports and communications from institutions of the European Union for or about meetings:
 - a. of the European Council, the Council and informal ministerial gatherings,
 - b. of the Committee of Permanent Representatives and of other Council committees and working groups,
3. reports from the Permanent Representation of the Federal Republic of Germany to the European Union or from the Federal Government on:
 - a. meetings of the Council, informal ministerial meetings and meetings of the Committee of Permanent Representatives and of the Council working groups, including Council working groups composed of senior officials from the national capitals,
 - b. sittings of the European Parliament and meetings of its committees,
 - c. the convening of dialogues and their proceedings and outcome,
 - d. decisions of the European Commission, and
 - e. planned projects, including the early-warning reports.
- (2) In addition, the Federal Government shall transmit to the Bundestag documents and information on the Federal Government's initiatives, opinions and explanations for institutions of the European Union, including coordinated instructions for the German representatives on the Committee of Permanent Representatives, as well as initiatives addressed to the Council and the European Commission by governments of Member States of the European Union that are officially made accessible to the Federal Government. Information on Bundesrat and *Länder* initiatives shall also be transmitted.
- (3) The Federal Government shall make preparatory papers from the European Commission and the Council available to the Bundestag on request. The same shall apply to unofficial documents (non-papers).
- (4) The Federal Government shall inform the competent Bundestag committees orally about meetings of the Euro Group, of the Political and Security Committee and of the Economic and Social Committee.
- (5) Before meetings of the European Council and of the Council, the Federal Government shall notify the Bundestag of each subject of discussion in writing and orally. This notification shall encompass the main features of the subject matter and of the state of negotiations as well as the negotiating line of the Federal Government. After meetings of the Council, the Federal Government shall provide written and oral information on their outcome.

Section 6 Formal and general forwarding

- (1) The Federal Government shall transmit all projects to the Bundestag with a forwarding letter (formal forwarding). The forwarding letter shall be based on the document to be forwarded and contain the following information:
 1. the main substance and aim of the project,
 2. the date on which the German-language version of the relevant document appeared,
 3. the legal basis,
 4. the applicable procedure, and
 5. the designation of the lead federal ministry.
- (2) The Federal Government shall transmit all incoming Council documents to the Bundestag (general forwarding).

Section 7 Report form and comprehensive appraisal

- (1) Within two weeks following the formal forwarding of a project, the Federal Government shall transmit a report in accordance with the annex to this Act (report form). In particular, this form shall contain an appraisal of the project in terms of its compatibility with the principles of subsidiarity and proportionality.
- (2) In addition, the Federal Government shall transmit a comprehensive appraisal of proposals for legislative acts of the European Union within two weeks following their referral to the Bundestag committees but no later than the start of their discussion by the Council bodies. Besides indications regarding the competence of the European Union to adopt the proposed legislative act and its compatibility with the principles of subsidiarity and proportionality, this appraisal shall, in the framework of a comprehensive assessment of the impact on the Federal Republic of Germany, contain statements, particularly in the light of legal, economic, financial, social and environmental considerations, on the substance of the regulatory provisions, alternatives, costs, administrative input and the need for transposition.
- (3) In the case of urgent proposals, the time limits defined in paragraphs 1 and 2 above shall be shortened so as to ensure timely notification of the Bundestag and the opportunity for the latter to deliver an opinion in accordance with the first sentence of section 9(1) of this Act. If a particularly extensive appraisal is required, the time limit may be lengthened.
- (4) In the case of projects within the meaning of section 3(1), items 6 to 14, of this Act, the comprehensive appraisal referred to in paragraph 2 above shall be made solely on request.

Section 8 Common Foreign and Security Policy and Common Security and Defence Policy

- (1) In the realm of the Common Foreign and Security Policy and the Common Security and Defence Policy, the Federal Government shall provide comprehensive, continuous notification as early as possible. The notification shall, as a rule, be made in writing. It shall comprise the forwarding of a summary of the legislative acts that are due to be the subject of discussion, an appraisal of them and a prognosis of the future course of discussions.

Section 5(5) shall apply, *mutatis mutandis*, to meetings of the European Council and the Council featuring decisions and conclusions in the realm of the Common Foreign and Security Policy and the Common Security and Defence Policy.

- (2) In addition, the Federal Government shall forward to the Bundestag, on request, documents of fundamental importance in accordance with the provisions of section 6(1) of this Act. Section 7(1) of this Act shall apply, *mutatis mutandis*.
- (3) The Federal Government shall also provide continuous and early oral notification of all relevant developments in the realm of the Common Foreign and Security Policy and the Common Security and Defence Policy.

Section 9 Opinions of the Bundestag

- (1) Before participating in projects, the Federal Government shall give the Bundestag the opportunity to deliver an opinion. To this end, the Federal Government shall communicate to the Bundestag the time by which it seems appropriate to deliver an opinion in the light of time constraints arising from the course of the procedure within the European Union.
- (2) If the Bundestag delivers an opinion, the Federal Government shall use it as a basis for its negotiation. The continuous notification by the Federal Government under section 4(1) of this Act shall also comprise indications regarding the consideration given to each opinion of the Bundestag in negotiations.
- (3) The Bundestag may adapt and supplement its opinion while a project is being discussed by the bodies of the European Union. The first sentence of paragraph 2 above shall apply, *mutatis mutandis*.
- (4) If the Bundestag avails itself of the opportunity to deliver an opinion under the first sentence of Article 23(3) of the Basic Law (*Grundgesetz*), the Federal Government shall invoke the requirement of prior parliamentary approval in the Council if the main interests expressed in the decision of the Bundestag cannot be asserted.
The Federal Government shall notify the Bundestag thereof without delay in a special report. In its form and content, this report must lend itself to discussion by the bodies of the Bundestag.
Before the final decision in the Council, the Federal Government shall endeavour to reach agreement with the Bundestag. This shall also apply if the Bundestag delivers an opinion on matters concerning municipal services of public interest in connection with projects of the European Union. The foregoing provisions shall not prejudice the right of the Federal Government, in awareness of the Bundestag's opinion, to take divergent decisions for good reasons of foreign or integration policy.
- (5) After the Council has taken its decision, the Federal Government shall notify the Bundestag in writing without delay, particularly as regards the adoption of the parliamentary opinion. If not all of the interests expressed in the opinion have been taken into account, the Federal Government shall also state the reasons for this. At the request of the Bundestag, the Federal Government shall also explain these reasons in the framework of a plenary debate.

Section 10 Opening of negotiations on accessions and treaty amendments

- (1) When notifying the Bundestag of its proposals and initiatives for decisions on the opening of negotiations to prepare an accession to the European Union, the Federal

Government shall refer to the Bundestag's right to deliver an opinion under section 9 of this Act.

- (2) Before the final decision in the Council, the Federal Government is to reach agreement with the Bundestag. This shall not prejudice the right of the Federal Government, in awareness of the Bundestag's opinion, to take divergent decisions for good reasons of foreign or integration policy.
- (3) Paragraphs 1 and 2 above shall apply, *mutatis mutandis*, to proposals and initiatives on the opening of negotiations for the amendment of the contractual foundations of the European Union.

Section 11 Access to databases, confidential treatment of documents

- (1) Within the scope of the provisions on data protection, the Federal Government shall grant the Bundestag access to the documentary databases of the European Union that are accessible to the Federal Government.
- (2) The documents of the European Union shall, in principle, be transmitted openly. Security classifications applied by the institutions of the European Union to ensure special confidentiality shall be respected by the Bundestag. Any national classification as confidential which may be necessary for these documents or for other information, reports and communications to be transmitted to the Bundestag within the scope of this Act shall be applied prior to dispatch by the Federal Government and shall be respected by the Bundestag. The reasons for the classification shall be explained on request.
- (3) The Bundestag shall take account of the particular need to protect current confidential negotiations by according them confidential treatment.

Section 12 Agreement between the Bundestag and the Federal Government

Further details shall be regulated in the Agreement between the German Bundestag and the Federal Government.

Annex
to section 7(1)

Report form

Subject:
Classification heading:
Council document No:
COM No:
Interinstitutional file reference:
Bundesrat printed paper No:
Evidence of admissibility of European regulation:
(Examination of the legal basis)
Subsidiarity check:
Proportionality check:
Objective:
Main substantive elements:
Political significance:
What is Germany's particular interest?
Position of the German Bundestag to date:
Position of the Bundesrat:
Position of the European Parliament:
State of opinion in the Council:
Procedural stage (state of deliberations):
Financial implications:
Timetable for treatment by
(a) the Bundesrat:
(b) the European Parliament:
(c) the Council:

Article 2
Entry into force

This Act shall enter into force on the day following the date of promulgation.

Hungary: Országgyűlés

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

There has been no regulation adopted in view of the new powers entrusted to the national Parliaments by Treaty of Lisbon.

It must be noted that the existing constitutional and legal provisions enables the Hungarian National Assembly to exercise the most of its powers given by Article 12 TEU. Nevertheless, the necessity of adoption of detailed legislation concerning the above-mentioned article (or amendments of current provisions) might be taken into consideration by the new assembly which due to set-up in May 2010.

1a. Constitutional provisions

According to the Article 2/A of the Hungarian Constitution, Hungary, in its capacity as a Member State of the European Union, may exercise certain constitutional powers jointly with other Member States to the extent necessary in connection with the rights and obligations conferred by the treaties on the foundation of the European Union, these powers may be exercised independently and by way of the institutions of the European Union.

The Art. 35/A says that in all matters in connection with European integration, the detailed rules governing the oversight powers of Parliament or its committees, the relationship between Parliament and the Government, and the Government's obligation to disclose information shall be enacted by a two-thirds vote of those Members of Parliament present.

1b. Legal provisions - Statutory provisions

Act 53 of 2004 on the cooperation of the Parliament and the Government in European Union affairs lays down the general framework for the Parliament to scrutinize the Government's activity in EU affairs. Art. 9. of the Act provides that the Parliament may adopt a position on the operation of the principle of subsidiarity concerning drafts of the European Union.

1c. Parliamentary Standing Orders

Chapter 5 of the Resolution 46/1994. (IX.30.) on the Standing Orders of the Parliament of the Hungary implements the relevant legislative provisions of Act 53 of 2004 and it sets up the framework for subsidiarity checks as well.

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

See reply 1.

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The monitoring focuses on certain legislative proposals from the Commission and the position of the Hungarian Government represented in the different formations of the Council concerning given legislative proposals.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The Hungarian scrutiny system is selective concentrating on some 20-30 legislative proposals per year which bear with political, legal or financial significance for Hungary.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

An important characteristic of the Hungarian scrutiny model is centralisation. The Committee on European Affairs (CEA) has a decision-making authority in the scrutiny procedure; it is the Committee that makes decisions instead of the plenary session in scrutiny affairs. Also, the initiation and completion of the procedure, as well as the development of a parliamentary standpoint falls in the competence of the Committee; however, the involvement of the standing committees in the procedure is also possible so that they may express their opinions on drafts of the European Union.

The detailed rules of scrutiny are regulated by Art 2-6 of Act 53 of 2004 and by Art. 134/B of the Standing Orders.

The main participant of the scrutiny process is the Committee on European Affairs of the National Assembly. The participation of standing committees is also ensured by Par. (4) of Art. 134/B of the Standing Orders.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Yes, Art. 6 of Act 53 of 2004 provides that Government reports have to be presented to the Committee on European Affairs in the following cases:

- *Written report, if no scrutiny procedure was conducted regarding the union draft, but the Committee asks for a report, or if a scrutiny procedure was conducted regarding the issue in which the Council decision was made.*
- *Oral report, if the Government deviated from the parliamentary standpoint.*

Furthermore, the Government provides a report annually for the plenary on questions that are in connection with the membership of Hungary in the European Union and on the situation of European integration, respectively.

Additionally, within the scope of Act 53 of 2004 the Prime Minister is obliged to give an oral report in each plenary session following meetings of the European Council.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

The Hungarian National Assembly (HNA) is a unicameral parliament.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The Committee is assisted by a secretariat. The staff of the secretariat now counts 9 people (3 lawyers, 2 advisors, a coordinator, a secretary, an assistant and a lawyer chief advisor).

The Hungarian Parliamentary Permanent Office in Brussels provides regular reports on the activities of the EU institutions.

In addition, the EU Department of the Office for Foreign Relations of the Hungarian National Assembly usually does and the Research service of the Library of the Parliament may prepare background materials and comparative analysis on EU related issues.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

Primarily the Committee on European Affairs is in charge of ensuring the compliance with subsidiarity principle. The plenary is only involved in the procedure if a breach of the principle of subsidiarity is presumed by the Committee on European Affairs. If that was the case, the plenary should decide on the motion of the Committee on European Affairs of the Hungarian National Assembly within fifteen days.

2b. Briefly describe the procedures involved.

See above.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

No regional parliaments.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes, the Committee on European Affairs found information available on the IPEX website very useful during the subsidiarity tests. It is expectable that the role of the IPEX will increase in view of the future subsidiarity checks.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

The existing technical frameworks provide that even more information could be shared among the national Parliaments on a day-to-day basis.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

To date existing networks of communication seems to be sufficient. If necessary the Hungarian National Assembly and the Committee on European Affairs is ready to enhance these contacts.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁵² circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The wording of the Treaty of Lisbon had been approved by the Intergovernmental Conference in 2007. The ratification procedure completed successfully last year. In the course of the debate on the Treaty of Lisbon interpretation issues have not been raised by any MPs of the Hungarian National Assembly, therefore the Government's position has not been required on this issue. At the same time it should be noted that there is no official position regarding this issue yet.

3. POLITICAL MONITORING OF EUROPOL

⁵² The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

This question is not explicitly regulated yet. According to the actual practice, the Committee on European Affairs – alike any other standing committees of the Hungarian National Assembly – may hold a debate on the activity of Europol.

3b. Briefly describe the procedures involved.

In such debates the general procedural rules of the Standing Orders are to be applied just like in case of any kind of committee debates.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There are no regional parliaments in Hungary.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No such criteria exist.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

This question is not explicitly regulated yet; however in preparation to the possible future application of the Lisbon Treaty, the Committee on European Affairs held a hearing on the activities of Eurojust, and invited the Hungarian national member last year. The Committee members raised numerous questions following the presentation, which contributed to a fruitful and vivid discussion concerning the activities of the Eurojust and the possible future role of the national Parliaments in this regard.

4b. Briefly describe the procedures involved.

In such debates the general procedural rules of the Standing Orders are to be applied just like in case of any kind of committee debates.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There are no regional parliaments in Hungary.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No such criteria exist.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

The preliminary discussions started at the end of last year at administrative level regarding this issue but political decision has not been made yet.

5a. Please specify the parliamentary bodies involved in this proceeding

5b. Briefly describe the procedures involved.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

See reply 5.

6a. Please specify the parliamentary bodies involved.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6e. In which cases, if any, may the national Government reject the Parliament's request?

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

7. APPLICATIONS FOR ACCESSION TO THE EU

See reply 5.

7a. Please specify the parliamentary bodies involved.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The issue was followed by the Committee but no debate has taken place in the course of the Committee meetings.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, “*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*”. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The issue was followed by the Committee but no debate has taken place in the course of the Committee meetings.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

No debate has been held in the Hungarian National Assembly but sometimes the Chairperson of the Committee on European Affairs holds negotiations with the Vice-Chairpersons on issue to be discussed in the course of the upcoming COSAC. At the same time, to help the preparation of the chairpersons and MPs background papers and draft speeches are provided by the Secretariat of the CEA and by the EU Department of the Office for Foreign Relations.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

Reports of the COSAC meetings are circulated among the Speaker, the leadership of the National Assembly and the presidency of the Committee on European Affairs. The Chairperson of Committee on European Affairs occasionally informs the members of the Committee on the results of the COSAC meetings.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Tough conclusions adopted by COSAC do not have a direct influence on the work of the Parliament; they provide vital information on EU issues for the MPs.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The COSAC meetings offer unique opportunity for the interparliamentary exchange of experiences and best practices acquired in EU issues and in monitoring governmental activities in this field.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

The COSAC meetings might put less emphasis on the adoption of reports and some technical issues that might as well be decided on the secretariats level.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|------------|-----------|
| a) Bi-annual Report | Yes | <u>No</u> |
| b) Presidency programme | <u>Yes</u> | No |
| c) The principle of subsidiarity | <u>Yes</u> | No |
| d) COSAC contribution and conclusions | <u>Yes</u> | No |
| e) Commission Annual Policy Strategy or similar document | Yes | <u>No</u> |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|---|------------|-----------|
| a) Commission Legislative and Work Programme | Yes | <u>No</u> |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | <u>Yes</u> | No |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | <u>Yes</u> | No |
| d) Common foreign and security policy, including common security and defence policy | <u>Yes</u> | No |
| e) Other (please specify) | Yes | <u>No</u> |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | | |
|---------------------------|-----|----|
| a) The Commission | Yes | No |
| b) The Council | Yes | No |
| c) Other (please specify) | | |

Debate on draft EU acts⁵³

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes, nevertheless it is considerable that the COSAC debates on particular draft legislative acts should be held only on a case-by-case basis.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

The selection method should belong to the discretionary power of the Presidential Troika.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

It should be decided by the Presidential Troika whether such debates should be based on the contributions of the delegations.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

The Member of the European Commission and the rapporteur of the European Parliament could provide additional information on the subject matter and decision-making procedure, in given cases on the results of trialogue meetings.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

In some case the MP in charge might join the delegation.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes, because consensus among 40 parliamentary chambers on certain political questions would send clear message to the EU institutions and to the citizens of the EU about the work and success of the European project.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

⁵³ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French Assemblée nationale

These lists should focus on draft legislative acts which are on the agenda of the running Presidency.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

If COSAC maintains any coordination, that should be focused on technical and procedural issues like deadlines, thresholds etc.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

The time usually devoted to deliberation in political groups seems to be sufficient. We do not see that organisation of such meetings in chairpersons level would be necessary.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

See reply 5.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No modification is necessary.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

No.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No change is needed.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | | |
|--|------------|-----------|
| a) Should not be limited | Yes | <u>No</u> |
| b) Should be limited to once per Parliament / Chamber | Yes | <u>No</u> |
| c) Should be limited to twice per Parliament / Chamber | Yes | <u>No</u> |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | <u>Yes</u> | No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | <u>Yes</u> | No |
| f) Other criteria: (please specify) | | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

The Chairperson should determine the maximum speaking time in order to provide flexible framework for the discussions

Ireland: Houses of the Oireachtas

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

The Houses of the Oireachtas [Dáil Eireann (Lower House) and Seanad Eireann (Upper House)] passed the European Union Act in October 2009 to give legal effect to the enhanced powers of the Oireachtas provided for in the Lisbon Treaty.

1c. Parliamentary Standing Orders

1d. Other (please specify)

The Joint Committees on European Scrutiny and European Affairs agreed a joint report on "Implementation of the Lisbon Treaty: Interim arrangements on the enhanced role of the Houses of the Oireachtas." on 8 December 2009. On 10 December 2009, both Houses of the Oireachtas passed a Resolution which implemented the recommendations of the report and provided for the implementation of section 7 of the European Union Act 2009 (Role of Houses of the Oireachtas).

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

The Resolutions passed by both Houses of the Oireachtas on 10 December 2009 provided that the two Joint Committees review the arrangements outlined in the Resolution and report to back to both Houses within six months. This review is scheduled to be completed by 10 June 2010.

Further or altered procedures may result from this review.

Q)THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

AND

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The Orders of Reference of the Joint Committees on European Affairs and European Scrutiny allow all of the activities of all of the Institutions to be monitored and Committees are not limited in the matters that they may consider. However Oireachtas Committees select specific matters either due to national interest or due to particular significance.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

As regards the plenary; the Taoiseach makes a statement to Dáil Eireann after each European Council.

The JCEA and the JCES are the main parliamentary bodies of the Houses of the Oireachtas involved in Monitoring the Activities of the EU Institutions.

Broadly speaking the remit of the respective committees is divided between legislative scrutiny (JCES) and oversight of EU policy objectives and strategic issues, (JCEA).

While the JCES is mandated to consider legislative proposals the JCEA considers non legislative documents such as Green and White papers and focuses on general EU policy objectives and strategic issues. The JCEA also meets in Public with the Minister for Foreign Affairs in advance of each meeting of the Foreign Affairs or General Affairs Councils.

Of course Sectoral Committees (eg Joint Committee on Climate Change and Energy Security /Joint Committee on Justice, Equality, Defence and Women's Rights etc) may undertake specific consideration of major EU developments relevant to their sector.

In terms of the specific powers conferred on national Parliaments by the Treaty of Lisbon, details are below of the procedures with regard to notifications of the use of the general passerelle, the consideration of applications for Accession and the monitoring of subsidiarity. Details of oversight of Europol and Eurojust are also given below.

The Joint Committee on Justice, Equality, Defence and Women's Rights is responsible for consideration of notifications under the third Sub-paragraph of Article 81(3)TFEU,(specific passerelle).

In considering EU matters (and all matters) the Committees of the Houses of the Oireachtas consult with stakeholders, government and other committees as they see fit and report to both Houses concerning their considerations.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The European Union (Scrutiny) Act 2002 provides that the Government lay copies of all EU legislative measures before both Houses of the Oireachtas together with a statement of the Minister outlining the content, purpose and likely implications for Ireland of the proposed measures. Also, under the Act, Ministers are obliged to make a report to the Houses of the Oireachtas at least twice yearly in relation to EU measures and other EU developments within their area of remit. The JCES considers these reports.

Pursuant to statute, the Department of Foreign Affairs must submit an annual report on developments in the European Communities and the European Union to the Houses of the Oireachtas. This report is considered by the JCES.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

The Resolutions passed by Dáil Éireann and Seanad Éireann on 10 December 2009 provide that the Select Committees on European Scrutiny, European Affairs and Justice, Equality, Defence and Women's Rights may conduct their work jointly subject to the sole discretion of the Select Committees appointed by each House to resolve to act independently.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The JCEA and JCES each have a Committee Clerk, a Senior Clerk and a Clerical Officer. In addition the JCEA also has a Junior Clerk as part of its resources. As regards policy advice, the Committees share 1 policy Advisor on an equal basis. Additional policy support is provided to the JCES by 1.5 Policy Advisors.

Oireachtas Committees are also supported as appropriate by The Library and Research Service of the Houses of the Oireachtas which delivers professional information and research services to support the work of Houses. There is five staff employed in the Library and Research Service dedicated to Committees.

Legal support to the Houses of the Oireachtas is provided by a Parliamentary legal Advisor who may advise from time to time on matters relevant to the Committees dealing with European Affairs.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

While the ultimate decisions in respect of ensuring compliance with the principle of subsidiarity are taken by Dáil Éireann and Seanad Éireann, on an interim basis the JCES has day to day responsibility for ensuring compliance with the principle.

2b. Briefly describe the procedures involved.

All draft legislative acts stand referred to the JCES when they are transmitted from the EU. The issue of compliance with the principle of subsidiarity is considered as part of the scrutiny process. It is open to the Joint Committee to consult with other Committees in the Oireachtas and such other stakeholders as it sees fit. In the event that the Joint Committee is of the opinion that a draft legislative act is in breach of the principle of subsidiarity it shall submit a reasoned opinion to this effect by way of report to each House of the Oireachtas. The Chairman of the Committee shall table a motion to consider the report and where either House of the Oireachtas approves the motion the Ceann Comhairle (Speaker Lower House) and/or Cathaoirleach (Speaker Upper House) shall send a copy of the Resolution together with a copy of the report to the Presidents of the European Parliament, the Council and the Commission.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

The JCES have formally agreed that it will consult the Irish delegation to the Committee of the Regions when it considers that the principle of subsidiarity is in question with regard to a particular EU legislative proposal. The delegation's views would in turn inform the Joint Committee's preparation of the reasoned opinion.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

While IPEX could be a useful tool for the early exchange of information, its design and functions should be critically assessed with a view to making it more user-friendly and accessible.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

A separate section on subsidiarity on IPEX would make it easier, more user-friendly and accessible. Also, to support real-time information exchange between Parliaments, the possibility of IPEX pushing information through use of e-mail alerts should be examined.

In relation to 2d and 2e this issue is also currently being considered by the Conference of Speakers.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Both Committees dealing with European Affairs (and/or Sectoral Committees) intend to continue to submit Contributions to the European Commission in accordance with the Barroso Initiative and to the European Parliament and to meet EU Commissioners as appropriate. These contributions are posted on the Oireachtas website along with responses received.

The Houses of the Oireachtas has recently equipped a Committee room for video-conferencing and it is envisaged that this will improve communication with the EU institutions.

Both Committees intend also to continue posting views to IPEX on matters under consideration and to engage with the development of the IPEX tool to better meet National Parliaments' needs.

As far as possible Oireachtas Committees intend to actively participate in Joint Parliamentary meetings and Joint Committee meetings.

The terms of reference of the Joint Committees on European Affairs and European Scrutiny provide that Members of the European Parliament elected from constituencies in Ireland (including Northern Ireland) and other Members of the European Parliament at the invitation of the Joint Committees may attend meetings of the Joint Committees and may take part in proceedings without having a right to vote or to move motions and amendments. Irish MEP's also receive copies of all reports agreed by the JCEA and JCES.

Also, the review referred to in question 2 above will be examining the issue of Inter-Parliamentary Co-operation. The review is scheduled to be completed by June 2010.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁵⁴ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

We understand, as agreed at the COSAC Chairpersons' meeting in Madrid on 5 February, that COSAC has sought the opinion of the legal services of the European Parliament, the European Commission and the Council on this issue. We therefore await the response of the Institutions which we believe should be in a position to give definitive

⁵⁴ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

legal advice regarding the concern raised by the House of Commons' European Scrutiny Committee.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The Political Monitoring of Europol is likely to fall within the remit of the Joint Committee on Justice, Equality, Defence and Women's Rights and the JCEA.

3b. Briefly describe the procedures involved.

There are no specific procedures in place. The Oireachtas Committees noted above are not limited in what they might consider but select topics as per an agreed work programme.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No specific regulations are yet in place as regards this activity. As mentioned elsewhere in this questionnaire, this is a matter that will form part of a current review being undertaken by a Joint sub-Committee of the Houses of the Oireachtas (see 8b below).

It is likely that any formal mechanisms to be introduced would be dependent on the Regulations to be agreed by the European Council and the Parliament laying down the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

The evaluation of the Activities of Eurojust is likely to fall within the remit of the Joint Committee on Justice, Equality, Defence and Women's Rights and the JCEA.

4b. Briefly describe the procedures involved.

There are no specific procedures in place. The Oireachtas Committees noted above are not limited in what they might consider but select topics as per an agreed work programme.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

It is likely that any formal mechanisms to be introduced would be dependent on the Regulations to be agreed by the European Council and the Parliament to determine arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The Joint Committee on European Affairs

The Dáil (Lower House)

The Seanad (Upper House)

[The resolution of 10 December allows the JCEA (and JCES and JCJEDWR's), to sit as two separate Select Committees, i.e. a Select Committee of the Dáil and a Select Committee of the Seanad, reporting to its respective House. Usually Select Committees of the Seanad do not have the power to consider any matter on their own but only as part of a Joint Committee]

5b. Briefly describe the procedures involved.

The JCEA is responsible for consideration of notifications under the third Sub-paragraph of Article 48(7) TEU , (general passerelle).

The JCEA has the responsibility for considering such notifications as may be referred to it by either House. In considering such notifications, the Committee shall consult with other Committee(s) and stakeholders as it sees fit.

Where the JCEA is opposed to the decision to which the notification refers, the JCEA shall report its opposition to both Houses. Where the Dáil (Lower House) or Seanad (Upper House) agrees with the Committee's view, the Ceann Comhairle (Speaker Lower House) or Cathaoirleach (Speaker Upper House) shall send a copy of its Resolution, to the President of the European Council.

Where the Committee is not opposed to the decision to which the notification refers, the Committee shall send a Message to this effect to both Houses.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

There is no procedure required. Either House may decide to oppose the decision to which the notification refers.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

The Joint Committee on European Affairs

The Joint Committee on European Scrutiny

The Dáil (Lower House)

The Seanad (Upper House)

6b. Briefly describe the procedures involved in your Parliament / Chamber.

The JCEA and the JCES each have power to consider whether an act of an institution of the European Union infringes the principle of subsidiarity, subject to the following:

In considering whether an act of an institution of the European Union infringes the principle of subsidiarity, the Committees shall consult with such other Committee(s) and stakeholders as they see fit.

Where either Committee is of the opinion that an act of an institution of the European Union infringes the principle of subsidiarity and wishes that proceedings seeking a review of the act concerned be brought to the Court of Justice of the European Union, the Committee shall report this to both Houses.

Where either House agreed that an act infringes the principle of subsidiarity the Ceann Comhairle (Speaker Lower House) or Cathaoirleach (Speaker Upper House) shall send a copy of its Resolution to the Minister for Foreign Affairs

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

There is no procedure required. Either House may decide to invoke the procedure.

6e. In which cases, if any, may the national Government reject the Parliament's request?

None. The European Union Act 2009 provides that on a request by either House, the Minister for Foreign Affairs shall arrange for proceedings to be brought.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

N/A

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The Joint Committee on European Affairs

The Dáil (Lower House)

The Seanad (Upper House)

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

Notifications of applications for Accession to the EU stand referred by both Houses to the JCEA. The JCEA may consider the matter as it sees fit and will report to both Houses on its consideration.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The report has been circulated to members of the JCES and to date no debate has taken place on the Resolution.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

Arising from the Resolution of the Houses of the Oireachtas on 10 December 2009, the JCEA and JCES established a Joint sub-Committee on the Review of the Role of the Oireachtas in European Affairs. Its terms of reference include the examination of Inter-Parliamentary Co-operation as part of the review.

This review will include reviewing the roles of COSAC, IPEX, Speakers Conference and National Parliament EU Liaison Officers, considering the outcome of the discussions at COSAC and the Speakers Conference as well as exploring the possibility of monthly meetings between the Irish MEPs and the European (or Sectoral) Committees in the Oireachtas.

The Conference of Speakers of EU parliaments are currently undertaking an exercise which will influence the development of interparliamentary Co-operation and it is expected that the outcome of this consideration will be of particular relevance to the Joint sub-Committee's work on this topic.

Chapter 2: The Future Role of COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

The following answers are given from the point of view of the Committees of the Houses of the Oireachtas that are mandated to represent the Oireachtas at COSAC and are not the view of the Parliament as a whole.

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

The JCES and JCEA note the Conference documents and agree the responses to the COSAC questionnaire jointly. The Joint Committees also consider a report of the COSAC meetings and lay it before both Houses.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

The JCEA and the JCES note the conclusions and contribution from each COSAC meeting and these would also be included in the report mentioned above which is laid before both Houses.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

The Joint Committees consider reports of the meetings of COSAC which are laid before both Houses of the Oireachtas. In addition Members have commented on the value of face to face meetings with their counterparts in other member States.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

See Questions B) 1, 2 and 3 below

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

See Questions B) 1, 2 and 3 below

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report

Yes No

b) Presidency programme Yes
~~No~~

There may be some duplication here in that Parliamentary Committees are likely to consider the Presidency Programme as a matter of course.

c) The principle of subsidiarity Yes
~~No~~

COSAC should continue to invite national parliaments to consider the Commission's Annual Legislative Work Programme with a view to identifying envisaged legislative proposals which they consider to be potentially controversial in relation to subsidiarity. The COSAC Secretariat would compile a list of these proposals which would be communicated to each national parliament. However, COSAC should not continue to coordinate subsidiarity exercises. This could be part of the discussion of the Biannual Report and not a specific agenda item.

d) COSAC contribution and conclusions Yes
~~No~~

e) Commission Annual Policy Strategy or similar document Yes
~~No~~

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

As a general point it might not be the best option to be too prescriptive about the agenda for COSAC meetings which would leave little room for initiatives of the Presidency or reaction to emerging issues.

a) Commission Legislative and Work Programme Yes
~~No~~

b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice Yes
No

c) Political monitoring of Europol and evaluation of Eurojust's activities Yes **No**

d) Common foreign and security policy, including common security and defence policy Yes
~~No~~

e) Other (please specify) Yes ~~No~~
Horizontal issues such as EU Budget review

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission Yes ~~No~~

This will flow from discussions on the CLWP and the APS.

- b) The Council Yes No
- c) Other (please specify)

Debate on draft EU acts⁵⁵

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

This would depend on the draft legislative Act proposed for debate. While the Oireachtas would not be opposed to debating a topic, if for example one was proposed for debate by the Presidency but would not be in favour of having a specific recurring item on the agenda.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

See 4 above

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

The Oireachtas would not be in favour of submitting contributions for inclusion in the Biannual Report in advance of the debate.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

If a draft legislative Act was agreed for inclusion on the Agenda this would seem to be a reasonable suggestion and it should remain a matter for the Presidency to invite observers, specialists and special guests.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

⁵⁵ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

No. See answer to question 8a and 8c regarding alteration to the composition of COSAC

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

No. The current procedure whereby only matters on which each delegation can agree should be included.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

See answer to question 4 above

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

No.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

No.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

The practice whereby the country holding the Presidency supplies a member of staff should continue and be encouraged.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

This question would seem to be related to 8c below and essentially be about the involvement of Sectoral Committees in COSAC. For the reasons below it would not seem necessary.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

This has not been formally considered.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

No. This might lead to proliferation of fragmented interparliamentary meetings. Currently meetings are organised by the European parliament, the European parliament with the Presidency and the Presidency acting alone. In addition Member States occasionally organise conferences/meetings on matters of specific interest.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|-------------------|
| a) Should not be limited | Yes |
| No | |
| b) Should be limited to once per Parliament / Chamber | Yes |
| No | |
| c) Should be limited to twice per Parliament / Chamber | Yes |
| No | |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | Yes |
| No | |
| f) Other criteria: (please specify) | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

3 minutes.

Irish European Union Act, 2009

European Union Act 2009, Houses of the Oireachtas

1.—In this Act—

“Act of 1972” means the European Communities Act 1972;

“European Union” has the same meaning as it has in the Act of 1972;

“Minister” means the Minister for Foreign Affairs; and

“treaties governing the European Union” has the same meaning as it has in the Act of 1972.

2.—Section 1 of the Act of 1972 is amended, in subsection (1), by the insertion of the following definitions:

“ ‘European Union’ means the European Union, established by virtue of the Lisbon Treaty, and the European Atomic Energy Community;

‘Lisbon Treaty’ means the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on the 13th day of December 2007;

‘treaties governing the European Union’ means—

(a) the Treaty on European Union,

3

Definitions. Amendment of section 1 of Act of 1972. S.2

Amendment of section 2 of Act of 1972.

Amendment of section 3 of Act of 1972.

Construction of references.

4

[No. 33.] *European Union Act 2009*. [2009.]

(b) the Treaty on the Functioning of the European Union,

(c) the Lisbon Treaty, and

(d) the treaties governing the European Communities,

but shall not include the provisions to which the first paragraph of Article 275 of the treaty referred to in paragraph (b) applies;”.

3.—Section 2 of the Act of 1972 is amended by the substitution of the following subsection for subsection (1):

“(1) The following shall be binding on the State and shall be part of the domestic law thereof under the conditions laid down in the treaties governing the European Union:

(a) the treaties governing the European Union;

(b) acts adopted by the institutions of the European Union (other than acts to which the first paragraph of Article 275 of the Treaty on the Functioning of the European Union applies);

(c) acts adopted by the institutions of the European Communities in force immediately before the entry into force of the Lisbon Treaty; and

(d) acts adopted by bodies competent under those treaties (other than acts to which the first paragraph of the said Article 275 applies).”.

4.—Section 3 of the Act of 1972 is amended by the substitution, in paragraph (a) of subsection (3) (inserted by section 2 of the European Communities Act 2007) of the following subparagraphs for subparagraphs (i) and (ii):

“(i) a provision of the treaties governing the European Union, or

(ii) an act, or provision of an act, adopted by an institution of the European Union, an institution of the European Communities or a body competent under those treaties, and”.

5.—(1) References in any enactment (other than this Act and the Act of 1972) to the European Communities shall be construed as including references to the European Union.

(2) References in any enactment (other than this Act and the Act of 1972) to the treaties governing the European Communities shall be construed as references to the treaties governing the European Union.

(3) References in any enactment to the Treaty establishing the European Economic Community or the Treaty establishing the European Community shall be construed as references to the Treaty on the Functioning of the European Union.

[2009.] *European Union Act* 2009. [No. 33.]

(4) In this section “enactment” has the same meaning as it has in the Interpretation Act 2005.

6.—Section 1 of the European Union (Scrutiny) Act 2002 is amended by the substitution of the following definition for the definition of “measure”:

“ ‘measure’ means—

(a) a regulation or directive adopted under the Treaty on the Functioning of the European Union,

(b) a decision adopted under Article 28 or 29 of the Treaty on European Union, or

(c) an act (other than a regulation, directive or decision referred to in paragraph (a) or (b)) requiring the prior approval of both Houses of the Oireachtas pursuant to subsection 7□ or 8□ of Article 29.4 of the Constitution;”.

7.—(1) (a) Either House of the Oireachtas may, not later than 6 months after receiving a notification under the third subparagraph of Article 48.7 of the Treaty on European Union, pass a resolution opposing the adoption of the decision to which the notification relates.

(b) A resolution referred to in *paragraph (a)* shall constitute an opposition to the decision concerned for the purposes of the third subparagraph of Article 48.7 of the Treaty on European Union, and the European Council shall be informed accordingly thereof.

(2) (a) Either House of the Oireachtas may, not later than 6 months after receiving a notification under the third subparagraph of Article 81.3 of the Treaty on the Functioning of the European Union, pass a resolution opposing the adoption of the decision to which the notification relates.

(b) A resolution referred to in *paragraph (a)* shall constitute an opposition to the decision concerned for the purposes of the third subparagraph of Article 81.3 of the Treaty on the Functioning of the European Union, and the Council shall be informed accordingly thereof.

(3) Either House of the Oireachtas may, not later than 8 weeks after the transmission of a draft legislative act referred to in Article 6 of Protocol No. 2 to the Treaty on European Union and the Treaty on the Functioning of the European Union, send to the Presidents of the European Parliament, the Council and the European Commission a reasoned opinion in accordance with that Article if the House concerned passes a resolution in respect of the draft legislative act concerned authorising the House to so do.

(4) Where either House of the Oireachtas is of opinion that an act of an institution of the European Union infringes the principle of subsidiarity provided for in the treaties governing the European Union and wishes that proceedings seeking a review of the act concerned be brought in the Court of Justice of the European Union in accordance with Article 263 of the Treaty on the Functioning of the European Union.

5

S.5

Amendment of European Union (Scrutiny) Act 2002.

Role of Houses of Oireachtas.

S.7

Continuation in force of certain statutory instruments.

6

[No. 33.] *European Union Act 2009*. [2009.]

European Union, it shall so notify the Minister in writing for the purposes of Article 8 of Protocol No. 2 to that treaty and the Treaty on European Union and the Minister shall, as soon as may be after being so notified, arrange for such proceedings to be brought.

8.—(1) Where a European act (in this subsection referred to as a “repealed act”), to which effect or further effect has been given, in whole or in part, by a statutory instrument, is repealed and replaced by another European act (in this subsection referred to as a “codifying act”) without any material modification of the repealed act, that statutory instrument shall, upon and after the repeal of the repealed act, have effect as if it had been made for the purpose of giving effect or further effect, in whole or in part (as the case may be), to the codifying act, and accordingly—

(a) references in that statutory instrument to the repealed act shall be construed as references to the codifying act, and

(b) references in that statutory instrument to a provision of the repealed act shall be construed as references to the provision of the codifying act that corresponds, in accordance with the codifying act, to the first-mentioned provision.

(2) Where, before the passing of this Act, a European act (in this subsection referred to as a “repealed act”), to which effect or further effect was given, in whole or in part, by a statutory instrument, was repealed and replaced by another European act (in this subsection referred to as a “codifying act”) without any material modification of the repealed act, that statutory instrument shall, from the date of the repeal of the repealed act, be deemed to have been made for the purpose of giving effect or further effect, in whole or in part (as the case may be), to the codifying act, and accordingly shall have effect, and be deemed from that date to have had effect, subject to—

(a) references in that statutory instrument to the repealed act being construed as references to the codifying act, and

(b) references in that statutory instrument to a provision of the repealed act being construed as references to the provision of the codifying act that corresponds, in accordance with the codifying act, to the first-mentioned provision.

(3) In this section—

“European act” means—

(a) a provision of the treaties governing the European Union, or

(b) an act or provision of an act, adopted by an institution of the European Union, an institution of the European Communities or any other body competent under those treaties;

“statutory instrument” means an order, regulation, rule, scheme or bye-law made in exercise of a power conferred by—

(a) an Act of the Oireachtas (including the Act of 1972), or [2009.] *European Union Act 2009*. [No. 33.]

(b) a statute that was in force immediately before the date of the coming into force of the Constitution and that continues to be of full force and effect by virtue of Article 50 of the Constitution.

9.—(1) This Act may be cited as the European Union Act 2009.

(2) The European Communities Acts 1972 to 2007 and this Act may be cited together as the European Communities Acts 1972 to 2009.

(3) This Act (other than *section 8*) shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

Italy: Camera dei Deputati

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

1c. Parliamentary Standing Orders

1d. Other (please specify)

On 6 October 2009 the Committee on the Rules of Procedure of the Chamber issued an opinion which establishes an experimental procedure for the subsidiarity check.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

The Committee on Rules of the Chamber could consider to complete the experimental procedure for the subsidiarity check by providing the involvement of the plenary for issuing reasoned opinions.

At the Chamber of Deputies have been presented four Bills of Law containing – among others - provisions for implementing some of the new powers (notably, early warning mechanism, action for annulment before the Court of Justice of the European Union for breach of subsidiarity, veto to general bridging clause and bridging clause in Family Law area).

The consideration of such proposal (as well as of a Bill which could be submitted by the Government) could start in April.

In addition the Draft Annual Community Act for 2009 (currently considered in third lecture by the Chamber) contains a specific provision concerning the information the Government has to provide to the Chambers for the exercise of the subsidiarity check.

R) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The monitoring of the EU current activities in the Italian Chamber covers in principle all the activities of all EU institutions.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

See above

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

All the EU documents transmitted by the EU Institutions under Protocol 1 or by the Italian Government are referred to the EU Affairs Committee to the competent sectorial committee by subject matter. The EU Affairs Committee can issue an opinion to the sectorial committee which can adopt (normally in 30 days form the referral) a final document to the Government. The competent committee can ask the Speaker to forward the final document as well as the EU Affairs Committee opinion to the European Parliament and to the European Commission within the framework of the political dialogue.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Under Law n. 11 of 2005 (regulating the Italian participation to the EU) the Government

must inform the relevant parliamentary bodies:

- **in advance, of any proposals on the agenda for meetings of the European Union's Council of Ministers as well as on the position it intends to take at the meetings of the European Council and (if so requested) of the Council;**

- **subsequently, of the results of meetings held by the Council and the European Council and, every six months, of the issues of greatest interest discussed within the EU.**

Lastly, by 31st January every year, the Government shall submit a report to Parliament on Italy's participation in the European Union, illustrating the previous year's activities and giving advance notice of the policy stances the Government intends to adopt during the course of the current year.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

At the moment , the Italian Chamber and Senate have not set up any formal and direct mechanism for information exchange and coordination. Nevertheless indirect coordination tools are to be found: a) in the regular joint hearing (by the competent parliamentary committees of the Chamber and the Senate) of the representatives of the Italian Government before and after the European Council b) the joint hearing of Members of EU Institutions on specific EU issues or draft legislation b) through the implementation by each Chamber of the data base (Progetti e documenti dell'UE – Proposal and documents of the UE)) which gives daily updated information on the activities of each Chamber related to the state of the scrutiny of EU drafts and proposal or documents.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The Department for Relations with the European Union (RUE) is the administrative unit responsible for supporting an active role of the Chamber in the EU decision-making process, and in the intra-European political debate. To this end, the Office:

- **Constantly monitors the activities of the EU institutions;**
- **Provides information and documentation on these activities to support the work of the bodies and members of the Chamber, as well as the Departments and Offices of the General Secretariat;**

- **Handles relations between the bodies of the Chamber and the Institutions and bodies of the EU;**
- **Handles cooperation between the parliaments of the EU;**
- **Performs the tasks relating to liaison and linkage procedures with the European Union under the Chamber of Deputies Rules of Procedure and current legislation;**
- **Organises the structure ("antenna") of the Chamber of Deputies at the EU institutions;**
- **Supports any other initiatives taken by the Chamber of Deputies on European matters (meetings, conferences, seminars).**

The RUE Department acts, within the administration of the Chamber, as a focal point for the relations of all of the Chamber bodies with EU Institutions and bodies, as well as for interparliamentary cooperation within the EU (European Parliament and national Parliaments).

The RUE Department prepares two types of documentation in order to inform the Committees, other Chamber bodies and individual MPs on current EU matters.

The first type is directly related to EU activities and consists of different documentation products aimed either at regular monitoring or at pointing out and covering specific issues. The Department has provided ad hoc documentation products in order to keep the bodies and departments of the Chamber informed on the reform process of the Treaties. In some cases, these products are targeted to the area of competence of individual parliamentary Committees, while in other cases they are circulated to all parliamentary bodies; as a rule they are sent to the relevant Committees and, in all cases, to the EU Policies Committee.

The second type is related to the stages of parliamentary consideration of national bills or other domestic policy issues having a bearing on European matters. In these cases the Research Department produces the general documentation, which also includes an analysis of current EU legislation. The RUE Department supplements such documentation by providing information on matters under preparation within EU bodies, namely with respect to legislative acts or other documents which may have a bearing on topics under consideration at the Chamber of Deputies, as well as to infringement and pre-infringement procedures of relevance for the topics under consideration.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The EU Policies Committee.

2b. Briefly describe the procedures involved.

In compliance with an opinion issued by the Committee on the Rules of Procedure on 6 October 2009, the EU Policies Committee has been entrusted – on an experimental basis – with checking whether EU draft legislative acts (DLA) comply with the subsidiarity principle. A Rapporteur appointed within each Committee responsible for the subject-matter is invited to take part in the meeting of the EU Policies Committee.

The EU Policies Committee can adopt a document concerning the compliance of a DLA with the subsidiarity principle; such documents is transmitted by the President of the Chamber to EU institutions (as well as to the President of the Senate and the Prime Minister).

The opinion of 6 October 2009 stated that, following the entry into force of the Lisbon Treaty, the EU Policies Committee shall issue its document before the expiry of the deadline of eight weeks. Nevertheless, the Committee on the Rules of Procedure has reserved the right to assess whether and how to involve the Plenary in the preparation of the reasoned opinion, considering the potential impact of said opinion on the EU decision-making process.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

So far, no specific procedure for the involvement of regional Assemblies has been set up. However – following the Rules of Procedures – the regional assemblies can already be consulted (also by means of hearings) on EU Affairs, including subsidiarity aspects.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes. The RUE Department regularly informs the EU Affairs Committee and the other competent committees of status of subsidiarity check in other NPs on the basis of IPEX.

We foresee that – in compliance with the recommendations of the Secretaries General of EU Parliaments in their meeting on 8 March 2010 - the IPEX should will increase as it is the main platform for exchange information through Parliaments.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

We suggest to create – as recommended by the Secretaries General of EU Parliaments in their meetings on 8 March 2010 - a non-public forum on IPEX,

where parliaments will be able to share preliminary unofficial information in writing during the 8 weeks period.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The Chamber will forward the reasoned opinion to the Commission, the European Parliament and other relevant Institutions as provided in the Protocol 2.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁵⁶ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The Chamber considers that the definition of a "special legislative procedure" and of a "legal act" laid down in the Treaty are quite precise and may not be questioned without an amendment to the Treaty. Those definitions were agreed during the last ICG; therefore their amendment would require an overall rethinking of the role of NP in the EU decision-making.

3. POLITICAL MONITORING OF EUROPOI

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

At the moment the Italian Chamber has not yet defined modalities and procedures for exercising political monitoring of EUROPOI. The Italian Chamber, prior to the definition of modalities of monitoring at national level, considers – as stated by the President of the Chamber Mr Fini at the last Speakers Conference - that this issue has to be dealt within the framework of a close cooperation and consultation process with the European Commission and the European Parliament.

3b. Briefly describe the procedures involved.

⁵⁶ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

At the moment the Italian Chamber has not yet defined modalities and procedures for exercising political monitoring of EUROJUST. The Italian Chamber, prior to the definition of modalities of monitoring at national level, considers – as stated by the President of the Chamber Mr Fini at the last Speakers Conference - that this issues has to be dealt within the framework of a close cooperation and consultation process of all National Parliaments with the European Commission and the European Parliament.

4b. Briefly describe the procedures involved.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

At the moment the Italian Chamber has not yet defined modalities and procedures for participation ion the simplified revision of the Treaties.

5b. Briefly describe the procedures involved.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

At the moment the Italian Chamber has not yet defined modalities and procedures for actions for annulment before the Court of justice of the EU on grounds of a breach of the principle of subsidiarity.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6e. In which cases, if any, may the national Government reject the Parliament's request?

The Bills of Law presented to the Chamber of deputies for implementing the Lisbon Treaty (see above) contain specific provision governing the relationship between the Parliament and the Government as for presenting the action to the ECJ.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

At the moment the Italian Chamber has not yet defined modalities and procedures for applications for accession to the EU.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty

of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No, the Italian Chamber of deputies has not examined the EP resolution

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, “the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union”. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

There was no specific debate on this issue. However the Chamber of Deputies considers that it is to the Speakers Conference to promote and organize a more effective interparliamentary cooperation in the EU for implementing the Lisbon Treaty.

To this end the Speakers Conference in Stockholm on 14-15 May could take important decisions as envisaged by the meeting of the SG of EU Parliaments on 8 March.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

The Chamber of Deputies European Union Policies Committee does not ordinarily examines the COSAC agenda. But it is discussed between the Chair and the two Deputy Chairs representing the Committee in COSAC, in order to decide the approach to be taken to the various agenda items.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

After the COSAC meeting, the Chair reports back to the Committee on the works and the deliberations and the decisions adopted. If the Committee deems it appropriate, a debate can be held, but no resolutions are adopted.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

The Committee takes note of COSAC debates, but purely for the purposes of gathering information, without any effect either on the work of the Committee or of the Chamber.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The Chamber of Deputies has always seen COSAC as a useful forum for the exchange of information and experiences, and also to encourage better personal familiarity between the members of the EU Policies Committees of the national Parliaments and the relevant organs of the European Parliament.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

It might be appropriate to have ministers and other representatives of the rotating Presidencies attending one single session, and to limit collective activities, which are of no use, considering that the Conference meets at six-month intervals.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report	Yes	No
b) Presidency programme No		Yes
c) The principle of subsidiarity No		Yes
d) COSAC contribution and conclusions No		Yes
e) Commission Annual Policy Strategy or similar document No		Yes

The Chamber of Deputies considers the Biannual Report (a) to be useful, but considers that it is too wide-ranging in its present form: it would be appropriate to focus on more specific topics so that it could be used more easily. This would help the excellent work already being done by the Secretariat.

It is also useful to hear directly from the rotating Presidency what the six-monthly priorities will be (b). This also makes it easier to exchange ideas. The subsidiarity experiences (c) that COSAC has engaged on so far have proven to be partly useful, particularly to find out how all the parliaments are equipped to perform subsidiarity check, as required by the Lisbon Treaty; however, these experiments have never made it possible to have an effective substantive exchange of ideas on the proposals examined. With the entry into force of the Lisbon Treaty, the Chamber considers that the subsidiarity experiments must cease. For the Treaty no longer vests COSAC with the power - that it used to have - regarding subsidiarity. On the contrary, the power to scrutinise subsidiarity, pursuant to the Protocols annexed to the Treaty, are vested in the individual Chambers of the national Parliaments.

At all events, the experience of the exercises conducted since 2004 do not offer any added value to the work of each Parliament.

The Chamber of Deputies is not opposed to keeping the conclusions and the contribution made by COSAC (d), provided that it continues not to be binding on the participating Assemblies.

The Chamber of Deputies attributes the greatest importance to ensuring that COSAC begins to effectively examine Commission's annual policy strategy (e), which is a fundamental document for the EU's legislative and policy planning. This would enable the Conference to be given the possibility to consider the main thrusts of EU policies at an early stage, and in greater detail. It would be useful if, in the first semester, COSAC could routinely examine this strategy, to enable them to identify the policies and sectors on which COSAC and individual Parliaments might focus attention as a matter of priority, in the initial planning phase.

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

a) Commission Legislative and Work Programme
No Yes

b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice
No Yes

c) Political monitoring of Europol and evaluation of Eurojust's activities

- | | | |
|--|-----|-----|
| | Yes | No |
| d) Common foreign and security policy, including
common security and defence policy | | Yes |
| No | | |
| e) Other (please specify) | Yes | No |

The Chamber of Deputies believes that COSAC should very carefully monitor all the issues listed by the Spanish Presidency in this paragraph 2. COSAC could examine the legislative and work programme (a) in particular in the second semester, as a corollary to the previous examination of the annual policy strategy.

The Chamber of Deputies attributes great importance both to the area of freedom, security and justice, and to the monitoring and evaluation of Europol and Eurojust (b-c). For these are questions in respect of which the Lisbon Treaty confers special competencies to the national Parliaments, and it would therefore be appropriate for COSAC to discuss them before the Commission adopts rules for implementation. Perhaps the European Commission could be asked to give all the national Parliaments and the European Parliament all the preparatory documents for the proposals on the basis of which the articles of the Treaty will be applied which make provision for the national Parliaments to be involved in these sectors.

It would also be very useful if COSAC could reflect on, and advance proposals regarding the application of certain fundamental institutional innovations in the Lisbon Treaty. For example, the popular legislative initiative (on which the Commission has already issued a Green Paper), the procedures for adopting delegated instruments, and the institution of the European diplomatic service.

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | | |
|---------------------------|-----|----|
| a) The Commission | Yes | No |
| b) The Council | Yes | No |
| c) Other (please specify) | | |

It would be useful to have a wide-ranging debate with the Commission whenever COSAC examines the annual policy strategy or the legislative working programme of the Commission.

Debate on draft EU acts⁵⁷

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes: the Chamber of Deputies welcomes this proposal provided that the debate takes place in a preliminary phase of its presentation, and that sufficient room is provided on the Conference agenda to discuss the proposal. Naturally, it would be appropriate for the debate to enter into the merits of the proposal, and not its compatibility with the principle of subsidiarity.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

The Chamber of Deputies believes that all the Parliaments should take part in choosing the proposals to be debated. Consequently, the best procedure would be the following: the Parliament holding the Presidency could invite all the Assemblies to propose a list of proposals. The Presidency would be responsible for selecting the ten most frequently mentioned proposals on the list received to be put to the Meeting of Chairmen which could then carry out a further selection on which the Conference could have its say.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

⁵⁷ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

It would be useful to have a reasoned summary in the Bi-annual Report, together with the presence of the European Commissioners competent by subject matter, as well as the Rapporteur presenting the proposal to the European Parliament. It is not considered necessary, conversely, for the Chair of the competent Committee of the European Parliament, or members specifically responsible for monitoring the subject matter in the national Parliaments. This would not only introduce problems in the composition of the parliamentary delegations, but it does not appear useful for operational purposes: the members of COSAC itself could request a contribution from their colleagues of the national Parliaments and report back to Conference.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes, provided that the consensus is ascertained with the maximum regularity.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Since the Commission's legislative and work programme has not yet been presented, it is not possible at the present juncture to indicate any particularly important documents to be debated. Listing any of the legislative proposals or other documents already presented would not be very useful: because of the developments in the European decision-making process, they might already be out of date by the time the next autumn COSAC meeting is convened.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

See the reply to paragraph 1 (c).

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

The meetings and deliberation of the political groups should take place outside the time dedicated to the COSAC meeting, if possible the day before. However, it would not be appropriate to hold a meeting of the political groups in the course of the meetings of COSAC Chairpersons, because not all the political groups of the delegations of each Parliamentary Assembly could be represented there. Furthermore, in many Parliaments the Chairpersons attend as representatives of their Committee, and not as members of any specific political group or political family.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

The Chamber of Deputies believes that with the existing resources the COSAC Secretariat has performed its function well, particularly in recent years, also thanks to the contribution of the present permanent member.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No: the representatives of the EU Policy Committees of the national Parliaments and of the competent bodies of the European Parliament are the most appropriate parties to exchange views on the experiences and positions of their respective Assemblies.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No, because COSAC is an acronym that is widely known and well established.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

The Chamber of Deputies believes that the most appropriate body for organising and coordinating the interparliamentary conferences is the EU Speakers Conference, which is specifically dealing with this issue at the present time. If an agreement were to emerge on COSAC on the importance of organising a specific meeting, the President in office might take up this request and make a specific proposal to the Presidency of the EU Speakers Conference.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

It does not seem necessary in this phase to change the current format. What is necessary, however, is to reflect on the actual role of the meeting of Chairpersons, which sometimes appears merely to be a foretaste of the plenary Conference, and gives rise to considerable supplementary costs to the organising Parliament.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|--------|
| a) Should not be limited | Yes |
| No | |
| b) Should be limited to once per Parliament / Chamber | Yes |
| No | |
| c) Should be limited to twice per Parliament / Chamber | Yes |
| No | |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | Yes |
| No | |
| f) Other criteria: (please specify) | |

Whatever rule is adopted there is always the risk of excluding some of the speakers wishing to take the floor from taking part in the debate. The role of the Presidency is therefore crucial, considering the items on the agenda and the debating times and the list of members wishing to

speak, so that the debate can be governed in such a way as to permit adequate participation in the debate. It would therefore be a good idea if each delegation could coordinate themselves within and with the other delegations in the same Parliament (in the case of bicameral Parliaments), in order to ensure that the speakers represent both the majority and the opposition. In this perspective, it would be appropriate to restrict the number of agenda items in order to focus the debate and make it possible for the maximum number of speakers to take the floor.

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Considering the points raised in the previous reply, the time could be limited to a maximum of seven minutes.

Italy: Senato della Repubblica

CHAPITRE 1 : LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX SUITE A L'ENTREE EN VIGUEUR DU TRAITE DE LISBONNE

Questions:

A) ANALYSE DES NORMES ADOPTÉES

1. De nouvelles normes ont-elles été adoptées par votre Etat membre afin d'incorporer à la législation nationale les nouveaux pouvoirs conférés aux Parlements nationaux par le Traité de Lisbonne ? Si la réponse est oui, veuillez spécifier quelles normes ont été adoptées et les classer dans les catégories suivantes.

1a. Dispositions constitutionnelles

L'Italie n'a pas adopté des modifications de dispositions constitutionnelles suite à l'entrée en vigueur du Traité de Lisbonne.

Le processus de participation de l'Italie à l'Union européenne reste par conséquent règlementé par :

- 1) l'article 11, aux termes duquel l'Italie « consent, dans des conditions de réciprocité avec les autres Etats, aux limitations de souveraineté nécessaires à un ordre qui assure la paix et la justice entre les Nations »⁽⁵⁸⁾ ;**
- 2) l'article 117, premier alinéa, aux termes duquel l'Etat et les Régions légifèrent « dans le respect de la Constitution, aussi bien que des contraintes découlant de la réglementation communautaire et des obligations internationales. » ;**
- 3) l'article 117, deuxième alinéa, lettre a), aux termes duquel l'Etat exerce le pouvoir législatif exclusif en matière de « relations de l'Etat avec l'Union européenne » ;**
- 4) l'article 117, troisième alinéa, aux termes duquel parmi les matières de législation concurrente on compte les « relations internationales et avec l'Union européenne des Régions » ;**
- 5) l'article 117, cinquième alinéa, aux termes duquel les Régions et les Provinces autonomes participent, dans les domaines relevant de leur compétence, aussi bien à la phase ascendante (c'est-à-dire aux « décisions visant à la formation des actes normatifs communautaires ») qu'à la phase descendante (car elles « assurent l'application et la mise en œuvre ... des actes de l'Union**

⁽⁵⁸⁾ Cette disposition représente, comme l'a rappelé la Cour Constitutionnelle dans ses arrêts n° 348 et n° 349 de 2007, le fondement constitutionnel qui permet de reconnaître aux normes communautaires l'efficacité obligatoire et l'application directe dans la réglementation italienne. Dans cette perspective, comme le précise la Cour dans l'arrêt n° 348, l'Italie, en adhérant aux Traités communautaires, est entrée à plein titre dans un « ordre » plus large, de nature supranationale, en cédant une partie de sa souveraineté, également en ce qui concerne le pouvoir législatif, dans les domaines objet des Traités eux-mêmes, avec la seule limite du caractère intangible des principes et des droits fondamentaux garantis par la Constitution.

européenne »), dans le respect des règles de procédure établies par les lois de l'État, auquel il incombe de régler les modes d'exercice du pouvoir de substitution en cas de manquement ;

- 6) l'article 120, deuxième alinéa, aux termes duquel le Gouvernement peut se substituer aux organes des Régions et des Collectivités locales, entre autres, en cas de non-respect des normes communautaires, en observant les procédures fixées par la loi visant à garantir les principes de subsidiarité et de collaboration loyale.

1b. Dispositions légales

Aucune modification à des dispositions légales, suite à l'entrée en vigueur du Traité de Lisbonne, n'a encore été approuvée. Toutefois, voir la réponse à la question 2.

1c. Règlements parlementaires

Le Président du Sénat a envoyé au Présidents de Commission une lettre, en date du 1^{er} décembre 2009, dans laquelle il illustre la procédure parlementaire visant à permettre, sur la base des prévisions ordinaires du Règlement du Sénat, la gestion en voie expérimentale du contrôle de subsidiarité.

Il s'agit d'élargir les procédures normales suivies par le Sénat pour l'examen des actes préparatoires de la législation de l'Union européenne, avec la seule particularité de la prévision, due, d'un délai final pour exprimer la position des Commissions du Sénat. Ce délai est fixé dans la mesure de renvoi aux Commissions et précède de quelques jours l'échéance du terme des huit semaines, afin de laisser une fenêtre temporelle pour un examen éventuel de la part de l'Assemblée.

D'ailleurs, cette même lettre du 1^{er} décembre 2009 précisait que, sur proposition du Président, la Commission du Règlement, dans sa séance du 22 octobre 2009, avait convenu de créer un Comité restreint, composé d'un représentant pour chaque Groupe parlementaire, afin d'évaluer les retombées sur le Règlement du Sénat découlant de l'entrée en vigueur du Traité de Lisbonne. Ce Comité - coordonné par la sénatrice Boldi, présidente de la Commission Politiques de l'Union européenne - a conclu ses travaux par un rapport présenté le 9 mars 2010. Sur ces aspects, voir la réponse au point 2).

1d. Autres (veuillez spécifier)

2. Si aucune norme n'a été adoptée pour le moment, de telles normes sont-elles prévues ? Veuillez spécifier la hiérarchie des dispositions qui seront probablement adoptées à court ou à moyen terme (Dispositions constitutionnelles, dispositions légales, règlements parlementaires...).

Règlements parlementaires

Comme nous l'avons dit auparavant, le Comité établi par La Commission du Règlement afin d'évaluer les retombées sur le Règlement découlant de l'entrée en vigueur du Traité de Lisbonne – Comité coordonné par la sénatrice Boldi présidente de la Commission Politiques de l'Union européenne - a conclu ses travaux par un rapport présenté le 9 mars 2010. Les propositions, illustrées ci-dessous, sont actuellement à l'étude de la Commission du Règlement, dont les travaux devraient se conclure dans des délais raisonnablement brefs. En plus de la solution à certaines problématiques apparues au cours de la vie parlementaire des dernières années, surtout en ce qui concerne la phase descendante du droit de l'Union européenne, le Comité a proposé à la Commission des solutions opérationnelles dans les domaines suivants, directement liés au Traité de Lisbonne :

1) Procédure parlementaire pour le contrôle ex ante du respect du principe de subsidiarité. Il a été estimé opportun d'apporter des modifications à l'article 144 du Règlement, de façon à prévoir une procédure parlementaire *ad hoc* pour le contrôle ex ante du principe de subsidiarité. Ces modifications concernent, notamment :

a) la nécessité de garantir que les organes parlementaires examinent des projets d'actes législatifs de l'Union européenne en temps utile afin de respecter le délai de huit semaines prévu par le Traité de Lisbonne ;

b) l'opportunité de permettre que cet examen soit mené également au-delà du délai final de huit semaines. Bien entendu, dans ce cas, l'avis parlementaire ne pourra avoir aucun effet de suspension ou de blocage des procédures législatives européennes, mais on pourra éventuellement le faire valoir dans le cadre d'un dialogue politique informel avec les institutions européennes, selon le modèle déjà adopté au cours des dernières années par le biais de la dénommée « Procédure Barroso » ;

c) l'opportunité d'envisager que la Commission Politiques de l'Union européenne puisse être un organe parlementaire particulièrement approprié pour l'examen des projets d'actes législatifs de l'Union européenne, en lui permettant de pouvoir avoir recours au pouvoir de substitution dans les cas d'inertie des Commissions compétentes au fond ;

d) l'opportunité de permettre que, au cas où la Commission compétente au fond ou la Commission Politiques de l'Union européenne aient constaté dans le projet d'acte législatif une violation du principe de subsidiarité, l'on puisse prévoir ou pas le renvoi automatique de la question à l'Assemblée. Toutefois, au sein du Comité restreint un accord sur ce point n'a pas été atteint. On a donc préféré reporter la décision finale, également pour ses retombées sur les travaux de l'Assemblée, aux décisions de la Commission du Règlement ;

e) l'opportunité que, compte tenu de ses effets directs sur la procédure législative européenne, l'examen du principe de subsidiarité, dans ses

différents aspects, devienne un point indépendant des discussions et des délibérations des Commissions ;

f) l'opportunité de mettre en œuvre la clause prévue par l'article 6, dernier paragraphe, du Protocole n° 2, sur l'application des principes de subsidiarité et de proportionnalité, afin de permettre de consulter les Conseils régionaux et ceux des Provinces autonomes dans la procédure d'examen de projets d'actes législatifs de l'Union européenne ;

g) la nécessité d'une liaison avec les représentants du Gouvernement.

2) Procédure parlementaire pour le contrôle ex post du respect du principe de subsidiarité. Recours devant la Cour de justice. En ce qui concerne les procédures parlementaires pour le contrôle ex post du respect du principe de subsidiarité, le Comité restreint a proposé d'adopter une procédure similaire à la procédure prévue en cas de conflits d'attribution

Cette initiative pourrait être confiée à un *quorum* qualifié de sénateurs membres d'une Commission qui, soit lorsqu'elle est saisie au fond soit selon la procédure de consultation (et donc toujours la Commission Politiques de l'Union européenne), ait eu la possibilité d'examiner l'acte (*rectius*: l'initiative législative afférente) selon le mécanisme de contrôle *ex ante* du principe de subsidiarité. La phase de l'instruction également serait attribuée à la Commission qui, soit lorsqu'elle est saisie au fond soit selon la procédure de consultation (et donc toujours la Commission Politiques de l'Union européenne), ait eu la possibilité d'examiner l'acte selon le mécanisme de contrôle *ex ante* du principe de subsidiarité, et dont les sénateurs aient activé la procédure par le biais du droit d'initiative. En ce qui concerne la phase du jugement devant la Cour de justice, l'article 8 du Protocole sur la subsidiarité emploie la phrase selon laquelle le recours est proposé par un Etat membre ou transmis « par celui-ci conformément à son système juridique interne au nom de son Parlement national ou d'une Chambre du susdit Parlement national ». Bien que la phrase du Traité ne soit pas claire, il est évident que la *ratio* consiste à garantir aux Parlements nationaux le droit de faire appel devant Cour de justice, sans que le Gouvernement ait la possibilité juridique de les en empêcher.

3) Elargissement des sujets auxquels faire appel pour acquérir des éléments d'information dans les matières du droit de l'Union européenne. Les modifications apportées en 2003 au Règlement du Sénat, ont attribué aux Commissions la possibilité de s'adresser à des représentants des institutions de l'Union européenne pour acquérir des éléments d'information. Il s'agit, notamment, de la possibilité d'auditionner des représentants du Parlement européen et des représentants de la Commission européenne. Suite à l'entrée en vigueur du Traité de Lisbonne, le Comité a proposé d'élargir cette faculté des Commissions pour permettre, dans les domaines relevant

de l'Union européenne, l'audition : a) d'autres représentants des institutions, d'organes, d'organismes et d'agences de l'Union européenne ; b) de membres des autres Parlements nationaux de l'Union européenne ; c) de représentants des Conseils régionaux et des Conseils des Provinces autonomes.

4) En ce qui concerne les mécanismes d'évaluation de la mise en œuvre des politiques de l'Union européenne dans le cadre de l'espace de liberté de sécurité et de justice, le Comité estime que, pour l'application des articles 70 et 71 du Traité sur le fonctionnement de l'Union européenne, il n'est pas nécessaire de modifier le Règlement. Il faudra simplement établir quelles seront les Commissions auxquelles destiner les informations prévues par ces articles pour les contrôles relevant de leur compétence. Par ailleurs, la pratique des dernières années relative aux rencontres interparlementaires en matière d'espace de liberté, de sécurité et de justice a enregistré une compétence concurrente de la Commission Affaires constitutionnelles, de la Commission Justice et de la Commission Politiques de l'Union européenne.

5) En ce qui concerne la participation du Sénat et de la Chambre au contrôle politique d'Europol et à l'évaluation des activités d'Eurojust et à l'application des articles 85 et 88 du Traité sur le fonctionnement de l'Union européenne, le Comité a constaté que les modalités de participation des Parlements nationaux seront définies par le biais de règlements européens. Le Sénat pourra participer à leur formulation par le biais des mêmes mécanismes d'examen des projets d'actes législatifs de l'Union. La participation concrète des organes du Sénat devra donc nécessairement être examinée à la lumière de cette future réglementation. Ainsi qu'au point précédent, par ailleurs, la pratique des dernières années relative aux rencontres interparlementaires en matière d'espace de liberté, de sécurité et de justice, servirait à établir quels sont les organes compétents à participer au contrôle politique d'Europol et à l'évaluation des activités d'Eurojust. Cette pratique a fait enregistrer la compétence concurrente de la Commissions Affaires constitutionnelles, de la Commission Justice et de la Commission Politiques de l'Union européenne.

6) En ce qui concerne les procédures de révision simplifiée des Traités visées par l'article 48, paragraphe 7, du Traité sur l'Union européenne, le Comité a constaté que, contrairement aux autres dispositions du Traité de Lisbonne, le pouvoir n'est pas attribué individuellement aux différentes Chambres des Parlements nationaux, mais à ceux-ci dans leur ensemble. Cela implique, dans le cas de l'Italie, qu'il faudra une délibération convergente des deux branches du Parlement italien s'opposant à la "décision passerelle.

7) Droit de veto du Parlement italien sur les projets de décision pour le passage de la procédure législative spéciale à la procédure ordinaire dans les matières relatives au droit de la famille ayant une incidence transfrontalière (article 81 du Traité sur le fonctionnement de l'Union européenne). Le Comité estime que, pour l'examen des propositions de la Commission européenne dans ce domaine on pourra faire valoir le régime ordinaire de saisine des projets d'actes législatifs.

8) Enfin, le Comité a pris en considération l'hypothèse de la Cour constitutionnelle allemande, formulée par l'arrêt du 30 juin 2009, qui a prévu une intervention du *Bundestag* et/ou du *Bundesrat*. Dans ces circonstances, a été évaluée l'opportunité de permettre également aux Chambres du Parlement italien de se prononcer. Bien entendu, la Constitution italienne n'impose pas une loi, mais on peut considérer une intervention des Chambres par le biais de l'un des instruments d'orientation prévus par le droit parlementaire, en formulant, le cas échéant, la réserve d'examen parlementaire. Par conséquent, pour permettre au Parlement de se prononcer, aucune intervention spécifique sur le Règlement ne semble nécessaire.

Dispositions légales

Un processus d'adaptation de la loi n° 11 du 4 février 2005, portant « Normes générales sur la participation de l'Italie au processus législatif de l'Union européenne et sur les procédures de mise en œuvre des obligations communautaires » est actuellement en cours en Italie. Cette loi est le point de référence fondamental pour la discipline de la procédure de formation de la position nationale dans la phase de formation du droit de l'Union européenne et de la procédure de transposition dans le droit interne.

De nombreuses dispositions de cette loi seront donc modifiées pour tenir compte de l'entrée en vigueur du Traité de Lisbonne.

Jusqu'à présent, toutefois, la seule modification apportée à cette loi, et liée à l'entrée en vigueur du Traité, est contenue dans le projet de Loi communautaire pour 2009, en phase finale d'adoption.

Il s'agit d'un article ajouté au cours de l'examen à la Commission Politiques de l'Union européenne du Sénat, suite à un amendement présenté par la présidente Boldi et par le sénateur Santini, par lequel on réglemente la « Participation des Chambres au contrôle du respect du principe de subsidiarité ».

Conformément à cet article *« afin de permettre un examen parlementaire efficace, dans le cadre des procédures prévues par les Traités de l'Union européenne, en ce qui concerne le contrôle du Sénat de la République et de la Chambre des députés quant au respect du principe de subsidiarité de la part des projets d'actes législatifs de l'Union européenne, le Gouvernement, par le biais du ministre pour les Politiques européennes, fournit, dans un délai de trois semaines à compter du début de l'examen susdit, une information appropriée sur*

les contenus et sur les travaux préparatoires relatifs aux différentes propositions, ainsi que sur les orientations que le Gouvernement a assumées ou entend assumer à ce sujet ». Le Gouvernement devra en outre fournir aux Chambres un tableau de conformité entre la proposition d'acte législatif de l'Union européenne et les dispositions correspondantes du droit interne. De cette manière l'on pourra cerner immédiatement les retombées potentielles de la législation européenne 'in fieri' sur la législation nationale.

S) LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX DANS LE PROCESSUS DECISIONNEL DE L'UNION EUROPÉENNE

Les questions suivantes portent sur chacun des différents mécanismes par le biais desquels les Parlements nationaux sont appelés à participer dans le cadre de l'Union européenne. Les questions portent sur les principaux éléments des débats qui, conformément aux normes nationales qui ont été adoptées ou qui sont sur le point de l'être, mettront en œuvre au sein de chaque Parlement national les mécanismes établis dans les Traités.

1. CONTRÔLE DES ACTIVITÉS DES INSTITUTIONS DE L'UE

1a. Veuillez indiquer si le contrôle comprend toutes les activités de toutes les institutions de l'UE. Si ce n'est pas le cas, veuillez spécifier quelles activités et quelles institutions seront soumises à ce contrôle (par exemple, seulement les projets d'actes législatifs émanant de la Commission).

Le contrôle exercé par les organes parlementaires porte sur tous les aspects de la vie de l'Union européenne. Ainsi, il concerne sûrement tous les projets d'actes législatifs, qu'ils soient soumis par la Commission européenne ou par d'autres sujets, les dossiers de consultation, les livres verts, les livres blancs etc. En outre, le contrôle parlementaire peut également porter sur les accords, de nature commerciale ou non, stipulés par l'Union européenne avec des Etats tiers (par exemple l'accord Ue-Korée).

1b. Veuillez indiquer si ce contrôle est global ou s'il s'applique de façon sélective à certains dossiers ou à certaines questions présentant un intérêt national particulier.

Il convient de rappeler qu'à partir de 2006 le Sénat a créé au sein de la Commission Politiques de l'Union européenne une "Sous-commission pour la phase ascendante et les procédures d'infraction", chargée de la mission délicate de sélectionner les dossiers à soumettre au contrôle, ce qui permet à la Commission Politiques de l'Union européenne de se concentrer uniquement sur les projets les plus importants. La Sous-

commission se charge par contre de contrôler les propositions et les dossiers restants.

Les autres organes parlementaires établissent leurs propres ordres de priorité, bien qu'ils soient influencés par le "moteur" du contrôle parlementaire exercé par la Commission Politiques de l'Union européenne.

1c. Décrivez brièvement la procédure et spécifiez quels sont les organes parlementaires impliqués dans celle-ci.

Par l'entrée en vigueur du Traité de Lisbonne, le Président du Sénat a indiqué aux Présidents de Commission, dans une lettre du 1er décembre 2009, la procédure à suivre pour l'exercice du contrôle parlementaire sur les actes transmis en vertu du nouveau traité.

La procédure prévoit qu'après la réception des projets d'actes normatifs par le Sénat, ceux-ci soient directement renvoyés aux Commissions, dans les meilleurs délais.

L'acte de renvoi fixe un délai final pour la formulation d'un avis aussi bien par la Commission compétente au fond que par la Commission Politiques de l'Union européenne. Cette dernière, à l'échéance du délai fixé pour la Commission compétente et au cas où celle-ci ne se serait pas prononcée, peut exercer ledit pouvoir substitutif et dialoguer directement avec les institutions européennes et les autres parlements de l'Union. Ce pouvoir substitutif demande néanmoins une délibération supplémentaire sur le même acte, adoptée par un *quorum* qualifié.

1d. Les normes déterminent-elles le devoir du Gouvernement de présenter des rapports au Parlement / à la Chambre ? Le cas échéant, dans quelles conditions ?

Selon la proposition de modification de la loi n° 11 de 2005, soumise par les sénateurs Boldi et Santini (voir ci-dessus), le Gouvernement est tenu de transmettre des informations pertinentes au cas où les projets d'actes législatifs de l'Union seraient inscrits à l'ordre du jour des Commissions permanentes. La transmission doit être effectuée dans un délai de trois semaines à compter du début du contrôle.

1e. Dans les Parlements bicaméraux, pourriez-vous décrire les mécanismes d'échange d'informations et de coordination entre les deux Chambres ?

Les deux Chambres du Parlement italien adoptent depuis toujours une approche pragmatique, basée sur l'échange d'informations et la coordination de leurs activités suivant les circonstances. L'entrée en vigueur du traité suggère de mener une réflexion supplémentaire à cet égard.

1f. Veuillez décrire brièvement les moyens administratifs et de conseil ainsi que l'assistance disponible pour mener à bien la tâche de contrôle des institutions de l'UE.

Au Sénat toutes les questions concernant les relations avec les Institutions européennes sont traitées par un Bureau spécifique au sein du Service des Affaires internationales. Il est composé de deux Conseillers, cinq documentalistes et trois assistants. En outre, le Service peut compter sur la coopération de la Représentante permanente du Sénat à Bruxelles. Le Directeur du Service des Affaires internationales exerce des fonctions de coordination générale avec le secteur des délégations parlementaires. Il existe également un Bureau du Secrétariat de la Commission Politiques de l'Union européenne, composé d'un Conseiller, un documentaliste et deux assistants.

2. VEILLER AU RESPECT DU PRINCIPE DE SUBSIDIARITÉ

2a. Veuillez spécifier quels sont les organes parlementaires chargés de veiller au respect du principe de subsidiarité.

La procédure de contrôle du principe de subsidiarité peut intéresser toutes les Commissions permanentes du Sénat. Au cas où celles-ci ne se prononceraient pas dans les délais fixés à cet effet par le Président du Sénat, la Commission Politiques de l'Union européenne peut exercer le pouvoir substitutif et dialoguer avec les institutions européennes.

2b. Décrivez brièvement les procédures engagées.

La description de la procédure engagée figure à la réponse 1c).

2c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

L'implication des Assemblées législatives régionales fait l'objet de la proposition de modification du règlement du Sénat présentée ci-dessus. Les Assemblées peuvent toutefois, en attendant l'entrée en vigueur de ces modifications, transmettre leurs résolutions portant sur les actes préparatoires de la législation de l'Union européenne en utilisant les procédures ordinaires de transmission de leurs délibérations. Ainsi, par exemple, la Région de l'Émilie-Romagne a transmis sa position sur le dossier concernant l'Initiative des citoyens.

2d. Votre Parlement / Chambre a-t-il/t-elle utilisé les informations mises à disposition sur le site web de l'IPEX pendant les tests portant sur le principe de subsidiarité ? D'après vous, l'utilisation de l'IPEX va-t-elle augmenter ou diminuer ?

Le Sénat italien utilise constamment les informations contenues dans la plate-forme IPEX et assure la mise à jour régulière de la partie concernant ses activités, y compris en fournissant le texte des délibérations adoptées par ses organes en anglais ou en français. Le Sénat est d'avis que l'utilisation de l'IPEX est destinée à augmenter.

2e. Quelles améliorations suggèreriez-vous d'apporter à l'IPEX afin de permettre un échange d'informations en temps réel entre les Parlements?

Le Sénat est favorable au développement de modalités de communication par la voie informatique et télématique.

2f. Quel genre de communication directe votre Parlement / Chambre envisage t-il/t-elle d'établir avec les institutions de l'UE et à quelles améliorations avez-vous pensé?

Le Sénat est favorable au développement de modalités de communication par la voie informatique et télématique.

2g. Concernant la question posée par la délégation de la Chambre des Communes du Royaume-Uni lors de la réunion des présidents de la COSAC le 5 février 2010 à Madrid, votre Parlement / Chambre pense t'il/elle que la définition d'une «procédure législative spéciale» et par conséquent d'un «acte juridique» conformément à l'Article 289 du Traité sur le fonctionnement de l'Union européenne pourrait limiter les nouveaux pouvoirs octroyés aux parlements nationaux dans le cadre du Protocole 1 et du Protocole 2 du Traité de Lisbonne, comme a fait remarquer la Note⁵⁹ circulée par la Chambre des Communes britannique lors de la réunion des présidents de la COSAC à Madrid ? Avez-vous consulté votre Gouvernement à ce sujet?

Non. Il faudra en tout cas attendre les premières orientations sur la mise en œuvre du Traité de Lisbonne pour évaluer la situation.

3. CONTRÔLE POLITIQUE D'EUROPOL

3a. Veuillez spécifier quels sont les organes parlementaires chargés d'exercer le contrôle politique.

Le Sénat italien n'a pas de procédure spécifique pour le contrôle des activités d'Europol. Par conséquent, les procédures ordinaires de contrôle peuvent s'appliquer à cette fin.

Cette matière relève de la Commission Affaires constitutionnelles, de la Commission Justice et de la Commission Politiques de l'Union européenne.

En outre – en vertu de la loi n° 93 du 23 mars 1998 en matière de ratification de la Convention Europol – la compétence spécifique en matière de contrôle de l'activité de la branche nationale d'Europol a été attribuée à une Commission bicamérale.

3b. Décrivez brièvement les procédures engagées.

Voir réponse 3a).

⁵⁹ La Note est publiée sur le site web de la COSAC : <http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

Les Assemblées régionales dotées de pouvoirs législatifs ne participent pas au contrôle politique d'Europol, cette matière ne relevant pas de leurs compétences constitutionnelles.

3d. Vos normes incluent-elles des critères spécifiques concernant l'exercice du contrôle politique ? Le cas échéant, veuillez spécifier quels sont ces critères.

Voir réponse 3a).

4. EVALUATION DES ACTIVITÉS D'EUROJUST

4a. Veuillez spécifier quels sont les organes parlementaires chargés de cette évaluation.

Les organes internes compétents en matière d'évaluation des activités d'Eurojust n'ont pas encore été identifiés. Le choix pourrait s'inspirer de la pratique suivie au cours des dernières années pour les rencontres interparlementaires en matière d'espace de liberté, de sécurité et de justice, qui a fait enregistrer une compétence conjointe des Commissions Affaires constitutionnelles, Justice et Politiques de l'Union européenne.

4b. Décrivez brièvement les procédures engagées.

Le Sénat italien n'a pas de procédure spécifique pour l'évaluation des activités d'Eurojust. À cette fin, les procédures ordinaires de contrôle peuvent être appliquées.

4c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

Les Assemblées régionales dotées de pouvoirs législatifs ne participent pas à l'évaluation des activités d'Eurojust, cette matière ne relevant pas de leurs compétences constitutionnelles.

4d. Vos normes incluent-elles des critères spécifiques concernant la conduite de cette évaluation ? Le cas échéant, veuillez spécifier quels sont ces critères.

Voir réponses précédentes.

5. PARTICIPATION À LA RÉVISION SIMPLIFIÉE DES TRAITÉS (CLAUSE PASSERELLE)

5a. Veuillez spécifier quels sont les organes parlementaires impliqués dans cette procédure.

Voir la réponse au point 2) de la section A.

5b. Décrivez brièvement les procédures engagées.
Voir réponse 5a).

5c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.
Voir réponse 5 a).

5d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour garantir un accord sur la position commune du Parlement national, le cas échéant.
Voir réponse 5 a).

6. RECOURS DEVANT LA COUR DE JUSTICE DE L'UNION EUROPÉENNE POUR CAUSE DE VIOLATION DU PRINCIPE DE SUBSIDIARITÉ

6a. Veuillez spécifier quels sont les organes parlementaires impliqués.
Voir réponse au point 2) de la section A.

6b. Décrivez brièvement les procédures engagées dans votre Parlement / Chambre.
Voir réponse 6 a).

6c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.
Voir la réponse au point 2) de la section A.

6d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour arriver à un accord sur la position commune du Parlement national, le cas échéant.
À cette date, aucune décision n'a été prise quant à la possibilité que le Parlement italien adopte une position commune sur cet aspect.

6e. Dans quels cas, le cas échéant, le Gouvernement national pourrait-il rejeter la demande du Parlement?
La logique et l'esprit du traité semblent empêcher une prévision normative interne attribuant au Gouvernement le pouvoir de veto sur un recours délibéré par une de deux Chambres pour violation du principe de subsidiarité. Le Gouvernement pourrait refuser d'assurer la représentation devant les organes de justice européens. Il reviendra alors à ces derniers de vérifier la recevabilité du recours directement soumis par une Chambre d'un Parlement national dont le Gouvernement ait refusé de transmettre le recours.

6f. Quels sont les effets du rejet par le Gouvernement de la demande formulée par un Parlement national de former un recours pour cause de violation du principe de subsidiarité ?

Voir réponse 6e).

7. CANDIDATURES D'ADHÉSION À L'UNION EUROPÉENNE

7a. Veuillez spécifier quels sont les organes parlementaires impliqués.

Le Comité dont à la réponse au point 2) de la section A a établi que l'information prévue pour les parlements nationaux sur les demandes d'adhésion à l'Union européenne pourra être acheminée par le Président du Sénat, pour l'éventuel suivi de compétence, aux Commissions compétentes, en l'occurrence la Commission Affaires étrangères et la Commission Affaires européennes.

7b. Décrivez brièvement les procédures et les effets de toute résolution adoptée (le cas échéant).

Les procédures normales seront applicables.

8. PARTICIPATION À LA COOPERATION INTERPARLEMENTAIRE ENTRE LES PARLEMENTS NATIONAUX ET AVEC LE PARLEMENT EUROPEEN.

8a. La Résolution prise par le Parlement européen le 7 mai 2009 sur le développement des relations entre le Parlement européen et les Parlements nationaux dans le cadre du Traité de Lisbonne (le Rapport Brok) a-t-elle fait l'objet d'un débat ou d'une étude au sein de votre Parlement / Chambre ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

Non. Cette résolution n'a fait l'objet d'aucun débat.

8b. Selon l'article 9 du Protocole sur le rôle des Parlements nationaux au sein de l'Union européenne, «le Parlement européen et les parlements nationaux définissent ensemble l'organisation et la promotion d'une coopération interparlementaire efficace et régulière au sein de l'Union », Votre Parlement / Chambre a-t-il/t-elle organisé un débat pour décider comment cette coopération devra être organisée ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

Non. Aucune décision n'a été adoptée.

CHAPITRE 2 : LE ROLE FUTUR DE LA COSAC

Questions :

A) ACTUELS POINTS FORTS ET FAIBLES DE LA COSAC

1. Votre Parlement / Chambre tient-il/elle des débats sur le programme des réunions de la COSAC avant que celles-ci n'aient lieu ? Existe t-il une procédure régulière ou extraordinaire pour la préparation des points de l'ordre du jour de la COSAC ? Le cas échéant, quelle est cette procédure et quel organe en est-il responsable ?

La Commission Affaires européennes tient des débats préalables aux réunions de la COSAC uniquement à titre occasionnel. Par exemple, quelques débats ont eu lieu à l'occasion des réunions de la période 2002-2003, parallèlement aux travaux de la Convention européenne.

2. Au terme de chaque réunion de la COSAC, les conclusions / la contribution de la COSAC font-elles/fait-elle l'objet d'un débat dans votre Parlement / Chambre ? Le cas échéant, veuillez spécifier.

Le Président présente le compte-rendu des travaux de la COSAC et de la Conférence des Présidents de la COSAC à la Commission réunie en séance plénière.

3. Les points faisant l'objet de débats lors des réunions de la COSAC tout comme les conclusions / la contribution de la COSAC ont-ils un effet sur le travail de votre Parlement / Chambre ?

La COSAC a influencé les travaux du Sénat surtout lorsqu'elle a promu les tests coordonnés sur un certain nombre de propositions d'actes législatifs de l'Union européenne pour l'évaluation du respect des principes de subsidiarité et de proportionnalité.

4. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être particulièrement utiles ?

L'incitation au contrôle des propositions d'actes législatifs de l'Union européenne.

5. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être moins pertinents ?

Aucun.

B) LE ROLE FUTUR DE LA COSAC

Points de l'ordre du jour

1. Veuillez spécifier si votre Parlement / Chambre souhaiterait maintenir les points réguliers suivants sur l'ordre du jour de la COSAC :

- a) Rapport semestriel **Oui**
- b) Programme de la Présidence **Oui**
- c) Le principe de subsidiarité **Oui**
- d) La contribution et les conclusions de la COSAC** **Oui**
- e) Stratégie politique annuelle ou document similaire de la Commission **Oui**

2. Veuillez spécifier quel est le point de vue de votre Parlement / Chambre quant à la possibilité d'ajouter d'autres points réguliers sur l'ordre du jour de la COSAC, par exemple :

- a) Programme de travail et programme législatif de la Commission **Oui**
- b) Participer aux mécanismes d'évaluation de la mise en œuvre des politiques communautaires dans l'espace de liberté, de sécurité et de justice **Oui**
- c) Contrôle politique d'Europol et évaluation des activités d'Eurojust **Oui**
- d) Politique étrangère et de sécurité commune, y compris la politique de sécurité et de défense **Oui**
- e) Autres (veuillez spécifier) Oui
Non

3. Veuillez spécifier si votre Parlement / Chambre considère qu'il est nécessaire de consacrer davantage de temps lors des réunions de la COSAC aux débats avec les Institutions de l'UE :

- a) La Commission **Oui**
- b) Le Conseil **Oui**
- c) Autres (veuillez spécifier)**

Débat sur les projets d'actes de l'UE⁶⁰

4. Votre Parlement / Chambre serait-il/elle favorable à ce que la COSAC débattre de propositions concrètes d'actes (en particulier législatifs) à l'agenda de l'Union européenne?

Chaque réunion plénière de la COSAC pourrait débattre des résultats de deux propositions d'actes législatifs de l'Union (au total, quatre par an).

4a. Le cas échéant, selon quelles modalités la sélection des actes susceptibles de faire l'objet de ces discussions pourrait-elle être effectuée ? (soumission réalisée par une délégation de la COSAC ou par le Parlement exerçant la Présidence de la COSAC ? Sélection effectuée par la troïka présidentielle, par le Parlement hôte ou par la COSAC plénière précédant immédiatement la réunion au cours de laquelle ce ou ces projets seraient débattus etc. ?)

La sélection des actes à examiner devrait relever de la Conférence des Présidents de la COSAC ou de la COSAC plénière.

4b. Selon votre Parlement / Chambre, quelles pourraient être les modalités d'organisation de ces débats ?

4ba. Devraient-ils notamment faire l'objet d'un chapitre du rapport semestriel de la COSAC, étayé par les contributions apportées par chacune des délégations ?

Oui.

4bb. Les présences du Commissaire européen et du rapporteur du Parlement européen sur le projet d'acte concerné, voire du Président de la commission parlementaire qui travaille sur le sujet vous apparaissent-elles opportunes ?

Oui.

4bc. Pensez-vous que les parlementaires qui travaillent sur le sujet dans leur Parlement / Chambre devraient s'incorporer à leurs délégation et participer dans ces réunions de la COSAC ?

Non.

4c. Les éléments de consensus dégagés par ces discussions auraient-ils vocation, à vos yeux, à s'intégrer dans les contributions émises par la COSAC ?

Oui.

⁶⁰ Les questions 4 à 4d ont été soumises par M. Pierre LEQUILLER, Président de la Commission des Affaires européennes de l'Assemblée nationale française.

4d. Dans ce contexte, pouvez-vous nous indiquer quels projets d'actes européens pourraient utilement à vos yeux faire l'objet de débats au cours des prochaines réunions ordinaires de la COSAC? Merci de les présenter par ordre de priorité.

La proposition d'acte législatif relatif à l'Initiative des citoyens et les projets de règlement en matière de contrôle politique d'Europol et d'évaluation des activités d'Eurojust.

Tests du principe de subsidiarité

5. Votre Parlement / Chambre est-il/elle d'avis que la COSAC devrait continuer à coordonner des tests du principe de subsidiarité au sein des Parlements nationaux ? Le cas échéant, veuillez préciser comment.
Dans le cadre de l'examen de deux propositions d'actes législatifs de l'Union (au total quatre par an), qui devrait être effectué lors de chaque réunion plénière de la COSAC il faudra prendre dûment en compte les profils liés au respect du principe de subsidiarité et de proportionnalité.

COSAC et groupes politiques

6. Veuillez préciser si votre Parlement / Chambre considère qu'il est nécessaire de consacrer plus de temps à la délibération des groupes politiques lors des réunions ordinaires de la COSAC. Les réunions des groupes politiques devraient-elles être aussi organisées lors des réunions des présidents de la COSAC?

Les réunions des groupes politiques sont indéniablement fructueuses pour l'activité de la COSAC.

Secrétariat de la COSAC

7. Quelles améliorations suggèreriez-vous quant aux moyens disponibles de la COSAC, notamment le Secrétariat de la COSAC ?

Le Secrétariat de soutien aux activités de la COSAC est à la hauteur de sa tâche, qu'il remplit de manière très professionnelle.

Article 10 du Protocole 1 du Traité de Lisbonne

8. L'article 10 du Protocole 1 du Traité de Lisbonne prévoit une conférence des organes parlementaires spécialisés dans les affaires de l'Union, alors que la COSAC n'est plus mentionnée.

8a. Cet article ne fait pas mention de la composition de cette conférence : suggèreriez-vous une modification de la composition de la COSAC ?

Non. Cependant une composition mixte, à l'instar de celle de la Commission Affaires européennes du Sénat, où les sénateurs appartiennent en même temps à cette Commission et à une autre compétente au fond, permet aux trois sénateurs de mettre leur compétence spécifique au profit d'un secteur autre que celui des affaires européennes. Ainsi, la Commission Affaires européennes du Sénat est favorable et prête à l'élargissement éventuel de la participation aux travaux de la COSAC à des sénateurs appartenant à une autre Commission.

8b. Votre Parlement / Chambre considère t-il/elle que l'acronyme actuel de COSAC devrait être modifié? Le cas échéant, veuillez nous faire part de vos suggestions.

L'acronyme COSAC peut être maintenu.

8c. Envisageriez-vous de modifier les Règles de Procédure de la COSAC pour organiser des conférences interparlementaires sur des sujets spécifiques ? D'après vous, comment de telles conférences pourraient-elles être organisées ? Quels thèmes considèreriez-vous particulièrement intéressants d'aborder lors de ces conférences?

La COSAC pourrait organiser des conférences interparlementaires portant sur l'espace de liberté, de sécurité et de justice.

C) FUTURE PROCÉDURE POUR LES RÉUNIONS DE LA COSAC

1. D'après leur format actuel, les réunions ordinaires de la COSAC durent deux jours et les réunions des présidents de la COSAC durent un jour. Suggèreriez-vous d'apporter des changements aux formats actuels ? Le cas échéant, veuillez spécifier.

Non.

2. Concernant le nombre de fois que chaque Parlement / Chambre peut prendre la parole sur chacun des points de l'ordre du jour, veuillez indiquer votre préférence :

a) Il ne devrait pas être limité Oui Non

b) Il devrait être limité à une fois par Parlement / Chambre Oui
Non

c) Il devrait être limité à deux fois par Parlement / Chambre Oui
Non

d) Il ne devrait pas être limité mais les deuxièmes et troisièmes utilisations de tour de parole devraient être octroyées une fois que

tous les Parlements nationaux ont eu leur chance de s'exprimer

Oui Non

e) Le Président pourra adopter chacune de ces procédures en fonction du nombre de requêtes présentées pour prendre la parole **Oui**

f) Autres critères : (veuillez préciser)

3. Le temps de parole devrait-il être limité afin de garantir que le plus grand nombre de Parlements / de Chambres puissent prendre la parole ? Quel temps maximum de parole suggèreriez-vous?

Le temps de parole devra être adapté compte tenu du temps total disponible et du nombre d'intervenants.

Latvia: Saeima

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

1c. Parliamentary Standing Orders

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

On 3 December 2009, the Speaker of the Saeima held a meeting of chairpersons and deputy chairpersons of all Saeima standing committees and heads of parliamentary groups in order to discuss necessary amendments to the Saeima Rules of Procedure in connection with the entering into force of the Lisbon Treaty. At the meeting, the following issues were discussed: Will the Saeima European Affairs Committee continue to bear responsibility for checking the observance of the principles of subsidiarity and proportionality? Are any amendments to the Saeima Rules of Procedure needed in this respect? Do Saeima's opinions regarding a breach of the principles of subsidiarity and proportionality need to be approved at a Saeima plenary meeting? Who will be responsible for signing the Saeima's opinions? All officials present at the meeting agreed that the Saeima Rules of Procedure need not be amended. Therefore, the Saeima European Affairs Committee retains its responsibility for checking the observance of the principles of subsidiarity and proportionality. Opinions of the Saeima need not be approved at a plenary meeting, and before being sent to EU institutions, they are signed by the chairperson of the Saeima European Affairs Committee. (This is set forth in Article 185¹ of the Saeima Rules of Procedure, which states the following: (1) The Saeima shall participate in EU affairs through the

European Affairs Committee unless the Saeima has ruled otherwise.) During the meeting it was acknowledged that the Saeima does not have sufficient capacity for assessing the compliance of each new EU legislative act with the principles of subsidiarity and proportionality; therefore, the European Affairs Committee may set its own areas of priority. It was also agreed that if line committees fail to meet the suggested deadlines for submitting their opinions to the European Affairs Committee, the Saeima Rules of Procedure will need to be amended in order to set a mandatory deadline by which the line committees will be obliged to submit their opinions to the European Affairs Committee.

T) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

Apart from the obligations of the national Parliaments to participate in monitoring the EU institutions as stipulated in the Lisbon Treaty, the Saeima European Affairs Committee's responsibilities include oversight of the government, mainly through the approval of national positions before the Council meetings. Representatives of Eurojust, Europol, the European Court of Auditors and the European Court of Justice are also invited to Committee meetings once a year to report on their work

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

With regard to subsidiarity and proportionality checks, the European Affairs Committee applies a selective method based on the European Affairs Committee's priorities in the relevant year (priorities may also depend on EU legislation and the European Commission's work programme).

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The monitoring of Eurojust, Europol and the European Court of Auditors is organised in the following way: once a year Latvia's representative at the relevant institution is invited to a European Affairs Committee meeting to present the annual report issued by his/her institution.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

On the basis of Article 25 of the Constitution and Article 172 (1) of the Saeima Rules of Procedure, the European Affairs Committee has the right to directly request information and explanations necessary for its work from the relevant Minister and the institutions subordinated to or supervised by him or her. Thus, if the European Affairs Committee requests it, the government is obliged to submit its opinions regarding the compliance of the new EU legislative acts with the principles of subsidiarity and proportionality. The government must provide its reply within a reasonable time.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Latvia has a unicameral parliament.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The European Affairs Committee employs four consultants who are responsible for specific EU policies, depending on their planned review by the Council, as well as one senior consultant responsible for coordination and cooperation with the Saeima line committees. If necessary, the Saeima permanent representative to the European Union is also involved. With regard to legal issues, the European Affairs Committee consults the Saeima Legal Bureau. Saeima translators translate the opinions of the Saeima into English.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

Pursuant to the Saeima Rules of Procedure and as agreed at the meeting of 3 December 2009, the Saeima European Affairs Committee bears the sole responsibility for assessing the compliance of new EU legislation with the principles of subsidiarity and proportionality

2b. Briefly describe the procedures involved.

The Saeima procedures for the subsidiarity check are as follows:

- 1) The European Affairs Committee receives a draft of the proposed EU legislative act translated into Latvian;
- 2) The European Affairs Committee sends a letter to the responsible line committee of the Saeima and the line ministry requesting them to submit their opinions regarding the compliance of the draft legislative act with the principles of subsidiarity and proportionality;
- 3) After the opinions from the responsible line committee and the line ministry have been received, the Saeima European Affairs Committee holds a meeting at which it discusses the compliance of the draft legislative act with the principles of subsidiarity and proportionality;
- 4) The European Affairs Committee forwards its opinion, together with a cover letter signed by the Chairperson of the European Affairs Committee, to the European Commission, the European Parliament, the Council and the COCAC Secretariat; the Committee's opinion includes a short description of the procedure for the subsidiarity check, lists the Saeima organisational units and government institutions involved in the subsidiarity check, and the Committee's final conclusion regarding the compliance of the draft legislative act with the principles of subsidiarity and proportionality;
- 5) Information on the results of the subsidiarity check conducted by the Saeima is put on the IPEX web site;
- 6) The Saeima Public Affairs Department issues a press release on the results of the subsidiarity and proportionality check conducted by the European Affairs Committee.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

At present, subsidiarity and proportionality checks do not require the involvement of local governments. If the proposed legislative act will directly affect local governments, the European Affairs Committee will consult the Union of Local and Regional Governments of Latvia while forming its opinion.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

During subsidiarity tests, the European Affairs Committee regularly visits the IPEX website to seek information regarding other national Parliaments.

If the number of subsidiarity tests increases, the use of IPEX will also increase.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

The most obvious deficiency of IPEX is its upload speed. In order to upload more documents into the IPEX system, its upload speed must be increased.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

When, upon "Barroso's initiative", the European Commission started to send all its draft legislative acts to national parliaments electronically at the same time that they are sent to the European Parliament and/or the Council, the Saeima created a special e-mail address at which documents from the Council are received. It is planned to create another e-mail address for receiving documents from the European Court of Auditors.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁶¹ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

Like the UK House of Commons, the Saeima European Affairs Committee also holds the opinion that in accordance with the interpretation of the term "a non-legislative act with general application" under Articles 289 and 290 of the Treaty on the Functioning of the European Union, national Parliaments are not required to conduct subsidiarity and proportionality checks regarding such acts.

Despite the fact that the interpretation of the term "a non-legislative act with general application" restricts the functions of national Parliaments in supervising the observance of the principles of subsidiarity and proportionality, one must bear in mind the opportunities of national Parliaments to indirectly affect the adoption of non-legislative acts with general application by assigning their governments the task of expressing objections at the Council against the implementation of Article 290 of the Treaty on the Functioning of the European Union. Criteria restricting the implementation of Article 290 of the Treaty on the Functioning of the European Union are laid down in the final version of the Communication of the Commission to the European Parliament and the Council of 9 December 2009 (COM(2009)673) regarding the implementation of Article 290 of the Treaty on the Functioning of the European Union.

3. POLITICAL MONITORING OF EUROPOL

⁶¹ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The European Affairs Committee of the Saeima is exercising the political monitoring of Europol.

3b. Briefly describe the procedures involved.

Like the monitoring of other EU institutions, the monitoring of Europol is conducted as follows: once a year a representative from Latvia to Europol is invited to attend the joint meeting of the European Affairs Committee and the Defence, Internal Affairs and Corruption Prevention Committee during which the annual report of Europol is presented.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Political monitoring of Europol does not fall within the competence of local governments; therefore, consultations with local governments are not conducted.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

The Rules of Procedure of the Saeima does not set forth specific criteria for political monitoring of Europol.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

The European Affairs Committee of the Saeima is exercising the political monitoring of Eurojust.

4b. Briefly describe the procedures involved.

As with Europol, a national member of Latvia to Eurojust is invited to attend the joint meeting of the European Affairs Committee and the Defence, Internal Affairs and Corruption Prevention Committee during which the annual report of Eurojust is presented.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Political monitoring of Eurojust does not fall within the competence of local governments; therefore, consultations with local governments are not conducted.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

The Rules of Procedure of the Saeima does not set forth specific criteria for political monitoring of Eurojust.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The European Affairs Committee jointly with Foreign Affairs Committee are responsible for revision of EU treaties.

5b. Briefly describe the procedures involved.

If Article 48 of the Treaty on the European Union or Article 81 of the Treaty on the Functioning of the European Union is invoked the government would prepare a national position on the relevant matter, and the European Affairs Committee of the Saeima would give binding instructions to the Prime Minister or the relevant minister for voting in the European Council or the Council.

However, currently discussions are held at the parliament on whether the mandate should be given to the government in the form of a Saeima resolution if Article 48 of the Treaty on the European Union or Article 81 of the Treaty on the Functioning of the European Union is invoked Simplified revision technically entails introduction of amendments to a founding treaty, and according to Article 68 of the Constitution of the Republic of Latvia, "all international agreements, which settle matters that may be decided by the legislative process, shall require ratification by the Saeima".

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Introduction of amendments to founding EU treaties does not fall within the competence of local governments; therefore, consultations with local governments are not held.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Latvia has a unicameral parliament.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

The European Affairs Committee of the Saeima is the committee responsible for annulling EU legislative acts if such annulment is initiated.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

If the European Affairs Committee of the Saeima identifies a violation of the subsidiarity and proportionality principle in a new EU draft legislative act, but the EU's institutions has disregarded its grounded opinion, the European Affairs Committee proposes a draft resolution of the Saeima to be viewed at the Saeima plenary meeting in order to request that the government initiate court proceedings at the Court of Justice of the European Union.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Subsidiarity and proportionality checks of the draft EU's legislative acts do not fall within the competence of local governments; therefore, consultations with local governments are not held.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Latvia has a unicameral parliament.

6e. In which cases, if any, may the national Government reject the Parliament's request?

Any task assigned by a resolution of the Saeima is binding on the government.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

The government cannot reject a resolution of the Saeima.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The European Affairs Committee of the Saeima is the parliamentary body responsible for new application for accession to the EU.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

Because the European Affairs Committee of the Saeima gives the Prime Minister a mandate for voting in the European Council, the Committee has not planned to adopt any resolutions in case a state submits an application for accession to the EU.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The European Affairs Committee of the Saeima has examined the 7 May 2009 Resolution of the European Parliament on the development of relations between the European Parliament and national Parliaments under the Treaty of Lisbon. Discussions with Latvian MEPs on issues related to the EP and national parliaments were held on 28 August 2009. During these discussions, members of the European Affairs Committee of the Saeima and Latvian MEPs agreed that all Latvian MEPs will be invited to attend a meeting of the European Affairs Committee of the Saeima at least once during each Session of the Saeima. Furthermore, members of the Saeima and MEPs agreed to have a regular exchange of information, as well as to coordinate opinions on topical issues that are on the EU agenda.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The European Affairs Committee has not adopted any resolution regarding cooperation with the European Parliament.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Mentioned for the first time in the Protocol on the role of national Parliaments in the European Union annexed to the Treaty of Amsterdam, COSAC has had a fruitful existence since its creation in 1989 as a regular meeting venue of the parliamentary committees specialised in European Affairs of the national Parliaments, together with a delegation from the European Parliament.

With the entry into force of the Treaty of Lisbon, the new article 10 of the Protocol on the role of national Parliaments in the European Union mentions a Conference of Parliamentary Committees for Union Affairs in the following terms:

"A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudge their positions."

Furthermore, COSAC has acquired in the past few years an important set of skills regarding the application of the principle of subsidiarity due to the subsidiarity checks undertaken on a regular basis on specific legislative proposals of the Commission. This know-how will undoubtedly prove to be invaluable for the smooth running of the so-called "early warning mechanism" established in the new Protocol on the application of the principles of subsidiarity and proportionality.

Therefore, the entry into force of the Treaty of Lisbon, which includes the mentioned "mechanism", as well as a new set of tasks and powers of the National Parliaments and the European Parliament, may be as good a time as any to ponder on the future of COSAC.

The aim of this second chapter is to

- (a) Identify the strengths and weaknesses of COSAC, set within the wider framework of the relations between the National Parliaments and the European Parliament, as well as its influence in the day-to-day work of the parliamentary committees,
- (b) Take note of the suggestions that might be forwarded by the national Parliaments and the European Parliament in order to improve the agenda, the debates and the overall procedures of COSAC, as well as in relation to the provisions included in article 10 of the Protocol on the role of national Parliaments in the European Union.

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

The European Affairs Committee of the Saeima does not hold debates prior to COSAC meetings or meetings of COSAC chairmen.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

After COSAC meetings or meetings of COSAC chairmen, the chairperson of the European Affairs Committee of the Saeima presents to the Committee an overview of the most important issues addressed at the COSAC meeting or the meeting of COSAC chairmen.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Sometimes COSAC conclusions give impetus for addressing certain issues at the European Affairs Committee.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The most useful aspects of COSAC meetings pertain mainly to implementing a specific EU policy (e.g., climate change, Eastern Partnership, EU's energy security policy), as well as to comprehensive policy planning documents (e.g., Stockholm Programme, Commission's Annual Working and Legislative Programme).

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

The chairperson of the European Affairs Committee of the Saeima believe that priorities of the relevant presidency should not be included in the COSAC agenda because the European Affairs Committee addresses these priorities three times – at the meeting of the European Affairs Committee when the relevant ambassador presents his/her report on priorities, at the meeting of the European Affairs Committee when the Ministry of Foreign Affairs presents its report on the planned development of sectoral policies during the relevant presidency, and at the meeting of the European Affairs Committee when the

Ministry of Foreign Affairs presents its report on development of sectoral policies after the relevant presidency.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|----|--|----------------------|
| No | a) Bi-annual Report | <u>Yes</u> |
| | b) Presidency programme | Yes |
| | <u>No</u> | |
| | c) The principle of subsidiarity | <u>Yes</u> No |
| No | d) COSAC contribution and conclusions | <u>Yes</u> |
| | e) Commission Annual Policy Strategy or similar document | <u>Yes</u> No |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|----|---|----------------------|
| No | a) Commission Legislative and Work Programme | <u>Yes</u> |
| | b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | <u>Yes</u> |
| No | c) Political monitoring of Europol and evaluation of Eurojust's activities | <u>Yes</u> No |
| | d) Common foreign and security policy, including common security and defence policy | Yes <u>No</u> |
| | e) Other (please specify) | Yes No |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | | |
|---------------------------|-------------------|----|
| a) The Commission | <u>Yes</u> | No |
| b) The Council | Yes | No |
| c) Other (please specify) | | |

Debate on draft EU acts⁶²

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes, it would.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

The current procedure for selecting EU's legislative acts for which the subsidiarity and proportionality check is conducted within the framework of COSAC can be regarded as satisfactory. Namely, after presentation of the Commission's Annual Working and Legislative Programme at a COSAC meeting, national parliaments can propose which legislative acts should be reviewed during a COSAC meeting.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

The COSAC Biannual Report could contain a chapter on the relevant EU's legislative initiative, as well as questions regarding the relevant legislative act and its application.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

A presentation by the relevant EU Commissioner or rapporteur of the European Parliament at the COSAC meeting would be desirable.

⁶² Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée Nationale*

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Participation of representatives from the line committees at COSAC meetings should depend on the issues addressed; however, participation should not be mandatory (COSAC meetings will not benefit from being attended by persons who are interested in a narrow subject, not in other matters on the agenda of the COSAC meeting).

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Although reaching consensus is sometimes time-consuming and complicated, the principle of consensus should be retained in COSAC discussions because harmonisation of opinions and achieving unanimity is in the spirit of the European Union.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Since the Commission's Annual Working and Legislative Programme has not been published yet, it is hard to identify specific draft legislative acts.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

As has been the case until now, it would be desirable to have subsidiarity and proportionality checks within the COSAC framework at least twice a year. The existing procedure used in selecting EU's legislative acts could be applied.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

The time allocated for deliberations in political groups during ordinary COSAC meetings has been sufficient. Since only chairmen of relevant parliament committees participate in COSAC chairmen meetings, there is no need to hold deliberations in political groups.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

If we look back and compare COSAC's previous and current workload, it is clear that it has gradually increased. It is expected that the workload during preparation for COSAC meetings will continue to grow; therefore, it is hard to suggest any improvements for work organisation.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

The target audience of COSAC meetings should remain the same, namely, representatives of the European Affairs Committees of the EU member states and candidate countries.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

The acronym of the Conference of European Affairs Committees of Parliaments of the European Union (COSAC) is widely used, and thus there is no reason to change it.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

Rules of Procedure of COSAC sets forth the procedure according to which the agenda of COSAC is adopted. This procedure covers cases of adopting an agenda containing specific issues; thus, there is no need to introduce any amendments to the Rules of Procedure of COSAC.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

The current format of COSAC meetings is functioning well. Meetings of COSAC chairmen could be longer, if necessary.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- a) Should not be limited **Yes** No
- b) Should be limited to once per Parliament / Chamber
Yes **No**
- c) Should be limited to twice per Parliament / Chamber
Yes **No**
- d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak
Yes **No**
- e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor
Yes **No**
- f) Other criteria: (please specify)

Requests for taking the floor could be divided into questions and comments. Requests for posing questions should be handled first. Comments could be made after all the questions have been asked.

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Speaking time should not be more than two minutes.
The chairman of COSAC meeting should set a time limit for speaking if a large number of delegates have expressed the desire to take the floor.

Lithuania: Seimas

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

1c. Parliamentary Standing Orders

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

In developing its mechanism for scrutiny of EU matters, Lithuania has chosen the model of active parliamentary involvement in EU matters, with the Parliament's powers and right to all EU-related information, which are enshrined in the Constitution of the Republic of Lithuania. In its effort to prepare for EU membership the Seimas created the preconditions for its active involvement in the EU legislative process. The model for dealing with EU matters set up by the Seimas is embedded in the legal basis which consists of the 13 July 2004 Constitutional Act on Membership of the Republic of Lithuania in the European Union and the Statute of the Seimas of the Republic of Lithuania, which was amended on 9 November 2004 by supplementing it with a special chapter on Debate and Resolution of European Union Matters. The adopted amendments to the Statute of the Seimas establishing the procedure for debate and resolution of European Union matters in the Seimas were in line with the provisions of the Treaty establishing a Constitution for Europe. Given that, the applicable provisions of the Statute of the Seimas allow for appropriate and timely exercise of the functions. As the Treaty of Lisbon has come into force, however, relevant amendments will be drafted in a general package at a later stage in order to achieve optimal implementation of the new provisions.

U) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

Pursuant to the effective provisions of the Statute of the Seimas and the existing practice, the activities of the EU institutions are subject to broad monitoring by the Seimas that covers not only legislative proposals of the European Commission. Parliamentary scrutiny and practice cover all the matters dealt with in the EU, which under the Constitution of the Republic of Lithuania fall within the framework of Seimas competence, including legislation of EU legal acts, formation of the EU budget, and submission of opinions on strategic programming documents of the EU. The Seimas makes every effort to engage in the debate on EU matters at an earliest possible stage; therefore it also analyses strategic EU documents. When preparing for deliberations on the Annual Programme of the European Commission, the Committee on European Affairs examines the European Commission's Annual Policy Strategy, in order to engage the specialised committees in the debate of matters as early as possible (in some cases - immediately upon the publication of the Green Paper), as well as involve them actively at later stages in deliberating and forming the negotiation position of the Republic of Lithuania. The Seimas does not restrict itself only to documents of the European Commission and the Council of the European Union. Equally, it looks into documents of other institutions, such as annual reports of the European Court of Auditors.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The Seimas exercises comprehensive monitoring with particular focus on scrutinising the documents assigned as *very relevant* and *relevant*, as well as priority issues to Lithuania.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

According to the procedure established by the Statute of the Seimas and the Rules of Procedure for Debate on European Union Matters in the Seimas, deliberations commence upon receipt of the European Commission's Annual Policy Strategy by the Seimas Committee on European Affairs and/or the Committee on Foreign Affairs. Later, specialised committees of the Seimas evaluate the European Commission's Legislative and Work Programme for the upcoming year, and work programmes of the EU Presidency, as well as set priorities. Proposals fall into three categories, including very relevant, relevant, and moderately relevant. A joint meeting of the Committee on European Affairs and the Committee on Foreign Affairs consolidates the priorities of the Seimas on the basis of the European Commission's Annual Programme. The Government is informed about the Seimas decision.

The Government is tasked with submitting its negotiation position on all EU legislative proposals referred to as *very relevant* or *relevant* in written form to the Seimas within 15 working days from the receipt of the proposal. The Government positions are referred to the relevant committees by the Committee on European Affairs for consideration. The specialized Committees forward their conclusions to the Committee on European Affairs or the Committee on Foreign Affairs.

These documents receive particular attention at later stages as well, when ministers present the negotiation position before the EU Council meeting or when they report after meetings of the EU Council.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Both the Constitution of the Republic of Lithuania and the Statute of the Seimas provide that the Seimas may monitor and supervise the implementation of decisions adopted by the Seimas, as well as initiate and carry out parliamentary investigation. There are various forms for implementing parliamentary scrutiny, including questions of Members of the Seimas to Members of the Government, interpellations, a declaration of non-confidence, accounting by Government Members for their respective activities, etc. The Constitutional Act commits the Government to informing the Seimas about the adopted EU legal acts. Furthermore, the Government has to consult the Seimas about the aforementioned proposals falling within the competence of the Seimas, which is granted the right to approve the position submitted by the Government or to propose amendments and corrections to it. Especially urgent EU issues may be debated in the plenary sitting of the Seimas.

Parliamentary scrutiny carried out by the Seimas Committee on European Affairs and the Committee on Foreign Affairs includes:

1) Authorising the Prime Minister or the Minister to present and represent the national position of the Republic of Lithuania at the European Council and the Councils of the EU (popularly referred to as *mandating*);

2) Hearing and assessment of the reports on the EU Council meetings attended;

3) Consideration of the positions of the Republic of Lithuania on EU legislative proposals and other EU documents on very relevant matters.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Not relevant.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The staff of the Seimas Committee on European Affairs and the Committee on Foreign Affairs and advisors on EU matters (one in each specialised committee) have a particular role in the field.

On 4 May 2007, the Board of the Seimas adopted the Decision No 1567 on the Approval of the Rules of Procedure for Debate on European Union Matters in the Seimas. It specifies some relevant provisions of the Seimas Statute.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

In view of the provisions of the Statute of the Seimas, the specialised committees, according to the fields of their competence, are responsible for proper and timely control of the principle of subsidiarity.

The Committee on European Affairs or the Committee on Foreign Affairs, according to the fields of their competence, may also consider the issues of possible non-compliance of relevant proposals to adopt a legal act of the European Union with the principle of subsidiarity in a committee meeting, on their own initiative, in the absence of conclusions of the specialised committees.

2b. Briefly describe the procedures involved.

The mechanism of control of subsidiarity principle is prescribed in Article 180⁶ of the Statute of the Seimas. In accordance with the provision of Paragraph 1 of Article 180⁶ a specialised committee presents its expert conclusion to the Committee on European Affairs or the Committee on Foreign Affairs (according to their fields of competence). Before making its decision, the Committee on European Affairs considers conclusions presented by the relevant committees, the Legal Department of the Office of the Seimas as well as 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 are referred for debate in the Seimas plenary sitting. The Committee on European Affairs is 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.

The mechanism of control of subsidiarity principle is prescribed in Article 180⁶ of the Statute of the Seimas. In view of the provisions of this Article:

Specialised committees, according to the fields of their competence, are responsible for proper and timely control of the principle of subsidiarity.



The meeting of the Committee on European Affairs or the Committee on Foreign Affairs during which the issue of possible non-conformity of relevant proposals to adopt a legal act of the EU with the principle of subsidiarity is considered is attended by the representatives of the specialised committee and the Legal Department that presented the conclusions about possible non-conformity of the proposal to adopt a legal act of the EU with the principle of subsidiarity.

Upon deciding that the proposal to adopt a legal act of the EU may not be in conformity with the principle of subsidiarity, the conclusions of the Committee on European Affairs or the Committee on Foreign Affairs are referred for debate in the Seimas plenary sitting in accordance with the special urgency procedure.



The Committee on European Affairs is 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.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not relevant.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes. Traditionally the members of the Committee on European Affairs are provided with all the information available about decisions taken by other

states' parliaments or deliberations held in other parliaments, including from IPEX.

To take maximum advantage of the possibilities offered by IPEX and to exchange information as quickly as possible, it is important to convince national parliaments to publish information on the IPEX website without delay. Translation of the reasoned opinion or at least a brief summary in English or French would be preferable. Considering the fact that with the enforcement of the Treaty of Lisbon the significance of exchange of information between parliaments is increasing, we would guess that the use of IPEX should gradually increase in the future. At the same time we believe that, in principle, the standardised on-line information exchange instrument (IPEX) should be sufficient for the purposes of exchange of information on parliamentary decisions. Nonetheless when more detailed information is needed the exchange could be carried out via existing channels (e.g. contact persons or permanent representatives). However, this does not require standardisation of an exchange format.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

IPEX improvements that would allow prompt round-the-clock access to the newest status quo information about national parliaments' reasoned opinions in accordance to Protocol 2 should be considered. Easily accessible crosscheck statistical information (e.g. on the proposals that fall within 8 weeks' term, noting the number of reasoned opinions on each of them, the indication that the required threshold referred to in Protocol 2 has been reached or nearly reached, etc.) would be desirable.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Our Parliament is planning to effectively use the co-operation formats already available.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁶³ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

⁶³ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

Yes, when enquired, the European Law Department under the Ministry of Justice presented its view on the issue to the Committee on European Affairs. The Committee is going to consider this issue in the near future.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The Committee on European Affairs, the Committee on Legal Affairs, and the Committee on National Security and Defence.

3b. Briefly describe the procedures involved.

Lithuania's mechanism of parliamentary scrutiny of EU draft legislation offers an opportunity for parliamentarians to acquire information on EU matters from various sources. This allows invitation of national representatives from Europol and responsible persons from executive bodies they are subordinate to, and making inquiries to them. In view of the respective provisions of the Treaty of Lisbon, the Seimas Committee on European Affairs intends to take better advantage of these opportunities.

It should be noted that the Seimas sees a possibility to consider the information received from our representatives on the national level and the annual reports of Europol. As early as in the spring of 2009, the Committee on European Affairs decided to carry out parliamentary control of Europol activities on a regular basis and involve the Committee on Legal Affairs and Committee on National Security and Defence. Furthermore, the Committee on European Affairs decided that each year starting from 2010, it would hear the annual activity report by Europol at the Committee meeting held during the spring session, with the participation of Chairmen of the Committee on Legal Affairs and the Committee on National Security and Defence, and subsequently address the Committee on Legal Affairs and the Committee on National Security and Defence with the request to examine the recommendations put forward in the report and to submit their conclusions thereof.

Moreover, the discussions on this issue will be resumed when, in accordance with the provisions of the Treaty of Lisbon, the European Commission submits its proposal for a regulation establishing the procedure for participation of the European Parliament and national parliaments in the process.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

-

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Committee on European Affairs and Committee on Legal Affairs.

4b. Briefly describe the procedures involved.

Lithuania's mechanism of parliamentary scrutiny of EU draft legislation offers an opportunity for the parliamentarians to receive information on EU matters from different sources. This allows to invite national representatives from Eurojust and responsible persons from executive bodies and make inquiries to them. In view of the respective provisions of the Treaty of Lisbon, the Seimas Committee on European Affairs intends to more actively use these opportunities. All the more so that the Prosecutor General is accountable to the Seimas. The annual report by the Prosecution Service of the Republic of Lithuania is considered by the Seimas committees and the Seimas plenary sitting. A part of the annual report of the Prosecution Service is dedicated to Eurojust activities.

The Committee on European Affairs has already discussed the procedures with the view to extending the consideration of Eurojust activities. As early as in the spring of 2009, the Committee on European Affairs decided to regularly conduct parliamentary scrutiny of Eurojust activities and also involve the Committee on Legal Affairs. Furthermore, the Committee on European Affairs decided that each year starting from 2010, it would hear the annual activity report by Eurojust at the Committee sitting held during the spring session with the participation of Chairman of the Committee on Legal Affairs, and subsequently address the Committee on Legal Affairs with the request to examine the recommendations put forward in the report and to submit its conclusions concerning these recommendations.

Moreover, the discussions on this issue will be renewed when in accordance with the provisions of the Treaty of Lisbon the European Commission will submit a proposal for a regulation establishing the procedure for participation of the European Parliament and national parliaments.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

-

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

The proceeding may be essentially carried out under the current legal framework; it is planned, however, to introduce amendments to the Statute of the Seimas.

5a. Please specify the parliamentary bodies involved in this proceeding

5b. Briefly describe the procedures involved.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not applicable.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

The procedures may be essentially carried out in accordance with the Statute of the Seimas; it is planned, however, to introduce amendments to this Statute.

6a. Please specify the parliamentary bodies involved.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not applicable.

6e. In which cases, if any, may the national Government reject the Parliament's request?

Not provided for by law.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

Not provided for by law.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

Committees on European Affairs and on Foreign Affairs, plenary sitting.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The process takes place in accordance with the usual procedures for considering EU matters.

Under the provisions of the Statute, a resolution shall be a non-standard act of the Seimas, adopted when striving to confirm in writing the opinion of the Seimas on any issue of national importance.

By the resolution on membership of the Republic of Iceland in the European Union adopted by the Seimas on the 23rd July 2009, it invites the parliaments and governments of all Member States of the European Union and the European Parliament to support the aspiration of the Republic of Iceland to accede to the European Union by requesting the European Commission to submit, by the end of 2009, its opinion on preparation of the Republic of Iceland to open EU accession negotiations. In addition it lays down the recommendations intended for the executive by declaring the determination of the Republic of Lithuania to share its experience of the EU accession negotiations.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The Resolution has been passed round among the Members of the Committee on European Affairs.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

This issue can be put on the agenda of the Committee on European Affairs in May.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

It is the Seimas Committee on European Affairs that closely follows COSAC agenda topics. There is always a separate item on the European Affairs Committee meeting agenda prior to COSAC Chairpersons meetings, plenary meetings, as well as informal meetings of the Baltic States and Polish EU Affairs Committees Chairs.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

A COSAC meeting is usually followed by the mission report which is considered as a separate item on the Committee meeting agenda. The translation of the COSAC conclusions and contribution are distributed to Committee Members.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

The documents adopted by COSAC, decisions on procedural matters in particular, have an effect on the work of the Committee on European Affairs.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

Exchange of views on best practice, strategic debates (with EC, Council), subsidiarity.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

-

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report

Yes No

- b) Presidency programme Yes
No
- c) The principle of subsidiarity Yes
No
- d) COSAC contribution and conclusions Yes
No
- e) Commission Annual Policy Strategy or similar document Yes
No

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- a) Commission Legislative and Work Programme Yes
No
- b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice Yes
No
- c) Political monitoring of Europol and evaluation of Eurojust's activities Yes No
- d) Common foreign and security policy, including common security and defence policy YesNo
- e) Other (please specify) Yes No

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- a) The Commission Yes No
- b) The Council Yes No
- c) Other (please specify)

The criteria to be emphasized are precision, substance, and result.

Debate on draft EU acts⁶⁴

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

⁶⁴ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

In some cases there is a possibility of non-compliance with the principle of subsidiarity (see 4a).

There should be a possibility for the discussion on the substance left open in case of necessity. Debates on the substance should develop from debates on strategic issues.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

For subsidiarity the selection should be based on the number of the reasoned opinions, i.e. when 1/4, 1/3 or half the threshold established in the Treaty of Lisbon is reached.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

Reasoned opinions can underpin such debates.

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Yes, in case of a threshold reached.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Possible.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Yes, but each parliament is free to form its COSAC delegation.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

See 4a.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

We believe, since the Lisbon Treaty has been in force, there is no need to carry out COSAC pilot projects. On the other hand, application of the subsidiarity principle should stay on COSAC agenda in order to appropriately use the new powers granted to the national parliaments. COSAC Secretariat should continue to prepare contributions which ensure exchange of good practice and achievements by the national parliaments, as well as sharing of experience and challenges aimed at full implementation of Protocol No 2.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

The timing could be reconsidered during ordinary COSAC meeting. Meeting of the COSAC Chairpersons could also involve a meeting in political groups.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

The current practise is proper and there seems to no need for the modifications at the moment.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

Not at this point.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

Yes. The Conference of National Security and Defence Committees should be established to take over from PA WEU.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

a) Should not be limited Yes
No

b) Should be limited to once per Parliament / Chamber Yes
No

c) Should be limited to twice per Parliament / Chamber Yes
No

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak

Yes No

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor Yes
No

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

2 min.

Luxembourg: Chambre des Députés

CHAPITRE 1 : LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX SUITE A L'ENTREE EN VIGUEUR DU TRAITE DE LISBONNE

Questions :

A) ANALYSE DES NORMES ADOPTÉES

1. De nouvelles normes ont-elles été adoptées par votre Etat membre afin d'incorporer à la législation nationale les nouveaux pouvoirs conférés aux Parlements nationaux par le Traité de Lisbonne? Si la réponse est oui, veuillez spécifier quelles normes ont été adoptées et les classer dans les catégories suivantes.

1a. Dispositions constitutionnelles

Réponse : ---

1b. Dispositions légales

Réponse : ---

1c. Règlements parlementaires

Réponse : Une modification du chapitre du règlement de la Chambre des Députés réservé aux affaires européennes est en cours. La procédure a trouvé un consensus tant au niveau de la Conférence des Présidents qu'au niveau de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration qui dispose d'une compétence générale en matière européenne, mais les modifications n'ont pas encore été inscrites formellement dans le règlement de la Chambre des Députés.

1d. Autres (veuillez spécifier)

2. Si aucune norme n'a été adoptée pour le moment, de telles normes sont-elles prévues? Veuillez spécifier la hiérarchie des dispositions qui seront probablement adoptées à court ou à moyen terme (Dispositions constitutionnelles, dispositions légales, règlements parlementaires...).

Réponse : Voir question 1c.

B) LES NOUVEAUX POUVOIRS DES PARLEMENTS NATIONAUX DANS LE PROCESSUS DECISIONNEL DE L'UNION EUROPÉENNE

Les questions suivantes portent sur chacun des différents mécanismes par le biais desquels les Parlements nationaux sont appelés à participer dans le cadre de l'Union européenne. Les questions portent sur les principaux éléments des débats qui, conformément aux normes

nationales qui ont été adoptées ou qui sont sur le point de l'être, mettront en œuvre au sein de chaque Parlement national les mécanismes établis dans les Traités.

1. CONTRÔLE DES ACTIVITÉS DES INSTITUTIONS DE L'UE

1a. Veuillez indiquer si le contrôle comprend toutes les activités de toutes les institutions de l'UE. Si ce n'est pas le cas, veuillez spécifier quelles activités et quelles institutions seront soumises à ce contrôle (par exemple, seulement les projets d'actes législatifs émanant de la Commission).

Réponse : Le contrôle se limite aux documents communiqués par la Commission européenne (projets d'actes législatifs et documents de consultation) et à certains documents du Conseil (comme les ordres du jour des réunions du Conseil et les quelques projets d'actes législatifs qui sont initiés par le Conseil).

1b. Veuillez indiquer si ce contrôle est global ou s'il s'applique de façon sélective à certains dossiers ou à certaines questions présentant un intérêt national particulier.

Réponse : Le contrôle s'applique de manière sélective à certains dossiers. Une distinction est faite entre les « documents A » (documents ne présentant pas un intérêt politique, économique, législatif ou financier particulier pour le Luxembourg) et les « documents B » (documents méritant un examen plus détaillé).

1c. Décrivez brièvement la procédure et spécifiez quels sont les organes parlementaires impliqués dans celle-ci.

Réponse : La « cellule européenne » du Service des Relations internationales élabore chaque semaine un tableau reprenant les documents communiqués par la Commission européenne et le cas échéant par d'autres institutions européennes aux Parlements nationaux.

Elle propose une classification en documents A et en documents B ainsi que la commission sectorielle à saisir du dossier et ajoute un résumé des documents B. Les documents soumis au contrôle de la subsidiarité sont particulièrement mis en évidence.

Lesdits tableaux sont analysés par la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration et le cas échéant modifiés.

Le Président de la Chambre des Députés renvoie ensuite les documents aux commissions sectorielles compétentes, en cas d'urgence même sans attendre la proposition de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration.

1d. Les normes déterminent-elles le devoir du Gouvernement de présenter des rapports au Parlement / à la Chambre ? Le cas échéant, dans quelles conditions ?

Réponse : Il ressort de l'aide-mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne que le Gouvernement présente annuellement à la Chambre des Députés un rapport sur la politique européenne. Le Gouvernement présente également annuellement un rapport à la Chambre sur

la transposition des directives européennes et l'application du droit communautaire. A cette occasion il informe la Chambre des procédures contentieuses et précontentieuses qui concernent le Luxembourg.

Le rapport concernant la transposition des directives est déposé au premier semestre et le rapport sur la politique européenne est introduit au courant du second semestre de l'année. La Chambre des Députés décidera si et quand il y a lieu de discuter les deux rapports.

De surcroît, le Gouvernement informe sur une base régulière la Chambre des Députés des questions d'actualité et des évolutions politiques intervenues dans le cadre de l'Union européenne. En outre, le Gouvernement informe la Chambre des Députés de manière précoce et continue sur toutes les questions européennes revêtant une importance particulière pour le Grand-Duché. Cette information peut se faire sous forme orale ou écrite comme par exemple à travers des notes explicatives permettant d'évaluer les conséquences éventuelles des actes européens pour le Luxembourg. Elle peut porter tant sur le fond que sur la procédure. Elle doit permettre à la Chambre des Députés de déterminer en temps utile sa position qu'elle communique au Gouvernement. Dans ces cas, la Chambre des Députés doit être informée de façon continue de l'état d'avancement de ces dossiers.

1e. Dans les Parlements bicaméraux, pourriez-vous décrire les mécanismes d'échange d'informations et de coordination entre les deux Chambres ?

Réponse : Le Parlement luxembourgeois est monocaméral.

1f. Veuillez décrire brièvement les moyens administratifs et de conseil ainsi que l'assistance disponible pour mener à bien la tâche de contrôle des institutions de l'UE.

Réponse : La « cellule européenne » du Service des Relations internationales est composée de quatre personnes et comprend le représentant de la Chambre des Députés auprès des institutions européennes. Les secrétaires de commissions prennent le relais pour assurer le suivi des dossiers qui sont dans la compétence des commissions dont ils assurent le secrétariat.

2. VEILLER AU RESPECT DU PRINCIPE DE SUBSIDIARITÉ

2a. Veuillez spécifier quels sont les organes parlementaires chargés de veiller au respect du principe de subsidiarité.

Réponse : Les commissions sectorielles auxquelles les documents B soumis au contrôle du respect du principe de subsidiarité sont renvoyés sont chargées de les analyser. La commission compétente peut préparer un avis motivé au cas où elle estime que le principe de subsidiarité a été violé. La décision finale de l'envoi de l'avis est prise en séance publique sous forme d'une résolution adoptée à la majorité des membres, le cas échéant avec débat si la commission compétente en fait la demande et que la Conférence des Présidents y donne suite.

2b. Décrivez brièvement les procédures engagées.

Réponse : La commission sectorielle concernée doit avoir clôturé ses discussions endéans un délai de quatre semaines et décider s'il y a lieu de rédiger un avis motivé concluant au non-respect du principe de subsidiarité.

Chaque groupe politique ou technique et chaque sensibilité politique peut présenter un projet d'avis motivé tendant à inviter une commission à retenir le non-respect du principe de subsidiarité.

La décision de rédiger un avis motivé est prise à la majorité des membres de la commission.

Les dernières quatre semaines du délai de huit semaines doivent être réservées à la rédaction de l'avis motivé ainsi qu'au vote de la Chambre siégeant en séance publique.

La décision de l'envoi de l'avis motivé est prise en séance publique sous la forme d'une résolution adoptée à la majorité des membres de la Chambre des Députés. Cette résolution est présentée par le Président de la Chambre des Députés et est soumise au vote de la Chambre des Députés. La résolution est adoptée sans débat à moins que la Conférence des Présidents n'en décide autrement suite à une demande de la commission concernée.

Au cas où aucune séance publique n'est convoquée en temps utile pour respecter le délai de huit semaines, la Conférence des Présidents, convoquée dans les meilleurs délais, décide à la majorité simple de l'éventuel envoi de l'avis motivé. Pour ce point les sensibilités politiques sont également invitées à la Conférence des Présidents.

Dans cette hypothèse, la décision de l'envoi n'est pas prise sous forme d'une résolution. La commission compétente est informée de la décision de la Conférence des Présidents par lettre du Président de la Chambre des Députés. La Chambre des Députés en est informée lors de la prochaine séance publique dans le cadre des « communications ».

2c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

Réponse : Le Luxembourg n'a pas de Parlements régionaux.

2d. Votre Parlement / Chambre a-t-il/t-elle utilisé les informations mises à disposition sur le site web de l'IPEX pendant les tests portant sur le principe de subsidiarité ? D'après vous, l'utilisation de l'IPEX va-t-elle augmenter ou diminuer ?

Réponse : Le site web de l'IPEX est utilisé en cas de besoin et son utilisation augmentera vraisemblablement de manière constante.

2e. Quelles améliorations suggèreriez-vous d'apporter à l'IPEX afin de permettre un échange d'informations en temps réel entre les Parlements ?

Réponse : ---

2f. Quel genre de communication directe votre Parlement / Chambre envisage-t-il/t-elle d'établir avec les institutions de l'UE et à quelles améliorations avez-vous pensé ?

Réponse : Entre 2007 et 2010, tous les membres de la Chambre des Députés ont eu la possibilité de participer à deux visites auprès de la Commission européenne, organisées par la Représentation de la Commission européenne au Luxembourg. Plusieurs commissaires, dont le Président de la Commission européenne et plusieurs Vice-Présidents, ont été accueillis ces

dernières années auprès du Parlement luxembourgeois, qui envisage par ailleurs de demander davantage d'informations aux hauts fonctionnaires en charge de dossiers particulièrement intéressants pour le Luxembourg.

Il est également envisageable d'approfondir les contacts avec des rapporteurs du Parlement européen dans des dossiers qui revêtent une importance capitale pour le Luxembourg.

2g. Concernant la question posée par la délégation de la Chambre des Communes du Royaume-Uni lors de la réunion des présidents de la COSAC le 5 février 2010 à Madrid, votre Parlement / Chambre pense-t-il/elle que la définition d'une « *procédure législative spéciale* » et par conséquent d'un « *acte juridique* » conformément à l'Article 289 du Traité sur le fonctionnement de l'Union européenne pourrait limiter les nouveaux pouvoirs octroyés aux parlements nationaux dans le cadre du Protocole 1 et du Protocole 2 du Traité de Lisbonne, comme a fait remarquer la Note⁶⁵ circulée par la Chambre des Communes britannique lors de la réunion des présidents de la COSAC à Madrid ? Avez-vous consulté votre Gouvernement à ce sujet ?

Réponse : La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a pris note de la réponse de la présidence espagnole du Conseil, mais n'a pas consulté le Gouvernement sur ce point.

3. CONTRÔLE POLITIQUE D'EUROPOL

3a. Veuillez spécifier quels sont les organes parlementaires chargés d'exercer le contrôle politique.

Réponse : Le contrôle politique d'Europol est dans la compétence de la Commission des Affaires intérieures, de la Grande Région et de la Police, et accessoirement dans celle de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration, qui a compétence générale pour les dossiers européens. Cette dernière avait procédé en 2009 à un échange de vues avec les représentants luxembourgeois auprès d'Europol.

3b. Décrivez brièvement les procédures engagées.

Réponse : Pour le moment, aucune procédure particulière n'est mise en place, mais les parlementaires souhaitent renforcer le dialogue avec les représentants luxembourgeois auprès d'Europol.

3c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

Réponse : Le Luxembourg n'a pas de Parlements régionaux.

⁶⁵ La Note est publiée sur le site web de la COSAC :
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3d. Vos normes incluent-elles des critères spécifiques concernant l'exercice du contrôle politique ? Le cas échéant, veuillez spécifier quels sont ces critères.

Réponse : ---

4. EVALUATION DES ACTIVITÉS D'EUROJUST

4a. Veuillez spécifier quels sont les organes parlementaires chargés de cette évaluation.

Réponse : Le contrôle politique d'Eurojust est dans la compétence de la Commission juridique et accessoirement dans celle de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration, qui a compétence générale pour les dossiers européens. Un échange de vues avec les représentants luxembourgeois auprès d'Eurojust a été organisé il y a quelques mois.

4b. Décrivez brièvement les procédures engagées.

Réponse : Pour le moment, aucune procédure particulière n'est mise en place, mais les parlementaires souhaitent renforcer le dialogue avec les représentants luxembourgeois auprès d'Eurojust.

4c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

Réponse : Le Luxembourg n'a pas de Parlements régionaux.

4d. Vos normes incluent-elles des critères spécifiques concernant la conduite de cette évaluation ? Le cas échéant, veuillez spécifier quels sont ces critères.

Réponse : Les critères pour l'évaluation d'Eurojust sont notamment le respect des principes d'une justice indépendante et des droits fondamentaux.

5. PARTICIPATION À LA RÉVISION SIMPLIFIÉE DES TRAITÉS (CLAUSE PASSERELLE)

5a. Veuillez spécifier quels sont les organes parlementaires impliqués dans cette procédure.

Réponse : La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration est en charge de la révision simplifiée des traités.

5b. Décrivez brièvement les procédures engagées.

Réponse : La procédure est calquée sur celle utilisée pour la confection d'avis politiques (initiative Barroso), c'est-à-dire examen en commission, rédaction d'un avis et examen de l'avis en séance publique.

5c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

Réponse : Le Luxembourg n'a pas de Parlements régionaux.

5d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour garantir un accord sur la position commune du Parlement national, le cas échéant.

Réponse : ---

6. RECOURS DEVANT LA COUR DE JUSTICE DE L'UNION EUROPÉENNE POUR CAUSE DE VIOLATION DU PRINCIPE DE SUBSIDIARITÉ

6a. Veuillez spécifier quels sont les organes parlementaires impliqués.

Réponse : La commission compétente décide endéans les trois semaines de la publication de la directive ou du règlement au Journal officiel s'il y a lieu de proposer à la Chambre siégeant en séance publique l'introduction d'un recours devant la Cour européenne de Justice. Les discussions en commission y relatives se font en présence d'un représentant du Gouvernement.

Au cas où la commission conclut à une violation du principe de subsidiarité, une motion à soumettre à la séance publique est déposée pour inviter le Gouvernement à introduire un recours devant la Cour de Justice pour violation du principe de subsidiarité.

Conformément aux dispositions de la Constitution luxembourgeoise, la motion doit être adoptée en séance publique à la majorité des Députés.

Au cas où aucune séance publique n'est convoquée en temps utile pour respecter le délai de deux mois, la Conférence des Présidents, convoquée dans les meilleurs délais, prend la décision. L'introduction du recours est décidée à la majorité des voix représentées à la Conférence des Présidents. Pour ce point les sensibilités politiques sont également invitées à la Conférence des Présidents.

Dans cette hypothèse, la décision de l'envoi n'est pas prise sous forme d'une motion. La commission compétente est informée de la décision de la Conférence des Présidents par lettre du Président de la Chambre des Députés. La Chambre siégeant en séance publique en est informée dans la rubrique des « communications » du Président.

Le Gouvernement est lié par la motion demandant l'introduction d'un recours.

6b. Décrivez brièvement les procédures engagées dans votre Parlement / Chambre.

Réponse : Voir question 6a.

6c. Décrivez brièvement les procédures de la participation des parlements régionaux, le cas échéant.

Réponse : Le Luxembourg n'a pas de Parlements régionaux.

6d. Dans les Parlements bicaméraux, veuillez décrire les procédures mises en place pour arriver à un accord sur la position commune du Parlement national, le cas échéant.

Réponse : ---

6e. Dans quels cas, le cas échéant, le Gouvernement national pourrait-il rejeter la demande du Parlement ?

Réponse : La motion lie le Gouvernement, qui est considéré comme simple messenger du recours.

6f. Quels sont les effets du rejet par le Gouvernement de la demande formulée par un Parlement national de former un recours pour cause de violation du principe de subsidiarité ?

Réponse : ---

7. CANDIDATURES D'ADHÉSION À L'UNION EUROPÉENNE

7a. Veuillez spécifier quels sont les organes parlementaires impliqués.

Réponse : L'analyse des candidatures d'adhésion à l'Union européenne est dans la compétence de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration. Un débat peut être organisé en séance publique.

7b. Décrivez brièvement les procédures et les effets de toute résolution adoptée (le cas échéant).

Réponse : Aucune procédure particulière n'est applicable.

8. PARTICIPATION À LA COOPÉRATION INTERPARLEMENTAIRE ENTRE LES PARLEMENTS NATIONAUX ET AVEC LE PARLEMENT EUROPEEN.

8a. La Résolution prise par le Parlement européen le 7 mai 2009 sur le développement des relations entre le Parlement européen et les Parlements nationaux dans le cadre du Traité de Lisbonne (le Rapport Brok) a-t-elle fait l'objet d'un débat ou d'une étude au sein de votre Parlement / Chambre ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

Réponse : La résolution n'a pas été étudiée.

8b. Selon l'article 9 du Protocole sur le rôle des Parlements nationaux au sein de l'Union européenne, « le Parlement européen et les parlements nationaux définissent ensemble l'organisation et la promotion d'une coopération interparlementaire efficace et régulière au sein de l'Union », Votre Parlement / Chambre a-t-il/t-elle organisé un débat pour décider comment cette coopération devra être organisée ? Le cas échéant, une résolution a-t-elle été adoptée ? Veuillez joindre les informations pertinentes (avec un bref résumé en anglais ou en français).

Réponse : Aucun débat n'a été réservé exclusivement à la coopération interparlementaire, mais son importance est régulièrement évoquée notamment à propos de la subsidiarité.

CHAPITRE 2 : LE ROLE FUTUR DE LA COSAC

Questions :

A) ACTUELS POINTS FORTS ET FAIBLES DE LA COSAC

1. Votre Parlement / Chambre tient-il/elle des débats sur le programme des réunions de la COSAC avant que celles-ci n'aient lieu ? Existe t-il une procédure régulière ou extraordinaire pour la préparation des points de l'ordre du jour de la COSAC ? Le cas échéant, quelle est cette procédure et quel organe en est-il responsable ?

Réponse : La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration respectivement la délégation auprès de la COSAC analysent en cas de besoin les points à l'ordre du jour de la COSAC. Il n'existe pas de procédure particulière pour ce faire.

2. Au terme de chaque réunion de la COSAC, les conclusions / la contribution de la COSAC font-elles/fait-elle l'objet d'un débat dans votre Parlement / Chambre ? Le cas échéant, veuillez spécifier.

Réponse : La délégation auprès de la COSAC informe la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration sur les discussions qui ont été organisées au sein de la COSAC.

3. Les points faisant l'objet de débats lors des réunions de la COSAC tout comme les conclusions / la contribution de la COSAC ont-ils un effet sur le travail de votre Parlement / Chambre ?

Réponse : Oui, en particulier les points qui demandent un suivi, comme l'invitation d'analyser le programme législatif et de travail de la Commission européenne.

4. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être particulièrement utiles ?

Réponse : Les aspects les plus utiles pour la Chambre des Députés sont notamment l'information précise sur les développements les plus récents dans les dossiers européens et sur la réalité politique dans laquelle se déroulent les débats autour de la politique européenne (à la Commission européenne, au Parlement européen et au Conseil).

5. Quels sont les aspects des réunions de la COSAC que votre Parlement / Chambre estime être moins pertinents ?

Réponse : Les aspects les moins pertinents sont les présentations générales sur les grandes stratégies transversales.

B) LE ROLE FUTUR DE LA COSAC

Points de l'ordre du jour

1. Veuillez spécifier si votre Parlement / Chambre souhaiterait maintenir les points réguliers suivants sur l'ordre du jour de la COSAC :

- | | | |
|--|------------|-----|
| a) Rapport semestriel | <u>Oui</u> | Non |
| b) Programme de la Présidence | <u>Oui</u> | Non |
| c) Le principe de subsidiarité | <u>Oui</u> | Non |
| d) La contribution et les conclusions de la COSAC | <u>Oui</u> | Non |
| e) Stratégie politique annuelle ou document similaire de la Commission | <u>Oui</u> | Non |

2. Veuillez spécifier quel est le point de vue de votre Parlement / Chambre quant à la possibilité d'ajouter d'autres points réguliers sur l'ordre du jour de la COSAC, par exemple :

- | | | |
|---|------------|-----|
| a) Programme de travail et programme législatif de la Commission | <u>Oui</u> | Non |
| b) Participer aux mécanismes d'évaluation de la mise en œuvre des politiques communautaires dans l'espace de liberté, de sécurité et de justice | <u>Oui</u> | Non |
| c) Contrôle politique d'Europol et évaluation des activités d'Eurojust | <u>Oui</u> | Non |
| d) Politique étrangère et de sécurité commune, y compris la politique de sécurité et de défense | Oui | Non |
| e) Autres (veuillez spécifier) | Oui | Non |

3. Veuillez spécifier si votre Parlement / Chambre considère qu'il est nécessaire de consacrer davantage de temps lors des réunions de la COSAC aux débats avec les Institutions de l'UE :

- | | | |
|--------------------------------|------------|-----|
| a) La Commission | <u>Oui</u> | Non |
| b) Le Conseil | <u>Oui</u> | Non |
| c) Autres (veuillez spécifier) | | |

Débat sur les projets d'actes de l'UE⁶⁶

4. Votre Parlement / Chambre serait-il/elle favorable à ce que la COSAC débattenne de propositions concrètes d'actes (en particulier législatifs) à l'agenda de l'Union européenne ?

Réponse : Oui, l'ordre du jour des réunions de la COSAC peut comprendre des propositions d'actes législatifs concrets.

4a. Le cas échéant, selon quelles modalités la sélection des actes susceptibles de faire l'objet de ces discussions pourrait-elle être effectuée ? (soumission réalisée par une délégation de la COSAC ou par le Parlement exerçant la Présidence de la COSAC ? Sélection effectuée par la troïka présidentielle, par le Parlement hôte ou par la COSAC plénière précédant immédiatement la réunion au cours de laquelle ce ou ces projets seraient débattus etc. ?)

Réponse : Le choix d'éventuels actes législatifs à discuter devrait être effectué par le Parlement exerçant la présidence sur base de propositions des autres délégations ou suite à une initiative propre.

4b. Selon votre Parlement / Chambre, quelles pourraient être les modalités d'organisation de ces débats ?

4ba. Devraient-ils notamment faire l'objet d'un chapitre du rapport semestriel de la COSAC, étayé par les contributions apportées par chacune des délégations ?

Réponse : Les débats pourraient le cas échéant faire l'objet d'un chapitre du rapport semestriel, mais non pas impérativement.

4bb. Les présences du Commissaire européen et du rapporteur du Parlement européen sur le projet d'acte concerné, voire du Président de la commission parlementaire qui travaille sur le sujet vous apparaissent-elles opportunes ?

Réponse : Oui, il serait utile d'assurer la présence de tels spécialistes.

4bc. Pensez-vous que les parlementaires qui travaillent sur le sujet dans leur Parlement / Chambre devraient s'incorporer à leur délégation et participer dans ces réunions de la COSAC ?

Réponse : Chaque délégation doit être libre d'amener le cas échéant un spécialiste, tout en maintenant une continuité dans la délégation.

4c. Les éléments de consensus dégagés par ces discussions auraient-ils vocation, à vos yeux, à s'intégrer dans les contributions émises par la COSAC ?

Réponse : Les éléments de consensus devraient être intégrés dans les contributions de la COSAC.

⁶⁶ Les questions 4 à 4d ont été soumises par M. Pierre LEQUILLER, Président de la Commission des Affaires européennes de l'Assemblée nationale française.

4d. Dans ce contexte, pouvez-vous nous indiquer quels projets d'actes européens pourraient utilement à vos yeux faire l'objet de débats au cours des prochaines réunions ordinaires de la COSAC ? Merci de les présenter par ordre de priorité.

Réponse : Les textes à élaborer dans le contexte du Programme de Stockholm pourraient faire l'objet d'un examen par la COSAC.

Tests du principe de subsidiarité

5. Votre Parlement / Chambre est-il/elle d'avis que la COSAC devrait continuer à coordonner des tests du principe de subsidiarité au sein des Parlements nationaux ? Le cas échéant, veuillez préciser comment.

Réponse : La continuation des tests n'est plus indispensable après l'entrée du vigueur du Traité de Lisbonne.

COSAC et groupes politiques

6. Veuillez préciser si votre Parlement / Chambre considère qu'il est nécessaire de consacrer plus de temps à la délibération des groupes politiques lors des réunions ordinaires de la COSAC. Les réunions des groupes politiques devraient-elles être aussi organisées lors des réunions des présidents de la COSAC ?

Réponse : Cela dépend de l'efficacité et de la rigueur dans la tenue de ces réunions. Si le débat politique à l'intérieur des groupes politiques l'exige, cela devrait être possible.

Secrétariat de la COSAC

7. Quelles améliorations suggèreriez-vous quant aux moyens disponibles de la COSAC, notamment le Secrétariat de la COSAC ?

Réponse : ---

Article 10 du Protocole 1 du Traité de Lisbonne

8. L'article 10 du Protocole 1 du Traité de Lisbonne prévoit une conférence des organes parlementaires spécialisés dans les affaires de l'Union, alors que la COSAC n'est plus mentionnée.

8a. Cet article ne fait pas mention de la composition de cette conférence : suggèreriez-vous une modification de la composition de la COSAC ?

Réponse : Non, la composition de la COSAC devrait rester inchangée.

8b. Votre Parlement / Chambre considère t-il/elle que l'acronyme actuel de COSAC devrait être modifié ? Le cas échéant, veuillez nous faire part de vos suggestions.

Réponse : Une modification de l'acronyme n'est point nécessaire.

8c. Envisageriez-vous de modifier les Règles de Procédure de la COSAC pour organiser des conférences interparlementaires sur des sujets spécifiques ? D'après vous, comment de telles conférences pourraient-elles être organisées ? Quels thèmes considèreriez-vous particulièrement intéressants d'aborder lors de ces conférences ?

Réponse : Il n'est pas nécessaire d'organiser des conférences interparlementaires au sein de la COSAC sur des sujets spécifiques.

C) FUTURE PROCÉDURE POUR LES RÉUNIONS DE LA COSAC

1. D'après leur format actuel, les réunions ordinaires de la COSAC durent deux jours et les réunions des présidents de la COSAC durent un jour. Suggèreriez-vous d'apporter des changements aux formats actuels ? Le cas échéant, veuillez spécifier.

Réponse : Le format actuel des réunions de la COSAC devrait rester inchangé. En toute hypothèse, une multiplication des réunions doit être évitée.

2. Concernant le nombre de fois que chaque Parlement / Chambre peut prendre la parole sur chacun des points de l'ordre du jour, veuillez indiquer votre préférence :

- | | | |
|---|------------|-----|
| a) Il ne devrait pas être limité | Oui | Non |
| b) Il devrait être limité à une fois par Parlement / Chambre | Oui | Non |
| c) Il devrait être limité à deux fois par Parlement / Chambre | Oui | Non |
| d) Il ne devrait pas être limité mais les deuxièmes et troisièmes utilisations de tour de parole devraient être octroyées une fois que tous les Parlements nationaux ont eu leur chance de s'exprimer | | |
| | <u>Oui</u> | Non |
| e) Le Président pourra adopter chacune de ces procédures en fonction du nombre de requêtes présentées pour prendre la parole | <u>Oui</u> | Non |
| f) Autres critères : (veuillez préciser) | | |

3. Le temps de parole devrait-il être limité afin de garantir que le plus grand nombre de Parlements / de Chambres puissent prendre la parole ? Quel temps maximum de parole suggèreriez-vous ?

Réponse : Les questions de temps de parole changent de nature avec la nature des débats. Si ces débats sont très généraux, une seule intervention d'une délégation suffit. Si les débats portent en revanche sur des questions complexes et précises, il faudrait être plus flexible.

The Netherlands: Tweede Kamer

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

none

1b. Legal provisions - Statutory provisions

In the Approval Bill of the Lisbon Treaty, Parliament has codified the right to enforce a parliamentary reservation in the Council regarding new EU legislative proposals.

1c. Parliamentary Standing Orders

The procedure described above has been elaborated into specific rules of procedure.

The House had already established a special Subsidiarity Check Committee (see below).

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

No further arrangements are foreseen.

THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

Monitoring concentrates on Council meetings/agendas and European Commission proposals. As regards proposals, a selection mechanism is in place, using the Legislative and Work Programme of the European Commission.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

comprehensive

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

Parliamentary committee meetings are held prior to each Council meeting. Special procedures are put in place regarding subsidiarity check and parliamentary reservation.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Yes. Government reports:

on new Commission proposals (explanatory memoranda)

before each Council meeting (in writing, specifying the national position, and in a debate with the relevant standing committee)

after each Council meeting (in writing)

after European Council meetings (plenary debate)

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Informal

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

EU staff, headed by secretary of EU Affairs Committee (10 persons). This staff covers EU aspects of all Standing Committees. Parliamentary representative in Brussels (1 person)

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

Subsidiarity Check Committee

Standing Committees

Plenary

2b. Briefly describe the procedures involved.

EU Affairs Committee selects immanent proposals on the basis of Legislative and Work Programme, using input from all Standing Committees.

After a selected proposal is published, the Subsidiarity Check Committee conducts a subsidiarity check and drafts a letter to the European Commission. It starts its work by seeking input from the Standing Committee most concerned.

The draft opinion is endorsed by the Plenary and sent to the European Commission by the President of the House.

The Subsidiarity Check Committee also liaises informally with the Senate. If the draft opinions of the House and the Senate are identical, the Subsidiarity Check Committee considers drafting a joint letter.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Participation only on an informal basis.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes. During the first 8 weeks IPEX often does not contain much information yet. IPEX is more useful during the first and second reading negotiations because by that time it contains information about National Parliaments' positions.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

Parliaments should devise a system for 'inside information' on draft positions to facilitate the subsidiarity checks during the first 8 weeks. We have doubts whether this can be done through IPEX. Rather, a proactive role for the Parliamentary representatives in Brussels seems to be a good option.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The current mechanisms concerning the subsidiarity check and Barroso initiative are sufficient channels for official communication. On top of this, the House regularly invites Commissioners, Commission staff and MEPs to The Hague for technical briefings or political exchanges of views.

In preparation of the debate between Parliament and Government on the Legislative and Work Programme of the European Commission, Parliament will invite a Commission Member to discuss the Commission priorities.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of

the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁶⁷ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The House agrees with the UK House of Commons on this matter.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

Standing committee on Justice

3b. Briefly describe the procedures involved.

No specific procedure

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No specific criteria

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Standing committee on Justice

4b. Briefly describe the procedures involved.

No specific procedure

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No specific criteria

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

⁶⁷ The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

5a. Please specify the parliamentary bodies involved in this proceeding
Standing committee on European Affairs

5b. Briefly describe the procedures involved.

There is no specific procedure for a future simplified revision of the Treaties. A simplified revision will be dealt with like a "common" IGC.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

In The Netherlands both Chambers have their own responsibility, they will not formulate a joint position.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

No specific procedure has been set up to implement this competence. Using its regular prerogatives, Parliament will be able to instruct the Government to bring a case before the Court of Justice, if it considers necessary.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

No specific procedure has been set up; nor are there plans to do so. If the House would wish to bring a case before the Court of Justice, it would request the Government to do so.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

n.a.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

n.a.

6e. In which cases, if any, may the national Government reject the Parliament's request?

Ultimately, Parliament has the powers to adopt a resolution on this matter, which would be politically binding for Government.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

If Government is not prepared to comply with the resolution, Parliament has the power to adopt a vote of no confidence.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

Standing Committee on EU Affairs and Plenary.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The Committee on EU Affairs will discuss any applications with Government in its regular meetings in advance of each General Affairs Council or European Council meeting. After each of these meeting, MPs have the possibility to propose a resolution in Plenary, calling on the Government to do whatever they deem necessary. If a resolution is adopted, the Government will have to indicate how it will follow-up on the resolution. If it refuses to follow-up on the resolution, this can ultimately lead to a vote of no confidence.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, “the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union”. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The Standing Committee on EU Affairs encourages MPs across the board to participate in interparliamentary conferences.

Furthermore, Dutch MEPs can participate, under certain restrictions, in debates in the House of Representatives. Once a year, they are actively encouraged to do so in the ‘State of the EU’ debate – a general policy debate on EU affairs with the Prime Minister.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

COSAC agendas are discussed briefly in the Committee on EU Affairs. The Chair reports in writing about the COSAC Chairpersons' meeting. The Committee appoints its delegation to COSAC. The delegation holds a delegation meeting prior to the COSAC Plenary

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No. The delegation reports in writing.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

If necessary, the delegation reports orally in the Standing Committee on EU Affairs and the committee discusses follow-up.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

Create conditions and facilities for National Parliaments to exchange information and, where necessary, coordinate actions.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

Discuss specific topics e.g. on common foreign and security policy etc.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

No	a) Bi-annual Report	<u>Yes</u>
<u>No</u>	b) Presidency programme	Yes
	c) The principle of subsidiarity	<u>Yes</u> No
No	d) COSAC contribution and conclusions	<u>Yes</u>

e) Commission Annual Policy Strategy or similar document Yes
No

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

a) Commission Legislative and Work Programme Yes
No

b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice
Yes No

c) Political monitoring of Europol and evaluation of Eurojust's activities
Yes No

d) Common foreign and security policy, including common security and defence policy
Yes No

e) Other (please specify) Yes No

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission Yes No

b) The Council Yes No

c) Other (please specify)

Debate on draft EU acts⁶⁸

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

No. Such debates should take place in the National Parliaments themselves. COSAC should help create the conditions for National Parliaments to take up their responsibility regarding these issues.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

⁶⁸ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

n.a.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

n.a.

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

No. We do not think COSAC should produce its own contributions on substance, except when the position of COSAC or the National Parliaments is concerned.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

n.a.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes. The letter of 26 November 2009 by 8 Chambers/Parliaments explains how this can be done.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

No.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

COSAC Secretariat is conducted very well. It should remain limited in size. It would be useful to start a debate about cooperation between COSAC and the EU Speakers' Conference.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

There are already more Interparliamentary Conferences than the House can attend. We do not think COSAC should organise such conferences. If there is room for more conferences, in addition to what is done by the Presidency and the European Parliament, this should be allocated to (groups of) National Parliaments rather than COSAC.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | | | |
|----|--|-----|-----------|
| a) | Should not be limited | Yes | <u>No</u> |
| b) | Should be limited to once per Parliament / Chamber | Yes | <u>No</u> |

c) Should be limited to twice per Parliament / Chamber Yes
No

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak

Yes No

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor

Yes No

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Yes, 3 minutes.

The Netherlands: Eerste Kamer

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

Parliamentary ratification of the Lisbon Treaty was effectuated through a Bill of Assent (Rijkswet tot goedkeuring van het Verdrag van Lissabon (Stb. 2008 – 301)). It also specifies powers of Parliament in relation to government regarding the use of a parliamentary reserve.

1c. Parliamentary Standing Orders

When a process of reflection on Europe was completed in the Senate in June 2009, it was decided to adopt a new procedure on the European policy and legislative process. This procedure took effect at the start of the 2009-2010 parliamentary year. It includes comprehensive guidelines for the scrutiny of European legislative proposals (see also the answers to questions 1b, and 1c. in part B). In addition, the Senate has recently adopted procedures for the use of a parliamentary reserve (in relation to the government's position in the Council).

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

N/A

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

Legislative proposals from the Commission are routinely scrutinised, in addition to member states' initiatives.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

As soon as the Annual Legislative and Work Programme becomes available, it is put on the agenda in all committees of the Senate. Each committee is asked to indicate which proposals that come within its remit should be scrutinised by parliament. The committee should therefore designate the priority dossiers. As soon as all committees have notified their 'own' priority dossiers, these files are entered in a single list – the annual European Work Programme of the Senate. This list will be placed on the agenda of the Committee of Senior Members of the Senate (the chairs of the parliamentary groups) for forwarding for adoption by the Senate in plenary session. It is up to the committees to determine whether they wish to scrutinise – and consequently place on the list – a (proposal for a) directive, regulation, decision, Green Paper, White Paper or any other European document.

In addition, all members have the opportunity to indicate on the basis of the so-called 'List of new European proposals' – which is presented to the members weekly – in the committee concerned that they wish to have a proposal put on the committee's agenda. If the committee concerned will not meet that week, a member may also ask the staff of the committee to have the proposal put on the agenda of the next committee meeting. A European proposal that is being dealt with on the basis of the List of New European proposals by a committee is not included in the list of priority files – the Senate's European Work Programme (see above).

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The procedure for dealing with European proposals in the Senate is organised as far as possible in keeping with the procedure for dealing with draft national legislation (bills).

The first time that a European proposal appears on a committee's agenda the 'procedure' is discussed, just as in the case of a national bill. If a European proposal has been classified by the committee as priority (and thus included in the Senate's European Work Programme) it is automatically put on the committee's agenda for discussion of the procedure. If the committee decides that it does not wish to consider a European proposal, it 'takes note' of the proposal, thereby completing the procedure.

If the committee decides that it does wish to consider a European proposal, it adopts the same procedure in practice as in the case of national bills. The committee decides to undertake a 'preliminary scrutiny' and proposes a date for a submissions meeting for the purpose of written consultations with the government. When European proposals are scrutinised, there is one additional possibility: the subsidiarity check. The 8-week period applies in cases where a committee wishes to send a reasoned opinion to the European Commission. If a committee decides to complete its consideration of a proposal in discussions with the Dutch government and rely on the government's own efforts, including any objections regarding the subsidiarity of the proposal, it is not bound by the 8-week period, and neither is it bound by this period if it wishes to correspond with the European Commission regarding the substance of the proposal. When putting a European proposal on the agenda, a committee should therefore decide as quickly as possible whether 1) there may be subsidiarity objections and, if so, 2) whether it wishes to submit an opinion to the European Commission. The committee may also decide to adopt a twin-track approach, i.e. submit subsidiarity objections and/or substantive questions/comments to the European Commission and (substantive) questions/objections to the Dutch government.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The government is required to submit an appreciation of legislative proposals within six weeks of their publication and to provide any information Parliament requests.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Specialised committees in the Senate liaise with sister committees in the House of Representatives when selecting proposals from the Legislative and Work programme.

Furthermore, any subsidiarity objections of a committee are passed to the committee of the House of Representatives responsible for policy on the issue in question, with a request to consider whether it shares the view of the Senate and whether the two chambers of the States General should possibly send a joint letter to the European Commission. The reaction of the House of Representatives committee is then discussed in a subsequent committee meeting in the Senate. If necessary, consultations can be held with the House of Representatives committee and, if desirable, a joint letter can be drafted to the European Commission. Such a letter has to be adopted in a plenary session. However, the Senate committee may decide during its consideration of a proposal that it will send a letter on behalf of the Senate alone (signed by the President of the Senate) to the European Commission.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The standing committee on European Cooperation Organisations is supported by one clerk and two specialists. The standing committee on the Justice and Home Affairs Council is supported by one clerk and one specialist. Committee staff of the other committees are each responsible for monitoring developments at the European level for their respective committees.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

Subsidiarity checks are performed by both the House of Representatives and the Senate. Within the Senate every specialised committee is involved in this process.

2b. Briefly describe the procedures involved.

See the answers to questions 1b. and 1c.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

The Senate has actively uploaded information about the results of subsidiarity checks performed in its House and has taken note of the results of other Chambers with regard to specific proposals. The Senate expects the use of IPEX to increase as more Chambers will upload more information, and this information is available in either English or French.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

At present the lack of a courtesy translation for documents drafted in a language other than English or French often provides an obstacle to their use. The Senate endeavours to provide such courtesy translations as a matter of routine.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Currently the majority of communications with the EU institutions is in writing, or through the participation in specific meetings/hearings. If deemed appropriate the Senate may consider a more regular use of personal contacts with Commissioners or rapporteurs in the European Parliament.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁶⁹ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

This question has been referred to the Dutch Ministry of Foreign Affairs for analysis. The Senate also awaits the advice from the Legal Service of the European Parliament.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

Presently no such procedure is in place in anticipation of Commission proposals to this end.

⁶⁹ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3b. Briefly describe the procedures involved.

N/A

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

N/A

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Presently no such procedure is in place in anticipation of Commission proposals to this end.

4b. Briefly describe the procedures involved.

N/A

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

N/A

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The committee on European Cooperation Organisations is likely to have a central role in this procedure. In the case of Article 81 TFEU (family law), the standing committee on the Justice and Home Affairs Council will presumably be involved.

5b. Briefly describe the procedures involved.

The Senate does as of yet not have a specific procedure.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

There are presently no such procedures in place.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

The Senate does as of yet not have a specific procedure.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

The Senate does as of yet not have a specific procedure.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

N/A

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

N/A

6e. In which cases, if any, may the national Government reject the Parliament's request?

N/A

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

N/A

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The standing committee on European Cooperation Organisations is responsible within the Senate for oversight of EU enlargement policy.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The standing committee on European Cooperation Organisations can enter into a discussion with the government to express its views and/or to instruct the government to take a particular position.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The Senate has taken note of the Brok Report but has thus far not adopted a resolution on it.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The issue of interparliamentary cooperation has received due attention in the Senate. The question of how effect is to be given to Article 9 of the Protocol is considered on a case-by-case basis by the various specialised committees, according to the subject or proposal at hand. This reflects the responsibility that the specialised committees have in the scrutiny of European legislative proposals.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

The standing committee on European Cooperation Organisations debates the agenda ahead of every COSAC meeting. During these meetings the delegation to COSAC receives specific instructions as to the positions to take on the issues on the agenda. This is standing practice.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

The conclusions and contribution of every COSAC meeting are debated in the standing committee on European Cooperation Organisations and the Chairperson of the delegation routinely reports back on any developments of specific interest to the Senate. Any conclusions or developments perceived to be of possible interests to other committees are brought to the attention of that committee.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Many of the substantive issues on COSAC's agenda also feature on the Senate's agenda and note is taken of the views of colleagues from other Parliaments in debates within the Senate. Discussions about checks of proposals that the Senate has scrutinised or is scrutinising are of particular interest.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

COSAC has made a contribution as a pilot project to help organise a structured subsidiarity control mechanism. It has drawn attention to the importance of this aspects of Parliamentary powers across all the Union, and the Senate values the information that is now available about the various stages of scrutiny that other Chambers are involved in with regard to specific proposals.

The role of COSAC, therefore, should be to create the conditions under which information can be easily exchanged and to coordinate collective action if the need arises.

COSAC meetings also provide a useful opportunity to meet with colleagues from other Parliaments and to exchange views on both current issues, as well as wider questions of European integration and the role of (national) Parliaments within this process.

With regard to the COSAC Chairpersons' meeting, the Senate would suggest that more time is made available for substantive discussions.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

The practice of inviting guest speakers brings the significant benefit of being able to exchange views with relevant guests. Direct interaction with political representatives of the Presidency can help spark a debate which national parliaments usually have only with their governments. It appears, however, that a significant proportion of time for Q & A sessions following a presentation by a guest speaker is devoted to Representatives reading out pre-composed statements which may or may not be related to the presentation of the guest speaker. This may limit the time available for effective interaction with the guest speaker.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | |
|--|-----|
| a) Bi-annual Report | Yes |
| b) Presidency programme | Yes |
| c) The principle of subsidiarity | Yes |
| d) COSAC contribution and conclusions | Yes |
| e) Commission Annual Policy Strategy or similar document | Yes |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | |
|---|-----------|
| a) Commission Legislative and Work Programme | Yes |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | No |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | see below |

d) Common foreign and security policy, including common security and defence policy

No

e) Other (please specify)

No

ad c): COSAC should explore how effect can be given to the stipulation in the Treaty regarding political monitoring of Europol and the evaluation of Eurojust's activities.

NB: It would be useful if COSAC would facilitate the sharing of information on the priorities of other Parliaments regarding the Legislative and Work Programme. The Senate sees less scope for a scheduled plenary discussion of the LWP.

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission

No

b) The Council

No

c) Other (please specify)

Debate on draft EU acts⁷⁰

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

While discussing specific draft acts with Colleagues from other Parliaments can be informative, national Parliaments, in addition to the established dialogue with their national governments, can now enter into a political dialogue with the European Commission. COSAC could provide added value by promoting that Parliaments share documents that could be relevant to Partners through IPEX or the national representatives in Brussels. Furthermore, as the Lisbon Treaty has extended the involvement of the European Parliament in many areas, the primacy for substantive discussions on many draft (legislative) acts at the European level should now be with the EP.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

⁷⁰ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

N/A

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

N/A

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

N/A

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

N/A

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

N/A

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

N/A

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Coordination by COSAC, limited to 2-3 proposals, would build on the advances made during the pilot and can offer added benefit for proposals that are considered of particular importance to most Parliaments. At the same time, now that the practice of subsidiarity checks in all parliaments has come of age, it is important to continue to make progress towards a system where all subsidiarity checks from all Parliaments are fully transparent through IPEX. The primary objective of COSAC should be to ensure that information on all subsidiarity checks is easily available. An additional benefit would be that COSAC meetings can continue to be balanced in terms of procedural and substantive aspects.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

The time presently allocated to deliberation in political groups suffices.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

The Senate is pleased with the high level of service provided by the Secretariat. Perhaps the COSAC Secretariat could offer additional assistance to Presidencies so as to ensure that agenda's of COSAC meetings are consistently received well ahead of meetings. In order for delegations to be able to take part in more substantive debates, ample opportunity should be available to discuss the agenda within the respective Committees in preparation of meetings.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

The Senate notes that the number of interparliamentary meetings is already considerably high and points to the fact that the European Parliament has taken up an active role in this regard. The Senate would suggest that COSAC benefits from the discussion about interparliamentary meetings that is presently

taking place within the EU Speakers Conference (and Secretaries General Conference).

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- a) Should not be limited *No*
- b) Should be limited to once per Parliament / Chamber *No*
- c) Should be limited to twice per Parliament / Chamber *No*
- d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak *Yes*
- e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor *No*
- f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

A maximum of two minutes should allow speakers to put their argument or question across while allowing sufficient time for an inclusive discussion

Poland: Sejm

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

- 1a. Constitutional provisions
- 1b. Legal provisions - Statutory provisions
- 1c. Parliamentary Standing Orders
- 1d. Other (please specify)

Currently, a regulation is in the pipeline. A draft text amending the current act of 11 of March 2004 on the cooperation between the Sejm and Senate with the government in EU matters is being discussed by the Subcommittee of the EU Affairs Committee designed specifically to deal with this matter. The answers given in the questionnaire reflect the discussion in the subcommittee and are cannot be treated as a final solutions.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

Currently, the Sejm EU Affairs Committee (its Subcommittee) prepares a draft in order to take into account all the new powers (as mentioned previously). Some changes should be also introduced into Sejm's Rules of Procedure.

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

This issue is discussed by the Subcommittee of the EU Affairs Committee which is supposed to prepare an amendment of the existing legal provisions in this field.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

It is highly probable that there will be a selection of documents.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

Under the discussion, however the European Union Affairs Committee will be the most involved parliamentary body.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The current law disposes that the Government is obliged to present its position on the proposed legislative act within the 14-days framework. This obligation shall be maintained in the revised text.

In addition the Committee may ask the government for a governmental position on a particular topic when it considers this to be relevant and necessary.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Each chamber works separately and its opinions are independent from one another.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The deputies will be seconded by the parliamentary services which are currently under construction.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The EU Affairs Committee is a body responsible for ensuring such compliance. However, if the Committee considers that the principle is not fulfilled, the issue is discussed at the plenary. In that case it is up to the plenary to adopt a reasoned opinion.

2b. Briefly describe the procedures involved.

See point 2e.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

The use of the IPEX will increase due to conducted subsidiarity checks.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

We have no particular demands.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

This point is under discussion.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁷¹ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The Committee took note of this problem and this issue is being discussed by the Subcommittee of the EU Affairs Committee.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

Currently the parliamentary body in charge of such activity is a specialised committee (through parliamentary control over the Minister responsible for this area) and the EU Affairs Committee.

3b. Briefly describe the procedures involved.

EU Affairs Committee scrutinises activities of Europol through regular monitoring of the activities of the government which take steps during the Council

⁷¹ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

meetings. The adaptation of new powers of national parliaments is being under discussion.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

Currently, this issue is under discussion.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation.

Currently, the control is exercised over the government and the relevant Ministry by the specialised committee and by the EU Affairs Committee which deals with decisions to be taken by the government during the Council meetings.

4b. Briefly describe the procedures involved.

See point 4a.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

These regulations are under discussion now.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

This point is being discussed now.

5b. Briefly describe the procedures involved.

This is under discussion.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

There is no cooperation between two Chambers in those matters.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

This point is under discussion. The Sejm's Rules of Procedure will have to be modified in order to take these powers into account.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

Under discussion.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

There is no coordination between two Chambers in that matter.

6e. In which cases, if any, may the national Government reject the Parliament's request?

This issue is being discussed now.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

This is under discussion.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

This is an object of discussions.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

This point is still under discussion.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No, our Chamber/Committee did not examine this Resolution. However, deputies are familiar with it since our Permanent Representative to the European Parliament has sent the text to them.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

This problem is currently under discussion.

CHAPTER 2: THE FUTURE ROLE OF COSAC

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Our Committee takes into account the COSAC agenda in its own working programme. In addition, the Committee meets with the committees responsible for European Affairs of Lithuania, Latvia and Estonia before the COSAC meeting to discuss, inter alia, the COSAC agenda. Similar meeting is held with the Committees for the EU Affairs of the Visegrad Group.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No, there is no debate. However, issues are raised during the European Union Affairs Committee Presidium meetings. In addition, all members of the committee receive a report as well as the contribution and Conclusions of COSAC.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Yes, sometimes they are introduced to the European Union Affairs Committee agenda.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

We would like to highlight the discussion with the representative of the European Commission and the Council.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|------------|------------|
| a) Bi-annual Report | <u>Yes</u> | No |
| b) Presidency programme | | Yes |
| <u>No</u> | | |
| c) The principle of subsidiarity | | <u>Yes</u> |
| No | | |
| d) COSAC contribution and conclusions | | <u>Yes</u> |
| No | | |
| e) Commission Annual Policy Strategy or similar document | <u>Yes</u> | No |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|---|------------|----|
| a) Commission Legislative and Work Programme | <u>Yes</u> | No |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | <u>Yes</u> | No |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | <u>Yes</u> | No |
| d) Common foreign and security policy, including common security and defence policy | <u>Yes</u> | No |
| <u>Yes</u> | No | |
| e) Other (please specify) | Yes | No |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | | |
|-------------------|-----|----|
| a) The Commission | Yes | No |
| b) The Council | Yes | No |

c) Other (please specify) It should stay as it is.

Debate on draft EU acts⁷²

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

We consider that if a discussion is necessary; the decision on selection of particular draft acts will result from the EU agenda.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

We would suggest that a parliament interested by a particular act/topic makes a proposal within reasonable delays, for example during the Chairpersons Meeting (if possible at that moment).

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Yes, but it is not necessary.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes, we think they should be present.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Yes, this is a general idea of selecting Polish Sejm members of the delegation.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes, these elements should form a part of the Contribution of COSAC.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

⁷² Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

We have no proposal so forth.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

COSAC may deal with subsidiarity only when sufficient number of parliaments found an incompliance with the subsidiarity principle and it seems necessary to analyse the answers of the author of the project (i. e. the Commission) and to discuss it with him.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

We consider that this should not change.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

We have no demands in this field.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

We do not propose any modification of the composition of COSAC.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

In this matter all interparliamentary work on the shape of the interparliamentary cooperation should be taken into account.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

The current system is good.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | | |
|--|------------|--------------|
| a) Should not be limited | Yes | No |
| b) Should be limited to once per Parliament / Chamber | Yes | No |
| c) Should be limited to twice per Parliament / Chamber | Yes | No |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes | No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | <u>Yes</u> | - <u>but</u> |
| <u>securing that each parliament is able to take a floor.</u> | | |
| f) Other criteria: (please specify) | | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

It should be limited to three minutes.

Poland: Senat

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

Not applicable.

1b. Legal provisions - Statutory provisions

No.

1c. Parliamentary Standing Orders

No.

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

1. Legal provisions - Statutory provisions

A new bill on the co-operation of the Council of Ministers with the Sejm and the Senate in matters related to Poland's membership in the EU is going to replace the Co-operation Act of 11th March 2004. On 12th March the Senate accepted that bill and passed a resolution on its submission to the Sejm.

2. Rules and Regulations

Amendments are being prepared to the Senate's Rules and Regulations of 23rd November 1990 to enable the use of the new competences entrusted to the national parliaments by the Treaty of Lisbon. On 9th of March took place the first reading of the Senate's resolution to amend its Rules and Regulations.

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main

elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The monitoring procedure in the Senate is supposed to cover the activities of EU institutions as it is stated in the Lisbon Treaty's Protocol on the role of national parliaments in the European Union.

Before the Lisbon Treaty entered into force the Senate's monitoring (in practice the European Union Affairs Committee (EUAC) monitoring) had mainly consisted in examining the Commission legislative proposals as well as getting acquainted with other EU documents, like the Annual Policy Strategy, the Commission Legislative and Work Programme, white and green papers. Moreover, EUAC dealt with annual reports forwarded by the Court of Auditors.

Following the enacting of the Treaty of Lisbon the monitoring scope has broadened. For the time being the EUAC has been examining all draft legislative acts in the meaning of Article 2 of the Protocol on the role of national parliaments in the European Union.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

Because of the overabundance of documents forwarded to the parliament the monitoring scope has to be limited to questions of particular national interest. The EUAC has adopted a system of preliminary selection of EU documents by the Committee Presidium prior to the committee sitting. Finally, the agenda with the list of documents is verified at the EUAC sitting.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The parliamentary bodies' involvement depends on the type of EU document. In general all EU legislative proposals are subject to EUAC examining. At the EUAC sittings the monitoring of the selected EU legislative proposals ends with one of the following final decisions: acceptance, acceptance with remarks or no acceptance.

According to the new regulations that are foreseen to be adopted, the Senate Speaker, acting at the request of the EUAC chairman (in practice the Committee Presidium), will refer the documents to specialised committees. A competent committee will be obliged to issue an opinion on EU legislative proposal and forward it to the EUAC, which will still take the final decision. If the specialised committee or the EUAC states that the draft in question doesn't comply with the principle of subsidiarity, the Senate might submit a reasoned opinion to the EU institutions.

The Annual Policy Strategy and the Commission Legislative and Work Programme as well as the bi-annual information on Poland's participation in EU activities are dealt with at the EUAC and Senate sittings.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Yes, both foreseen regulations mentioned in paragraph A maintain the same government's responsibilities towards the Parliament and establish the new one. Apart from the presentation of information about Poland's participation in the EU activities at least once every six months and presentation of information on any matter related to Poland's EU membership at the EUAC/the Senate request, the government will have to forward to the Parliament legislative proposals other than legal acts according to article 289 and 290 of the TFEU (delegated and executive acts) and other acts issued independently by the Council of the EU or the European Council. In addition, the government will be obliged to refer positions of member states which declare that a draft legislative act affects important aspects of its social security system (art. 48 par. 2 TFEU) or its criminal justice system (article 82 and 83 of TFEU) and as a consequence ask for suspension of the ordinary legislative procedure.

According to the foreseen regulations the Council of Ministers is obliged to refer to both the Sejm and the Senate, the outlines of Poland's positions on EU legislative proposals no later than within 14 days of the date the proposals were received. Each position should include, apart from the assessment of the foreseen legal consequences of the EU legal act for the Polish legal system and its social, economic and financial consequences for Poland, the evaluation of the legislative proposal's compliance with the subsidiarity principle.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

No mechanism.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The EUAC staff supports the EUAC in the monitoring of the EU institutions. The European Union Affairs Unit consists of: the secretariat of committee (3 members of staff) and the team of analysts (4 members of staff). The committee secretariat is responsible for preparing the committee sittings according to the Presidium decisions, which comprises e.g. preparing the agenda, invitation of relevant government representatives, preparing Committee's final documents. The IPEX correspondent exchanges information with EU member states' national parliaments via IPEX network.

As far as the role of the analysts is concerned they prepare opinions on the EU legislative proposals as well as opinions on positions the Council of Ministers is to take in the Council of EU. They are also responsible for evaluating the EU legislative proposals' compliance with the principle of subsidiarity.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

For the time being only the EUAC has been involved in checking the compliance with the subsidiarity principle.

According to the amendments to the Senate's Rules and Regulations the relevant specialised committee as well as the Senate itself will be engaged in ensuring compliance of particular legislative proposal.

2b. Briefly describe the procedures involved.

According to the regulations that are foreseen to be adopted, the Senate Speaker will refer the EU legislative proposals to the relevant specialised committees of the Senate at the request of the EUAC chairman (in practice the Committee Presidium). The particular committee will be obliged to issue an opinion on EU legislative proposal and forward it to EUAC, which will still take the final decision. If the specialised committee or the EUAC states that the draft in question doesn't comply with the principle of subsidiarity, the Senate might submit a reasoned opinion to the EU institutions. The Senate takes also the decision on filling a complaint about a draft legislative act's non-compliance with the subsidiarity principle to the Court of Justice of the EU.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes, the Senate (in practice the EUAC) has used the information from the IPEX website while conducting the subsidiarity tests.

In the future the role of IPEX network should gain in importance as the need for information exchange increases.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

It might be useful to introduce some improvements on the main website as well as the splash-page according to the application of the subsidiarity and proportionality principle. The main website should include updated information about the number of reasoned opinions on a particular draft legislative act submitted by national parliaments or an announcement of threshold exceeding. The fact of submitting a reasoned opinion by a parliament/chamber should be indicated by putting a symbol of yellow/orange card by the name of the country on the splash-page.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Hasn't been decided yet.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a

"legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁷³ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

Not yet.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

Currently there is no specific procedure dedicated to political monitoring of Europol. Whenever a legal basis of Europol is going to be changed a draft is verified through a usual scrutiny procedure by a European Union Affairs Committee. Also the Human Rights, the Rule of Law and Petitions Committee and the European Union Affairs Committee can both – on the basis of article 60 par. 3 of the Senate Rules and Regulations – ask a member of the Council of Ministers to present information, clarifications, opinions in writing or orally as well as to provide materials concerning Polish activities in the Europol (e.g. Minister of Home Affairs and Administration participation in a Management Board).

3b. Briefly describe the procedures involved.

There is no specific procedure for political monitoring of Europol

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

There are no specific criteria

GENERAL COMMENT:

According to article 88 of the TFEU regulation concerning Europol's activities scrutiny is to be issued. Polish law does not provide any procedures concerning monitoring of Europol. There are only general instruments of political supervision of Polish governments activities in the EU.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Currently there is no specific procedure dedicated to evaluation of activities of Eurojust. Whenever a legal basis of Eurojust is going to be changed a draft can be verified through a

⁷³ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

usual scrutiny procedure by a European Union Affairs Committee. Also the Human Rights, the Rule of Law and Petitions Committee and the European Union Affairs Committee can both – on the basis of article 60 par. 3 of the Rules and Regulations of the Senate – ask a member of the Council of Ministers – Minister of Justice – to present information, clarifications, opinions in writing or orally as well as to provide materials concerning Polish activities in the Eurojust.

4b. Briefly describe the procedures involved.

There is no specific procedure for evaluation of activities of Eurojust.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

There are no specific criteria.

GENERAL COMMENT:

According to article 85 of the TFEU regulation concerning Eurojust's activities evaluation is to be issued. Polish law does not provide any procedures concerning Eurojust. There are only general instruments of political supervision of Polish governments activities in the EU.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

According to the amendments to the Senate's Rules and Regulations the EUAC as well as the Senate itself will be engaged in this procedure.

5b. Briefly describe the procedures involved.

There are two possible passerelle clauses.

- 1. art. 48 par. 6 TEU – The approval respective to Polish constitutional requirements means that the usual ratification procedure, defined in art. 89 of the Polish Constitution, should be used. Senate (together with the Sejm) give a prior consent to a decision taken on a basis of art. 48 par. 6 in a statute, the procedure is though the same as for issuing regular statutes.*
- 2. art. 48 par. 7 TEU – There is no special procedure decided yet. There is however a special procedure foreseen in a draft act on co-operation of the Parliament with government in the EU matters, prepared by the Senate, according to which the government will be obliged to consult the Sejm and the Senate before taking a position in the European Council concerning a decision taken on a basis of art. 48 par. 7 of the TEU and 81 par. 3 the TFEU. There is a special procedure in proposed changes to the Senate Rules and Regulations. According to those changes a case, when an objection can be given, a draft decision of the European Council is sent to the EU Affairs Committee, which should give*

its opinion. Then a decision of an objection will be taken by the whole chamber, by an absolute majority in the presence of at least half of the statutory number of senators .

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

There is no procedure in place to agree a joint position concerning an objection to a decision taken on a basis of art. 48 par. 7 of the TEU and 81 par. 3 the TFEU.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

According to the amendments to the Senate's Rules and Regulations the EUAC as well as the Senate itself will be engaged in this procedure.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

This issue has not been regulated yet. Some changes are going to be introduced in the Rules and Regulations of the Senate (a draft is going to be voted soon).

A decision to take action for annulment will be taken by the whole chamber in a form of resolution on a motion of any committee or a group of ten senators. A motion of a draft will be a subject of an opinion given by the EU Affairs Committee and an appropriate specialised committee.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

There is no such a procedure.

6e. In which cases, if any, may the national Government reject the Parliament's request?

This issue has not been decided yet.

According to drafts of the Act concerning co-operation between the government and the Parliament in the EU matters, when a chamber decides to start action for annulment, government is obliged to lay it down to the Court of Justice.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

This issue has not been decided yet.

According to drafts of the Act concerning co-operation between the government and Parliament in the EU matters, the government cannot refuse to initiate action for annulment.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The Senate – the whole chamber (as well as the Sejm).

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The Senate does not have any special prerogatives during the procedure for accession of other country. However, both the Senate and the Sejm need to accept an agreement on an accession in a usual ratification procedure. In a procedure of ratification on a prior consent expressed in a statute, procedure of acceptance of the agreement is the same as with other statutes. A draft of a statute is voted in the Sejm, then in the Senate, both by a simple majority. If the Senate decides to reject a draft of a statute, the Sejm can reverse Senate's rejection of an agreement by an absolute majority of votes.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

On 13th November took place the EUAC sitting dedicated to the discussion on the committee's cooperation with the Polish members of the European Parliament, where among others the Brok Report was discussed. No resolution was adopted.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

On 13th November took place the EUAC sitting dedicated to the discussion on the committee's cooperation with the Polish members of the European Parliament. No resolution was adopted.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Generally, each COSAC Chairmen meeting is preceded by the EUAC meeting with an ambassador of an upcoming presidency country to get a briefing on the presidency priorities.

Some topics on the COSAC agenda (eg. economic crisis, European Neighbourhood Policy and Eastern Partnership, Stockholm Programme, Strategy for the Baltic Sea Region) are debated by the EUAC before a COSAC ordinary meeting. A government representative attends the EUAC meeting.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

It happens occasionally.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Yes, a debate on the Lisbon Treaty implementation in national parliaments has been of particular importance. Exchange of information and of good practices provides a valuable input into a discussion held in the EUAC. This is not uncommon for the EUAC to require from the government additional in-depth information or a government position with regard to topics dealt with at COSAC meetings.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

These aspects and issues which are related to current developments or high-priority/controversial legislative drafts, including the compliance with subsidiarity principle.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

Procedural aspects.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|---|-----------------------------|
| a) Bi-annual Report | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| b) Presidency programme | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| c) The principle of subsidiarity | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| d) COSAC contribution and conclusions | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| e) Commission Annual Policy Strategy or similar document | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|---|---|-----------------------------|
| a) Commission Legislative and Work Programme | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| d) Common foreign and security policy, including common security and defence policy | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| e) Other (please specify) | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | | |
|---------------------------|---|--|
| a) The Commission | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| b) The Council | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| c) Other (please specify) | | |

Debate on draft EU acts⁷⁴

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes, especially draft legislative acts of strategic importance.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

⁷⁴ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

Draft acts could be submitted by COSAC delegations to be finally selected by the Presidential Troika.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Yes

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

It would be advisable.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

It is difficult to make such a list of prioritized drafts unless the Commission Legislative and Work Programme for 2010 is presented.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes. COSAC bi-annual reports might be a useful instrument in this respect. A network of national parliaments' representatives in Brussels should also be helpful.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

No, this is not necessary.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No, it should not be changed.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

In the post-Lisbon reality the art. 10 of the Protocol on the role of National Parliaments in the EU makes it advisable to amend the COSAC Rules of Procedure as regards such issues like: who summons the conference, a delegation make-up, working languages. In our opinion it should be for a COSAC ordinary meeting to summon a conference and choose its topic.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

The current format has proved to be functional and does not need any change.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | | |
|--|---|--|
| a) Should not be limited | Yes | <input checked="" type="checkbox"/> No |
| b) Should be limited to once per Parliament / Chamber | Yes | <input checked="" type="checkbox"/> No |
| c) Should be limited to twice per Parliament / Chamber | <input checked="" type="checkbox"/> Yes | No |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | | |

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor	Yes	No
	Yes	No

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Yes, the time limit should be max 2-3 minutes.

Accepted by:

Edmund Wittbrodt
Chairman
EU Affairs Committee
Senate of the Republic of Poland

Portugal: Assembleia da República

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

- 1a. Constitutional provisions
- 1b. Legal provisions - Statutory provisions
- 1c. Parliamentary Standing Orders
- 1d. Other (please specify)

Based upon the existing legal basis (Portuguese Constitution and Law no. 43/2006, dated 25 August *Monitoring, assessment and pronouncement on the process of construction of the European Union*), and within the new dimension introduced by the Treaty of Lisbon to the role of national Parliaments, the European Affairs Committee approved a new procedure for scrutiny of European initiatives on 20 January 2010.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

It should be noted that the Constitution of the Portuguese Republic and the Law no. 43/2006, dated 25 August, provide the AR with the necessary legal basis to put into practice the Treaty of Lisbon. Notwithstanding, an amendment of Law no. 43/2006 could be foreseen in the near future, to enshrine some of the mechanisms introduced by the Treaty of Lisbon and to take up these new procedures.

The Rules of Procedure of the Parliament also contain some general rules regarding EU affairs, namely articles 35 d), 62, paragraph 3 c) and 261.

V) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The Parliament can, in the framework of its scrutiny procedure, monitor the activities of any EU institution and can *“By resolution, (...) send the Presidents of the European Parliament, the Council, the European Commission and, where applicable, the Council of Regions and the Economic and Social Council, a duly substantiated formal written opinion on the reasons why a draft legislative or regulatory text that has been brought to its attention (...), or any subsequent draft alteration thereto, fails to comply with the principle of subsidiarity.”*

Therefore, the Parliament’s monitoring can include the activities of all EU institutions that it deems relevant for the scrutiny procedure, and can refer both to legislative or non-legislative proposals. A particular attention is dedicated to those activities that fall within the priorities chosen for the enhanced scrutiny (please see below 1c).

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

Following the entry into force of the Treaty of Lisbon, last December, the European Affairs approved on 20 January 2010 a new scrutiny procedure for the European initiatives. According to this procedure, the Parliament will organize its scrutiny procedure as described in the reply to question 1 c),

The main change introduced in this new procedure reflects the experience gathered in the past few years and addresses the need to set priorities for the scrutiny. Therefore, it was defined that the EAC will, monitor and assess in a more close and substantial way a maximum of six European initiatives a year, which are politically deemed to be relevant for Portugal.

As far as the scrutiny of the compliance with the principle of subsidiarity is concerned, any Parliamentary Committee may decide, at any moment, to draft a reasoned opinion about a legislative proposal. The EAC should be informed of this and the relevant Committee has 6 weeks to draft the opinion which shall then be sent to the EAC that has 2 weeks to draft the final report.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The new scrutiny procedure sets forth the following mechanisms:

a) Normal scrutiny

- The EAC receives draft legislation and non-legislative proposals from the Commission, as well as the initiatives from other Institutions (under article 289, p. 4 of the TFEU and articles 2 of Protocol 1 and Article 3 of Protocol 2) which it distributes on a daily basis to the competent Parliamentary Commissions, for their information or opinion. (A table is automatically generated every two weeks, and may be consulted on the EAC website as well as being made available to the MPs sitting on the EAC);

- Whenever it is decided to draw up an opinion on a legislative initiative, the **relevant Parliamentary Committee** should inform the EAC and draw up its **report within 6 weeks**, as from the date on which the Portuguese version of the initiative is available. The report may deal with questions of substance, subsidiarity and proportionality. The conclusions should state separately each of those issues. The report is then forwarded to the EAC, which has **2 weeks to draw up its own Opinion**.

- On the basis of the mentioned table and **in the absence of monitoring by the relevant Parliamentary Committee**, any Member of Parliament sitting on the EAC may **require the committee to draw up a report**, which will be distributed in accordance with the d'Hondt method - there will be a time limit of **6 weeks** for preparation of the report.

According to article 7 of the Law 4372006, the Plenary is also involved in the scrutiny procedure, as follows:

“5 - When the assessment of proposals for Community acts of a rule-making nature is involved, once it has received the necessary formal written opinions the European Affairs Committee may draw up a draft resolution for submission to the Plenary.

6 - In all other cases the European Affairs Committee shall draw up formal written opinions on the matters on which it is called upon to pronounce itself, and may conclude such opinions with a concrete proposal or a draft resolution.

7 - The reports and formal written opinions issued by the European Affairs Committee shall be sent to both the President of the Portuguese Parliament and the Government.”

The Speaker is in charge of sending the opinions adopted to the EU institutions.

b) Enhanced scrutiny

- In drawing up its annual Report on the Legislative and Work Programme of the European Commission, each Parliamentary Committee will give notice of whether it intends to submit any legislative initiative or matter to enhanced scrutiny.

- amongst the suggestions put forward by the Parliamentary Committees, the EAC will take part in an enhanced scrutiny process for a maximum of **6 initiatives a year**, selected by the EAC, from out of those suggested by the Parliamentary Committees. To this end the EAC, working in cooperation with the Parliamentary Committee in question, will draw up a broader work programme which includes analysis of the draft, a request for information from the Government, obtaining information from EU institutions, exchange of information with other national Parliaments, hearings (with the Commissioner proposing the draft, the Presidency of the Council, the MEP acting as rapporteur), public hearings, gather views from stakeholders, produce studies, among others;

- In the case of **legislative initiatives**, it is important that the work plan drawn up reflect the need to **comply with the 8 week time limit** for pronouncement on compliance with the principle of subsidiarity;

- The other initiatives, in which the EAC decides not to take a direct part, will undergo a normal scrutiny procedure, carried out solely by the relevant parliamentary committee or committees;

- If the annual pre-selection process does not result in 6 initiatives to undergo reinforced scrutiny, the EAC may resolve on which 6 initiatives to monitor.

c) Urgent scrutiny

- Whenever the EAC learns (through IPEX, reports from the AR's representative in Brussels, etc.) that a given legislative initiative of the European Commission is causing **other national Parliaments to have doubts on compliance of an EU initiative with the principle of subsidiarity**, it may instigate a procedure of **urgent scrutiny**. In such case, the EAC will be responsible to draw the opinion and, if it sees fit, requiring the competent Parliamentary Committee to pronounce on the initiative.

d) Other Scrutiny Procedures

- In the case of initiatives other than those of the European Commission, the EAC shall decide on whether to conduct a scrutiny procedure or not and whether to invite the relevant Parliamentary Committee to produce an Opinion - setting time limits for this purpose.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

According to the Law 43/2006, dated 25 August, for the purposes of the performance of the Parliaments' scrutiny functions, there shall be a regular consultation process between the Portuguese Parliament and the Government (Article 1, paragraph 2).

Moreover, and according to Article 2:

"1 - When matters that fall within the sphere of the Portuguese Parliament's reserved legislative responsibility are pending decision at European Union bodies, the Parliament shall pronounce itself thereon in accordance with the following paragraphs.

2 - Whenever the situation referred to in the previous paragraph occurs, the Government shall inform the Portuguese Parliament and ask it to issue a formal written opinion, wherefore the Government shall in good time provide the Parliament with information containing a summary of the draft or proposal, an analysis of its implications and, if one has already been set out, the position which the Government wishes to adopt." (...)

On the other hand,, Article 5, paragraph 1 *"The Government shall keep the Portuguese Parliament informed in good time about the subjects and positions that are to be discussed at European institutions, as well as about proposals that are under discussion and negotiations that are underway, and shall send the Parliament all the relevant documentation as soon as it is presented or submitted to the Council(...)"*

Finally, Article 4 states that:

"1 - The Portuguese Parliament shall monitor and assess Portugal's participation in the process of constructing the European Union, particularly by means of:

a) A plenary debate in which the Government shall take part, following the conclusion of the last European Council of each Presidency of the European Union; the debate in the first half of the year may also include assessment of the European Commission's annual political strategy, and that in the second half of the year assessment of its legislative and working programme;

b) An annual plenary debate in which the Government shall take part, for the purpose of discussing and passing the annual report sent by the Government in accordance with Article 5(3);

c) Meetings between the European Affairs Committee and the Government in the weeks before and after the dates of European Council meetings, except when a plenary debate is scheduled in accordance with sub-paragraph a) above;

d) Joint meetings between the European Affairs Committee, the specialist parliamentary committee with responsibility for the matter in question and the

member of the Government with responsibility therefore, in the weeks before or after the dates of European Council meetings in their different formats.” (...)

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

N.a.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

Besides the Plenary and the Parliamentary Committees, usually the translation unit is also involved.

As far as the resources are concerned, each Committee has, in average, two advisers and one assistant. The EAC has 3 advisers and one assistant. Since September 2008 that the Parliament also has a Permanent Representative in Brussels.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The parliamentary bodies in charge of scrutinizing the compliance with the principle of subsidiarity are the Parliamentary Committees and the Plenary.

2b. Briefly describe the procedures involved.

Please see reply to 1c.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

When scrutinizing the compliance with the principle of subsidiarity, and according to Article 3, paragraph 3, *“When the formal written opinion refers to a matter that falls within the responsibility of the Legislative Assemblies of the autonomous regions, the said assemblies shall be consulted in good time.”*

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

During the subsidiarity tests, the Portuguese Parliament has used some information on the IPEX website, but in some occasions, as the information wasn't available in English or French, it was necessary to contact directly the relevant

parliament/chamber, many times through the Permanent Representative network in Brussels.

The use of IPEX will probably increase in the future, but it's not clear yet if its role should be a permanent tool to exchange information in real-time or if it should be drawn as a lively database.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

The IPEX is an important tool to collect information and to help, mainly, the national Parliaments officials to exchange information. However the Portuguese Parliament still believes that national Parliaments should develop fluid exchange of information mechanisms, namely, to enable a Committee, an MP-Rapporteur, or an official in charge of the dossier, to debate the contents of a possible "reasoned Opinion" on an initiative with their counterparts in other Parliaments/Chambers, before their final judgment. This could straightforwardly happen through the network of officials based in Brussels, that could help to link those actors.

As far as IPEX itself is concerned, it should be important to assure that the results of the scrutiny on EU proposals is systematically/timely uploaded to IPEX and that there is a summary in English/French stating the related procedure and final result, providing the contacts of the person in charge of the dossier, who could answer on more concrete questions if needed. Therefore, the level of information posted on IPEX is reasonable and relevant if accurate and timely uploaded. However, those aspects depend pretty much on each Parliament/Chamber's administrative organization and political will, then on IPEX itself.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The Portuguese Parliament will continue to participate in the political dialogue established with the European Commission since September 2009 (the so-called "Barroso mechanism"). A feedback from the Commission assessing the real impact of this procedure would be welcomed.

Furthermore, within its scrutiny procedure (specially the enhanced scrutiny) the Portuguese Parliament intends to develop closer relations at the political level between, e.g., the Rapporteur and the Commissioner in charge of the initiative, the EP Rapporteur and the Rapporteur or the Committee of another national Parliament expressing the same views concerning a given initiative.

Finally, the Parliament considers that the network of national Parliaments' representatives in Brussels is another important channel, at staff level, for the contact and cooperation with the EU institutions.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in

Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁷⁵ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The Portuguese Parliament is still assessing that matter, however, it's clear, at this stage, the relevance of the definition of a "special legislative procedure" and therefore of a "legal act" under Article 289 TFEU. In fact, whatever the final opinion about those definitions should be, it will have deep implications in the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon as they are build upon the concept of "legal act".

So far, the Portuguese Parliament didn't ask for the Portuguese Government's view on the matter as it's going to do so after the preliminary assessment is finished at the European Affairs Committee.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The parliamentary bodies involved shall be the relevant Parliamentary Committees (European Affairs Committee and the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees) and the Plenary.

3b. Briefly describe the procedures involved.

No specific procedures have been defined so far, given that the European Commission has not yet presented the Draft Regulations foreseen on article 88, paragraph 2 of the TFEU.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Please see above the reply to question 2c.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

Please see above 3b.

⁷⁵ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation .

The parliamentary bodies involved shall be the relevant Parliamentary Committees (European Affairs Committee and the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees) and the Plenary.

4b. Briefly describe the procedures involved.

No specific procedures have been defined so far, given that the European Commission has not yet presented the Draft Regulations foreseen on article 85, paragraph 2 of the TFEU.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Please see above the reply to question 2c.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

Please see above 4b.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding.

Depending on the policy area to which the simplified revision aims at, the parliamentary bodies involved shall be the European Affairs Committee and the relevant Parliamentary Committee, besides the Plenary.

5b. Briefly describe the procedures involved.

No specific procedures have been defined so far

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

If scrutinizing the compliance with the principle of subsidiarity, and according to Article 3, paragraph 3, *“When the formal written opinion refers to a matter that falls within the responsibility of the Legislative Assemblies of the autonomous regions, the said assemblies shall be consulted in good time.”*

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

N.a.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

This issue has not been dealt with in detail and might be one of the topics to address if the Parliament decides to amend the Law no. 43/2006 in the near future, in order to enshrine some of the mechanisms introduced by the Treaty of Lisbon and to take up these new procedures.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

No specific procedure was defined so far.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Please see above the reply to 5c.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

N.a.

6e. In which cases, if any, may the national Government reject the Parliament's request?

This issue was not yet discussed.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

This issue was not yet discussed..

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

If the Parliament decides to scrutinize an application for accession to the EU, the parliamentary bodies involved shall be the European Affairs Committee and, probably the Committee on Foreign Affairs, besides the Plenary.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

No specific procedures have been defined so far.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No discussion was held on this specific resolution.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No discussion was held on this specific issue.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Usually, the European Affairs Committee composes its delegation for the COSAC meeting and the topics are distributed amongst the Members who shall attend the meeting, so that they can prepare in advance their interventions.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

Yes, after each COSAC meeting (both Chairpersons and plenary COSAC) the EAC Chairman presents a report on the meeting, which is debated with the Members of the Committee together with the Contribution/Conclusions (in case of the COSAC meeting itself).

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

The topics debated at COSAC are duly taken into account for the work of the Parliament.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The exchange of best practice on specific topics (e.g. the subsidiarity checks on a specific proposal), the exchange of views with Commissioners and members of the Council, the debates about the biannual reports and the discussions on the way to move forward on the scrutiny of other issues besides subsidiarity, in the light of the Treaty of Lisbon.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

COSAC should not debate procedural aspects and should focus on discussing political issues.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report	Yes
b) Presidency programme	Yes
c) The principle of subsidiarity	Yes
d) COSAC contribution and conclusions	Yes
e) Commission Annual Policy Strategy or similar document	Yes

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | |
|---|--------|
| a) Commission Legislative and Work Programme | Yes |
| the b) Taking part in the evaluation mechanisms for the implementation of Union policies in the area of freedom, security and justice | Yes |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | Yes |
| d) Common foreign and security policy, including common security and defence policy | Yes |
| e) Other (please specify) | Yes No |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | |
|---------------------------|-----|
| a) The Commission | Yes |
| b) The Council | Yes |
| c) Other (please specify) | |

Debate on draft EU acts⁷⁶

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

According to the same procedure used to select the proposals for the COSAC subsidiarity checks. Nevertheless, some flexibility should be left for the Presidency (and troika) to decide, if a certain proposal is considered relevant, to include it in the agenda.

⁷⁶ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

The biannual reports should give the general framework, but the debates are to be held at the political level during the COSAC meeting.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

If they can be a part of the national delegation of 6 members, yes. But we should leave it up to each Parliament to decide on its own delegation.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

If there is a consensus, it could be included in the Contribution. This is already common procedure nowadays.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

This issue was not discussed, given the fact that the European Commission will only publish its WLP in the end of March and that the deadline to reply to this questionnaire is 24 March.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes, following the framework that has been used for the past subsidiarity checks. This subsidiarity check is the only mechanism that currently enables the selection of

two annual priorities for all the 27 national Parliaments and 40 parliamentary chambers. In fact, it's the only moment when all national Parliaments are working on the same proposal at the same time. Besides, the COSAC Secretariat always prepares an evaluation report for each subsidiarity check, which are very useful for the exchange of best practice and for the improvement of the scrutiny procedures.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

This issue has not been discussed and does not constitute a priority at this stage.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

It would be useful to re-assess the COSAC website, making it more user-friendly and orientated towards the effective results of the COSAC work,

Besides, and regarding the biannual reports, its development in the past few years has been positive, since it has been envisaging the exchange of best practice about parliamentary procedures, besides supplying background notes about some very important issues. For that matter, the practice of regularly consulting national Parliaments about future topics they deem relevant to be discussed in the framework of COSAC and analysed in the biannual reports should be kept.

Finally, the last 2/3 years have consolidated a practice of reducing the questionnaires streamlining the questions to be put to national Parliaments. This should also be maintained.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

This issue was not debated.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

It should either be used the designation given by the Treaty or keep the acronym COSAC. Proliferation of new names should be avoided.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

The current Rules of Procedure seem to be fit to accommodate this issue. However, it would be important to deepen the possibilities to organize debates about issues relating to the Area of Freedom, Security and Justice and to the CSFP/CSDP.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

This issue was not debated. However, the setting of Committees in the framework of COSAC should be debated.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|-----|
| a) Should not be limited | Yes |
| b) Should be limited to once per Parliament / Chamber | No |
| c) Should be limited to twice per Parliament / Chamber | No |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | Yes |
| f) Other criteria: (please specify) | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

It is up to the Chairperson to organize the work of COSAC the way he/she deems appropriate and according to the general rule of good sense, as has been happening so far.

Romania: Camera Deputatilor and Senatul

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

- 1a. Constitutional provisions
- 1b. Legal provisions - Statutory provisions
- 1c. Parliamentary Standing Orders
- 1d. Other (please specify)

No regulations adopted yet.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

In the medium term there are five drafts in preparation, all including the necessary adaptations to the Lisbon Treaty: The Law on cooperation of the Parliament and Government in European Affairs, The Standing Orders of the Chamber of Deputies, The Standing Orders of the Senate, The Rules of Procedure of the European Affairs Committee, The Rules of Procedure of the Parliament for the Subsidiarity Control.

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The monitoring is focused on the activities and proposals of the European Council, the European Commission, the European Parliament, the EU Council, but includes as well the activities and recommendations of the ECB mainly in regard to the future adoption of the single currency by Romania.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The monitoring applies selectively to topics with major national and EU impact.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The Joint European Affairs Committee (EAC) is placed in the centre of the parliamentary scrutiny system. With few exceptions, the Committee is empowered to represent the Parliament in EU matters, to participate in drafting Romania's position on EU proposals and to monitor and intervene in shaping the Government's actions in the EU decision making process, by way of a mandate on proposals selected for the parliamentary examination.

High profile CFSP / ESDP matters, Revision of the Treaties, Agreements closed by the EU with third parties, and similar issues, but also reasoned opinions on subsidiarity, exercising the veto right of the parliament, actions for annulment before the Court of Justice of the European Union on grounds of a breach of the principle of subsidiarity, recommendations to the Government on initiating or participating in enhanced cooperation with other member states, are to be debated and decided upon in the plenary meeting of both Chambers. On such issues the EAC shall forward opinions to the Chambers but shall not adopt decisions.

Sectoral Committees are requested by the EAC to provide recommendations, and the EAC has to take them into consideration when adopting a decision.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Yes.

The parliamentary scrutiny system has been designed to start the scrutiny process as early as possible, even in the pre-legislative phase. The Parliament does not have to wait for the Government's notification or draft position to examine proposals and express opinions and may act independently.

The EAC may select any EU draft document for examining it and issuing an opinion. Once the opinion is issued, it stands as a mandate and the Government is politically compelled to abide.

The Government should inform the Parliament on its main orientations and objectives in EU politics/policies, its initial position on major proposals on the EU agenda and provide explanatory memoranda for the proposals having been selected by the Parliament for scrutiny.

Even if permitted to take decisions changing the mandate established in consultation with the Parliament, without Parliament's approval, if the course of the negotiations so demands, the Government has to state in writing the reasons for such actions.

A parliamentary reserve mechanism is also provided.

The Prime-minister and ministers have to attend hearings and give evidence upon request, in the EAC or Chambers plenary sittings before or after European Council or Council meetings.

In EU initiatives subject to the open method of coordination, the Government is expected to fully inform the Parliament, attend parliamentary meetings and take into consideration Parliament's opinions.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

The fact that the EAC is a joint committee having the final say on the majority of EU matters, greatly simplifies the coordination mechanism of the Senate and the Chamber of Deputies.

Matters exceeding the EAC competences (EAC can refer such matters to the Chambers' plenary, on its own initiative) are to be dealt with by the Chambers' plenary. In this way the problem of each Chamber having different legislative competences is solved.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

At administrative level, there are 3 departments with the role of providing expertise to the EAC and the Chambers, when dealing with EU matters: the EAC Secretariat, the EU Law Directorate of the Chamber of Deputies and the European Affairs Directorate of the Senate. The mentioned Directorates are tasked to provide expertise as well to sectoral committees and MPs, in their area of responsibility.

There is a possibility to seek specialised assistance in relevant State Institutions, or employ free lance experts, but it has not yet been used.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The EAC, the Chamber of Deputies and the Senate in joint session, Political Groups, Sectoral Committees, MPs.

At administrative level: the EAC Secretariat, the EU Law Directorate of the Chamber of Deputies and the European Affairs Directorate of the Senate, the Secretariats of the Political Groups, the Secretariats of the Sectoral Committees.

2b. Briefly describe the procedures involved.

The EAC Secretariat would make a preliminary selection of EU legislative proposals to be examined on grounds of subsidiarity compliance risk. All actors having relevant attributions,

including individual MPs can forward proposals, with an explanatory statement attached, to add other EU legislative proposals to the list.

The EAC would decide on the final draft of the list. The MPs whose proposals were rejected have a right of appeal to the Standing Bureaus of the Chambers. The Standing Bureaus would decide in joint session, in the presence of the EAC Chairman who has a veto right, with the exception of appeals by Political Groups and Sectoral Committees. The Standing Bureaus of the Chambers decide on the final list of EU legislative proposals to be examined on subsidiarity compliance risk, but cannot withdraw proposals from final draft of the list.

The Standing Bureaus of the Chambers decide on the Sectoral Committees to examine the legislative proposals in their respective area of responsibility.

The sectoral committees adopt recommendations and forward them to the EAC.

The EAC is entitled to start the examination before receiving the recommendations of the sectoral committees, should take into consideration the recommendations, but is not obliged to include the point of view of the sectoral committees in its final opinion. The political groups can give input to the EAC, under a similar procedure.

The sectoral committees and the political groups can appeal to the Standing Bureaus of the Chambers to have their point of view revised, in case of a reasoned opinion proposition that was not accepted by the EAC. The Standing Bureaus of the Chambers decide according to their own rules of procedure to submit to the Chambers' joint plenary sitting the appeals, together with the draft reasoned opinions adopted by the EAC.

The Chamber of Deputies and the Senate debate and decide in joint session to issue reasoned opinions.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes. The use of IPEX will increase, especially when the new format will be in use.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

- To host a forum type “on the spot” exchange of views between all interested parties on both subsidiarity checks and scrutiny of EU proposals by national parliaments;
- To set in place an alert mechanism for the national parliaments on objections raised in the European Parliament and Council on compliance to subsidiarity and proportionality, as well as on particular matters in the EU proposals.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The existing framework with improved communicating quality, in both content and format:

- Informal dialogue with the European Commission
- Informal information exchange on IPEX and the web pages of the EU Institutions
- Formal requests/ information exchange with the EU Institutions

It is not clear the meaning of the term “communication”: only by distance transmission means or meetings? In the latter interpretation, invitations of EU officials and/or MEPs in EAC / Chambers meetings, thematic meetings with EU institutions delegates participation, visits to the EU institutions by delegates of the Romanian Parliament, regular meetings of Speakers, COSAC, sectoral committees, JPMs, etc., are also included.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "*special legislative procedure*" and therefore a "*legal act*" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁷⁷ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

We do not share the concerns expressed by the delegation of the EU Scrutiny Committee of the UK House of Commons, on decisions made by EU institutions, having a doubtful status as draft legislative acts and thus escaping the subsidiarity control.

We did not ask Government's view on this matter.

We think that the Treaty provisions on draft legislative acts subject to full (including the possibility to issue a reasoned opinion) subsidiarity control, according to Article 2, Protocol 1 and Article 3, Protocol 2, are clear.

In fact, the statement in Article 289 point 3 "*Legal acts adopted by legislative procedure shall constitute legislative acts*" should be corroborated with art. 2 (1) and art. 5 (1)-(3) TEU, art. 2-6 TFEU in all subsidiarity checks.

With regard to subsidiarity control and national parliaments role limitations in the Treaty, one may think that, by not allowing to issue reasoned opinions on other than draft legislative acts, the Treaty limits the application of its own fundamental principle of subsidiarity. Not to mention the “Orange Card” procedure applying only to the ordinary legislative procedure. Such disputable arguments can easily appear as the Treaty hosts quite complicated procedures; they can prove useful, since even a sophism could have a beneficial role in starting a clarifying debate.

⁷⁷ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

Referring to the precise articles worrying the EU Scrutiny Committee in the UK House of Commons it seems that Article 95(3), Article 103(1), Article 109, Article 125(2), Article 129(4), Article 148(2), Article 150, Article 160, may not even be under shared competences.

Article 329 deals with the enhanced cooperation which is an exceptional procedure applying only to the cooperating parties. It is questionable if a draft legislative act adopted in the Council without the vote of 18 member states, not compulsory for those states after adoption, qualifies for the full subsidiarity check. Or, in other words how could the national parliaments of 18 member states that do not participate in the enhanced cooperation and do not even have the right to vote in the Council, issue reasoned opinions on the draft act proposing the cooperation? Could the national parliaments in non-participating states, raising the yellow card, be counted for the threshold?

Article 81(3)(2nd para) cannot be disconnected from Article 81(3)(1st paragraph) and Article 82(2)(d) cannot be disconnected from the general statement that follows: “*Adoption of the minimum rules referred to in this paragraph shall not prevent Member States from maintaining or introducing a higher level of protection for individuals.*”

As the EU institutions have to forward their draft legislative acts to national parliaments (Article 12 TEU, Article 4 - Protocol 2) and as they have to justify in a detailed statement the compliance to the principle of subsidiarity (Article 5 – Protocol 2) it would be helpful to have a monthly list of draft acts not being subject of the above procedure, but identified by national parliaments as bearing a subsidiarity risk.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The European Affairs Committee, the Chamber of Deputies and the Senate in joint plenary meeting, Sectoral Committees in both Chambers (Committees for Defence Public Order, and National Security, Committees for Foreign Policy, Committees for Legal Matters).

3b. Briefly describe the procedures involved.

Same as in 1c.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

Not yet. The meaning of “*political monitoring of Europol*” was not explained neither in the Treaty nor in other EU acts.

The need for clarifications resides in the transformation of Europol into a European police force having co-ordinating, organising, investigating and even operational capacities (together with national police forces).

The Lisbon Treaty indicates the future competences of the organisation but there is confusion regarding the possibility of inappropriate extension of Europol's powers with limited capacity of Member States to react.

The “*procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments*” as part of the Regulations mentioned in Article 88 (2) TFEU and the entire scrutiny process by national parliaments could prove very helpful in diminishing concerns that Europol will never be as accountable as a national police force.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

The European Affairs Committee, the Chamber of Deputies and the Senate in joint plenary meeting, Sectoral Committees in both Chambers (Committees for Foreign Policy, Committees for Legal Matters).

4b. Briefly describe the procedures involved.

Same as in 1c.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

Not yet. The meaning of “*evaluation of Eurojust's activities*” is not explained neither in the Treaty nor in other EU acts.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The European Affairs Committee, the Chamber of Deputies and the Senate in joint plenary meeting, Committees for Legal Matters in both Chambers, other relevant Sectoral Committees.

5b. Briefly describe the procedures involved.

Same as in 1c.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Same as in 1e, second paragraph.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

Same as in 5a.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

Same as in 1c.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Same as in 1e, second paragraph.

6e. In which cases, if any, may the national Government reject the Parliament's request?

The Government cannot reject the Parliament's request.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

Usual procedures in the Constitution, endorsing the control function of the Parliament.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The European Affairs Committee, the Chamber of Deputies and the Senate in joint plenary meeting, the Committees for Foreign Policy and the Committees for Legal Matters in both chambers.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

All applications will be examined by the same procedures as in 1c. The resolution is politically compulsory for the Government.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The 7 May 2009 Resolution of the European Parliament has been considered in the European Affairs Committee meeting, but only with regard to a request of the Secretary General of the European Parliament to receive the documents destined for the informal dialogue with the European Commission.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, “*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*”. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No debate.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

The European Affairs Committee is fully empowered to represent the Romanian Parliament in COSAC meetings. The EAC holds a meeting on the COSAC agenda topics.

The EAC Secretariat is coordinating the communication of the information to/from COSAC Secretariat - EAC members, EAC-national authorities providing data and giving evidence, EAC-other committees, etc.

The EAC Secretariat, the EU Law Directorate of the Chamber of Deputies and the European Affairs Directorate of the Senate prepare the documentation for the EAC meeting, under the coordination of the EAC Secretariat.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No.

The conclusions and contribution of each meeting are sent to the Speakers of both Chambers.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

They do, by influencing the EAC's activity.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

Every consensus reached in COSAC meetings is highly appreciated by our Parliament as it would be on particularly relevant topics or high profile horizontal issues on EU agenda. The positions of national parliaments on the respective topics provide a valuable orientation. It is indeed important to benefit from the expertise founding the decisions / positions of the national delegations.

Interpretation (or at least the prevailing trend) of specific provisions of the Treaties, mainly concerning the role of national parliaments in the decision making at EU level, is also very useful.

Sharing good practices, including the scrutiny procedures in national parliaments is of great importance.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

None.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|-------------------------------------|----|
| a) Bi-annual Report | <input checked="" type="checkbox"/> | No |
| b) Presidency programme | <input checked="" type="checkbox"/> | No |
| c) The principle of subsidiarity | <input checked="" type="checkbox"/> | No |
| d) COSAC contribution and conclusions | <input checked="" type="checkbox"/> | No |
| e) Commission Annual Policy Strategy or similar document | <input checked="" type="checkbox"/> | No |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|--|-------------------------------------|----|
| a) Commission Legislative and Work Programme | <input checked="" type="checkbox"/> | No |
|--|-------------------------------------|----|

- b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice Yes No
- c) Political monitoring of Europol and evaluation of Eurojust's activities Yes No
- d) Common foreign and security policy, including common security and defence policy Yes No
- e) Other (please specify) Yes No

The state of play of EU political integration record and the analysis of developments making possible / necessary the revision of the Treaties (as for example possibility of opt-outs gradual elimination).

The state of play of the implementation of EU acts on financial markets.

Evaluation of the Eurozone stability and the state of play of single currency adoptions by member states outside of the Eurozone.

Evaluation of mutual recognition principle functioning and effects.

Evaluation of existing enhanced cooperation and the necessity to start new ones.

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- a) The Commission Yes No
- b) The Council Yes No
- c) Other (please specify)

European Central Bank.

Debate on draft EU acts⁷⁸

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

⁷⁸ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

Selection of those draft legislative acts opted for by the greatest number of Chambers.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

No.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes to all.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Yes, on a case by case appointment by the EAC.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

- Directive of the European Parliament and of the Council on the European Protection Order; 2010/0802 (COD)
- Amended Proposal for a Regulation (Eu) No .../... of The European Parliament and of the Council on establishing an Agency for the operational management of large-scale IT systems in the area of freedom, security and justice; COM(2010)93 final / 2009/0089/P (COD)
- Proposal for a Regulation of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers; COM(2010) 83 final / 2010/0051 (COD)

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

No.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

No.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

Five more permanent posts financed in the same way as the present post, but having the headquarters in the national parliament of the incumbent.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

Yes: **Conference of the European Affairs Committees**

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

Yes. The interparliamentary conferences should be organised at the initiative of a European Affairs Committee of a National Parliament or Chamber, should at least 10 other EACs agree and at least 8 other National Parliaments be represented.

The topic is changing according to the EU agenda. Obviously only high interest subjects could bring together 11 delegations.

The EAC initiating the meeting should also host and organize it, with the contribution of COSAC Secretariat.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No change.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | | |
|--|-------------------------------------|-------------------------------------|
| a) Should not be limited | <input checked="" type="checkbox"/> | No |
| b) Should be limited to once per Parliament / Chamber | Yes <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c) Should be limited to twice per Parliament / Chamber | Yes <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| f) Other criteria: (please specify) | | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Limiting the speaking time is necessary in any meeting. The duration of the interventions depend on their number. COSAC may consider introducing a maximum speaking time per delegation.

Slovakia: Národná rada

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories. - **NO**

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

1c. Parliamentary Standing Orders

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

- 1. Constitutional provisions (amendment of the Constitutional Act No. 397/2004 Coll. on the cooperation between the National Council of the Slovak Republic and the Government of the Slovak Republic in the matters concerning the European Union)**
- 2. Rules of procedures of the National Council of the Slovak Republic**

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The monitoring includes all activities of all EU institutions with special emphasis on those decision making processes concerning priority legislative initiatives (priorities are settled by the Parliament in a close cooperation with the Government usually after publication of the Legislative and Work Programme of the European Commission for the subsequent year).

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

See the answer above.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

- 1. The European Commission issues Legislative and Work Programme (LWP) for the coming year***
- 2. The Government (particular ministries) indicate priority areas/initiatives of national interest***
- 3. The Committee on European Affairs discusses LWP together with the national priorities (accepts or supplements the list of priorities by a resolution of the committee)***
- 4. When the priority issue (legislative proposal) is issued by the Commission (other EU institution), Committee on European Affairs asks specialised committee(s) for its(their) opinion***
- 5. The Committee on European Affairs pays more attention to the priority initiatives within the standard scrutiny procedure***
- 6. The monitoring of activities of the EU institutions focuses on getting more in-depth information regarding priority initiatives (through internet, other networks of (in)formal cooperation and communication, through the Permanent Representative at the European Parliament, Permanent Representation of the Slovak Republic to the EU, extranet of the Council documents etc.)***

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Yes:

- 1. The Permanent Representation of the Slovak Republic to the EU elaborates and sends an "annotation" to a draft initiative***
- 2. The responsible ministry elaborates and sends a "preliminary position" to a draft initiative within three weeks of its publication***

3. **The responsible ministry elaborates and sends a “position” to a draft initiative for the discussions in the Council working bodies**
4. **The responsible ministry elaborates and sends an “instruction” for the COREPER agenda**
5. **The responsible ministry elaborates and sends a “draft position of the Slovak Republic” before each Council meeting**

All these position documents monitor activities of all EU institutions involved in the respective decision making process and contain national positions.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

-

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

1. **administrative and advisory staff of respective ministries**
2. **advisors of the Committee on European Affairs (Department of European Affairs – 1 director, 1 officer, 7 advisors)**
3. **permanent representative at the European Parliament (1 person)**

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

Committee on European Affairs (it is possible to ask for opinion other standing committees).

2b. Briefly describe the procedures involved.

The specific procedure for monitoring the compliance of legislative proposals with the principle of subsidiary according to the Lisbon Treaty was not yet adopted in relevant legislation. Therefore, it still remains within the standard scrutiny procedure.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

-

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes. The use of IPEX will increase considerably.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

-

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

We expect to use the already existing ways of communication.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁷⁹ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

We support the UK initiative. We did not ask for a Government's view on this matter so far.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

Not yet decided.

3b. Briefly describe the procedures involved.

Not yet decided.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

-

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Not yet decided.

⁷⁹ The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

4b. Briefly describe the procedures involved.

Not yet decided.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

-

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

Committee on European Affairs (the plenary can also be involved).

5b. Briefly describe the procedures involved.

The Committee on European Affairs shall give mandate to the Prime Minister (other representative of the Slovak Republic at the European Council meeting) prior to approval of such decision aimed at revising the treaties.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

-

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

-

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

Not yet decided. Relevant legislation has still to be adopted.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

-

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

-

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

-

6e. In which cases, if any, may the national Government reject the Parliament's request?

-

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

-

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

We expect that the Committee on European Affairs and the Foreign Affairs Committee will be involved.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

No special procedure adopted.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in

place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Not regularly; ad hoc procedure.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

Not regularly.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Not direct effect, but they occasionally affect the work of the Committee on European Affairs.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

Exchange of information and best practice between the national parliaments and the European parliament, especially in the areas of new competencies and responsibilities of the national parliaments according to the Lisbon Treaty.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

-

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|------------|----|
| a) Bi-annual Report | <u>Yes</u> | No |
| b) Presidency programme | <u>Yes</u> | |
| No | | |
| c) The principle of subsidiarity | <u>Yes</u> | |
| No | | |
| d) COSAC contribution and conclusions | <u>Yes</u> | |
| No | | |
| e) Commission Annual Policy Strategy or similar document | <u>Yes</u> | |
| No | | |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|-----|---|---------------|
| | a) Commission Legislative and Work Programme | <u>Yes</u> |
| No | | |
| the | b) Taking part in the evaluation mechanisms for the implementation of Union policies in the area of freedom, security and justice | <u>Yes</u> |
| No | | |
| | c) Political monitoring of Europol and evaluation of Eurojust's activities | <u>Yes</u> No |
| | d) Common foreign and security policy, including common security and defence policy | <u>Yes</u> No |
| | e) Other (please specify) | Yes <u>No</u> |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | |
|---------------------------|---------------|
| a) The Commission | Yes <u>No</u> |
| b) The Council | Yes <u>No</u> |
| c) Other (please specify) | |

Debate on draft EU acts⁸⁰

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes, but only in case the debate would fall within the 8-weeks period of time; or in case the objected legislative act has been finally adopted by the EU institutions regardless of the reasoned opinions sent by the national parliaments (not necessarily requested number of NPs for initiating the yellow or orange card procedure) in order e.g. to discuss further proceedings at the European Court of Justice.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency and then the selection made by the Presidential Troika.

⁸⁰ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

No

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Not necessarily.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

We would suggest draft legislative proposals after publication of Legislative and Work programme of the European Commission.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Yes, according to current procedure.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

Not necessarily.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

-

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

No. The conferences can be organised the similar way as the COSAC ordinary meetings – i.e. the parliaments of presidential Troika + the European Parliament with the administrative help of the COSAC Secretariat.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

a) Should not be limited Yes
No

b) Should be limited to once per Parliament / Chamber Yes
No

c) Should be limited to twice per Parliament / Chamber Yes
No

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak

Yes No

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor

Yes

No

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

It depends on the number of speakers requesting the floor, e.g. 2 or 1 minute limitation. However, as the Slovak delegation has already suggested in the past, the presiding parliament should try to limit the number of topics on the agenda so that they can be discussed in more detail and possibly without any time limitation, rather than to have too many topics on the agenda which can be discussed only slovenly.

Slovenia: Državni zbor

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

None.

1b. Legal provisions - Statutory provisions

None.

1c. Parliamentary Standing Orders

None.

1d. Other (please specify)

None.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

No new Constitutional or Legal Statutory provisions are planned. However, on 19 February 2010, the Committee on EU Affairs adopted a decision to set up a working group to draft amendments to the Rules of Procedure of the National Assembly. Members of this working group will be the following: Chair of the Committee on EU Affairs, Chair of the Commission for the Rules of Procedures as well as one representative from each parliamentary group. Consequently, the Ordinance on the Establishment and Tasks of National Assembly Working Bodies might need to be changed.

C) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The monitoring includes all the activities of all the EU institutions, including the political monitoring of Europol and the evaluation of Eurojust's activities.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The monitoring is comprehensive.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

A new procedure has not been adopted yet. However, it is expected that the procedure will involve the Committee on EU Affairs, the working bodies responsible and the Legislative and Legal Service.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The Act on Cooperation between the National Assembly and the Government in EU Affairs establishes the Government's duty to report to the National Assembly. Art. 8(2) of the EU Act provides that the Government shall inform the National Assembly /.../ of other documents that are relevant for the exercise of its constitutional powers and concern the political and programme aspects of the activity of the European Union.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

First, it has to be explained that the bicameral Parliament of Slovenia is characterized by an asymmetric duality, as the Constitution does not accord equal powers to both chambers. The bulk of the power is concentrated in the National Assembly, while the National Council only has limited advisory and control powers. Hence, with respect to the current regulation, the National Council can send its (reasoned) opinion on a certain matter to the National

Assembly and present it at the meetings of the National Assembly's (responsible and competent) working bodies; such an opinion is not binding on the National Assembly.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

- **Advisers to the Committee on EU Affairs (6 people, including the National Assembly's IPEX correspondent);**
- **Advisers to the Committee on Foreign Policy (2 people);**
- **Legislative and Legal Service (1 person);**
- **Representative of the National Assembly to the European Parliament;**
- **Technical support (internet pages, IPEX database, National Assembly's computer databases - EU Affairs database, European Commission's database, Council's database).**

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance

In the National Assembly, there is no formal decision on how to conduct the subsidiarity checks. However, it is expected that the procedure will include the following Parliamentary bodies: the Committee on EU Affairs, the working bodies responsible and the Legislative and Legal Service.

2b. Briefly describe the procedures involved.

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also these procedures will be dealt with.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There are no regional parliaments in the Republic of Slovenia.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Currently, the IPEX website is considered the main channel for the exchange of formal information during the scrutiny period. Since the entry into force of the Treaty of Lisbon, greater involvement of and opportunities for national parliaments are required. Therefore, the IPEX website represents the necessary mechanism for the cooperation between parliaments for general scrutiny and

subsidiarity procedures. In order to ensure effective work, the National Assembly (i.e. the expert service) exploits full advantages of the website.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

In order to ensure an effective exchange of information using the IPEX website, national parliaments will provide summaries of the conducted subsidiarity checks in English or / and French. The emphasis is placed on making the IPEX website more transparent and easier to use. Therefore, the usage of the new IPEX alert symbols for reasoned opinions of subsidiarity checks will give a preliminary indication of the general status of a document. Moreover, in order to promote interparliamentary information exchange, all documents emanating from the EU institutions should be published on the IPEX website. Moreover, working meetings of IPEX correspondents could serve as an instrument for a constructive discussion and good practice cooperation.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

We have not yet foreseen any improvements in this field. Currently, the National Assembly communicates with the Slovenian MEPs, the Representation of the European Commission in Slovenia, and the European Parliament Information Office for Slovenia. The National Assembly also communicates with the European Commissioners when they formally visit the Republic of Slovenia.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁸¹ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The definition of "special legislative procedure" and of "legal act" will not limit the new powers given to national parliaments. We believe that in the end the criteria will be the (actual) legal nature of the adopted act. In other words, the legal nature of an act will be judged according to its content and its legal consequences, not its form. Consequently, if such an act turns out to be a legal act that was not adopted in an appropriate procedure, this could result in its annulment.

⁸¹ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

The Government's view on this matter has not been sought.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

In the National Assembly, there is no formal decision for political monitoring of Europol. However, it is expected that the procedure will include the following Parliamentary bodies: the Committee on EU Affairs, the working bodies responsible and the Legislative and Legal Service.

3b. Briefly describe the procedures involved.

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also these procedures will be dealt with.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There are no regional parliaments in the Republic of Slovenia.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also the political monitoring will be dealt with.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation.

In the National Assembly, there is no formal decision for political monitoring of Eurojust. However, it is expected that the procedure will include the following Parliamentary bodies: the Committee on EU Affairs, the working bodies responsible and the Legislative and Legal Service.

4b. Briefly describe the procedures involved.

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also these procedures will be dealt with.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There are no regional parliaments in the Republic of Slovenia.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also this question will be dealt with.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

There is no formal procedure yet. However, it is expected that the procedure will include the Committee on EU Affairs and the Committee on Foreign Policy.

5b. Briefly describe the procedures involved.

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also these procedures will be dealt with.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There are no regional parliaments in the Republic of Slovenia.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Art. 5(1) of the Act on Cooperation between the National Assembly and the Government in EU Affairs provides that prior to decision-making in EU institutions, the amendments to the treaties, on the basis of which the Union is founded, shall be discussed and the positions of the Republic of Slovenia thereon taken by the National Assembly. However, the National Council has a consultative role.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

It is expected that the procedure will include the Committee on EU Affairs, the Committee on Foreign Policy and the Legislative and Legal Service.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also these actions will be dealt with.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There are no regional parliaments in the Republic of Slovenia.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

As explained, the bulk of the power is concentrated in the National Assembly, while the National Council only has limited powers. It is expected that the National Council will only have a consultative role.

6e. In which cases, if any, may the national Government reject the Parliament's request?

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also this question will be dealt with. However, informal contacts have already been established with the Ministry of Justice and the State Attorney's Office.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also this question will be dealt with.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

It is expected that the procedure will include the following Parliamentary bodies: the Committee on EU Affairs and the Committee on Foreign Policy.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The working group's task is to draft amendments to the Rules of Procedure of the National Assembly where also this question will be dealt with.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings?

No. The agenda of the COSAC meeting is sent to the members of the Committee on EU Affairs before the meeting of the Committee when the members of the delegation for the COSAC meeting are nominated.

Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda?

-

If so, what is the procedure and which is the body responsible?

-

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No. Only the report of the COSAC meeting is sent to the members of the Committee on EU Affairs and Committee on Foreign Policy as well as to the President of the National Assembly and the leaders of deputy groups.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Yes. The coordinated subsidiarity checks and models of dealing with EU affairs in other national parliaments are of a particular importance.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

- **Forms of cooperation among the parliaments of the European Union and its EU committees;**
- **biannual reports, particularly the exchange of best practices;**
- **coordinated subsidiarity checks;**
- **presentation and debate on Commission's main political documents as well as on the current state of the EU with the representatives of the Member State chairing the Council of the EU.**

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

-

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|------------|------------|
| a) Bi-annual Report | <u>Yes</u> | No |
| b) Presidency programme
<u>No</u> | | Yes |
| c) The principle of subsidiarity
No | | <u>Yes</u> |
| d) COSAC contribution and conclusions
No | | <u>Yes</u> |
| e) Commission Annual Policy Strategy or similar document
No | | <u>Yes</u> |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|---|------------|------------|
| a) Commission Legislative and Work Programme
No | | <u>Yes</u> |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice
No | | <u>Yes</u> |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | <u>Yes</u> | No |
| d) Common foreign and security policy, including common security and defence policy
<u>Yes</u> No | | |
| e) Other (please specify) | <u>Yes</u> | No |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | | |
|-------------------|------------|----|
| a) The Commission | <u>Yes</u> | No |
|-------------------|------------|----|

b) The Council

Yes No

c) Other (please specify)

Debate on draft EU acts⁸²

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

- No.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

The selection should be based on the proposals submitted by national parliaments. A list of selected documents is to be made and the most of them are to be discussed at the COSAC meeting.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

- Yes.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

- Yes.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

- Yes.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

⁸² Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

No. This is beyond the competence of COSAC pursuant to its Rules of Procedure.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

-

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

- Yes. The existing method should be used.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings.

- No.

Should political group meetings also be organised during the meetings of COSAC Chairpersons?

- No.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

The current mechanism is satisfactory.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

- No.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

- COSAU (Conférence des organes parlementaires spécialisés dans les affaires de l'Union) might be a practical solution.

However, the discussion on this issue should start at least.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised?

- No. Duplication of structures dealing with the same topics should be avoided.

Which topics would you consider of special interest to these conferences?

-

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

-

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

a) Should not be limited Yes
No

b) Should be limited to once per Parliament / Chamber Yes
No

c) Should be limited to twice per Parliament / Chamber Yes
No

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak Yes No

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor Yes
No

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor?

- **Yes.**

What maximum speaking time would you suggest?

3 minutes, but not less.

Slovenia: Državni svet

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

None

1b. Legal provisions - Statutory provisions

None

1c. Parliamentary Standing Orders

None

1d. Other (please specify)

/

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in

the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

New Constitutional or Legal Statutory provisions are not planned.

Rules of Procedure of the National Council were revised and changed in 2008. The EU matters are regarded as standard / ordinary work of the working bodies and the National Council; therefore no new provisions are needed.

D) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The monitoring includes all the activities of all the EU institution.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

Monitoring is comprehensive. Although the National Council might focus only on selected topics; as the upper chamber it does not have to scrutinize every aspect or document of the EU.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

Leaders of the interest groups and Presidents of the Commissions decide which document/topic should be put on the agenda of the Commissions. After deliberating, Commissions propose to the College of the President which topics should be put on the agenda of the plenary session.

The procedure would involve mainly International Relations and European Affairs Commission and the Commission for State Organization

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

No.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Procedures of the each chamber are separated. The National Council usually holds a session before the National Assembly and sends the National Assembly its (reasoned) opinion. President of the International Relations and European Affairs Commission is invited to the sessions of the National Assembly's working body (EU Affaires Committee) where he/she can present the National Council's opinion.

The National Council can always ask for the (reasoned) opinion of the National Assembly.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

- **Secretary of the International Relations and European Affairs Commission**
- **2 advisors in legal department**

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

- **International Relations and European Affairs Commission**
- **Standing Commission**

2b. Briefly describe the procedures involved.

Leaders of the interest groups and Presidents of the Commissions decide which document should be put on the agenda of the Commissions. After deliberating, Commissions propose to the College of the President which topics should be put on the agenda of the plenary session.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

/

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes. The use will increase.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

The National Council communicates directly with the Representation of the European Commission in Slovenia, the European Parliament Information Office for Slovenia and MEPs. No other means of communications are foreseen.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁸³ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

⁸³ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

Commission for State Organization and International Relations and European Affairs Commission

3b. Briefly describe the procedures involved.

The procedure was not yet discussed.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

/

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Commission for State Organization and International Relations and European Affairs Commission

4b. Briefly describe the procedures involved.

The procedure was not yet discussed.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

/

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding
International Relations and European Affairs Commission, Commission for State Organization

5b. Briefly describe the procedures involved.

The National Council and its working bodies will adopt the opinion which will be sent to the National Assembly.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

/

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

The National Council will have a consultative role.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

International Relations and European Affairs Commission

6b. Briefly describe the procedures involved in your Parliament / Chamber.

The procedure was not yet discussed.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

/

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

The National Council will send its opinion to the National Assembly.

6e. In which cases, if any, may the national Government reject the Parliament's request?

Please, see the answer of the National Assembly.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

Please, see the answer of the National Assembly.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

International Relations and European Affairs Commission

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

After a discussion in the International Relations and European Affairs Commission the applications will also be discussed at the plenary session of the National Council. Its opinion will be sent to the National Assembly and the Government.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty

of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

No.

CHAPTER 2: THE FUTURE ROLE OF COSAC

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings?

No. President of the International Relations and European Affaires Commission informs the members of the Commission about the upcoming meeting and the agenda.

Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

No.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No. A report of the COSAC meeting is prepared and sent to all the members of the International Relations and European Affaires Commission, Secretary General and other interested MPs.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Yes. If a topic is also debated at the National Council there is a reference to the COSAC conclusions / contribution.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

Bi-annual reports, particularly an exchange of best practices

- **Debates on main political documents of the EU institutions**
- **Debates on the current state of affairs in the EU and member states.**

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

None.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | | |
|--|---|-----|
| a) Bi-annual Report | <input checked="" type="checkbox"/> Yes | No |
| b) Presidency programme
No | <input checked="" type="checkbox"/> Yes | |
| c) The principle of subsidiarity
<input checked="" type="checkbox"/> No | | Yes |
| d) COSAC contribution and conclusions
No | <input checked="" type="checkbox"/> Yes | |
| e) Commission Annual Policy Strategy or similar document
No | <input checked="" type="checkbox"/> Yes | |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | | |
|---|---|---|
| a) Commission Legislative and Work Programme | <input checked="" type="checkbox"/> No | Yes |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice
No | | <input checked="" type="checkbox"/> Yes |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | <input checked="" type="checkbox"/> Yes | No |
| d) Common foreign and security policy, including common security and defence policy
<input checked="" type="checkbox"/> Yes | No | |
| e) Other (please specify) | | Yes No |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

Time provided for these debates at the previous meetings was sufficient.

- | | | |
|-------------------|-----|--|
| a) The Commission | Yes | <input checked="" type="checkbox"/> No |
|-------------------|-----|--|

b) The Council

Yes No

c) Other (please specify)

Europol, Eurojust

Debate on draft EU acts⁸⁴

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes, but they should be on a topic concerning all the member states.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

The acts should be selected in a way like proposals for the subsidiarity check. Member states should submit proposals and the most selected of them should be discussed at the COSAC meeting.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Yes

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Yes

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

No.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Subsidiarity checks

⁸⁴ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

No. COSAC could just discuss the state of affairs in member states regarding the subsidiarity checks or maybe "IPEX report" on this matter.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings.

No.

Should political group meetings also be organised during the meetings of COSAC Chairpersons?

No.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

The current mechanism is satisfactory.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

No.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

No. Duplication of structures should be avoided. Each parliament which considers that a certain topic should be discussed on an interparliamentary level could organize such conference. Each Presidency and EP already organise different committee-meetings on certain topics.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No. If the meetings were longer, that may interfere with the participants' national parliamentary work.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

a) Should not be limited Yes
No

b) Should be limited to once per Parliament / Chamber Yes
 No

c) Should be limited to twice per Parliament / Chamber Yes
 No

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak Yes No

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor Yes No
 No

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Yes. 3 minutes, but not less.

Spain: Cortes Generales

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

After the entry into force of the Treaty of Lisbon, Act 24/2009 was enacted in order to regulate the new powers of the Cortes Generales. Act 24/2009 modified Act 8/1994, which established the Cortes Generales' Joint EU Committee.

1c. Parliamentary Standing Orders

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

The upcoming joint meeting of the bureaus of the Congress of Deputies and the Senate is expected to approve a Resolution to adapt the current Internal Parliamentary Resolution on the Joint EU Committee to Act 24/2009.

This Resolution is a Parliamentary general ruling which interprets and regulates any omissions of the Standing Orders. In this case, the Resolution will regulate the internal proceedings of the Joint EU Committee.

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework.

The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The monitoring potentially includes all EU institutions.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

The monitoring is potentially comprehensive of all EU legislative acts and any other document.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

Upon reception by the Joint Committee of a legislative proposal or any other type of document from EU Institutions, any Parliamentary Group may request a Committee debate on the proposal. Once the Committee, or its Bureau by delegation, has resolved to hold a debate, the representative of the Government shall explain the basic content of the proposal and its effects on Spanish Law and the floor is given to the different Parliamentary Groups. The Government representative may intervene to provide the clarifications and observations requested by the Groups. Once the debate is finished, the Parliamentary Groups have two days to table draft resolutions, which will be examined and put to a vote before the Joint Committee.

The draft resolution may include a request for a debate in the Plenary or for the Committee to draw up a report.

The same proceedings will apply in case any Parliamentary Group requests the Joint Committee to hold a debate on the activities of the institutions of the European Union, or on the decisions and resolutions adopted by the Council.

Furthermore, if the draft Resolution is adopted, the Bureau of the Joint Committee, together with the Spokespersons, will also play a role in the regular monitoring of legislative proposals and other documents and initiatives forwarded by EU institutions.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The Government is legally obliged to forward to the Chambers a brief report on the substantial content of any EU legal proposal with a bearing on Spain.

This report shall be forwarded "as soon as possible" and will be subject to a final evaluation.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Please bear in mind that the Joint Committee, whose aim is to ensure the adequate participation of the Cortes Generales in the activities of the EU, consists of Parliamentarians from both Chambers and therefore can be construed as a form of coordination between both Chambers of the Cortes.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The Joint Committee has at its disposal two Clerks, a librarian and three administrative personnel. On specific occasions, resources may be pooled from the International Departments of both Chambers, as well as from the Library Services of any of the two Chambers.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The proceedings relating to the compliance with the principle of subsidiarity is entrusted to the Joint EU Committee. According to the draft Resolution, the Bureau of the Joint Committee, together with the Spokespersons, will be entrusted with the preliminary scrutiny of all EU legislative proposals. The plenaries of any of the two Chambers of the Cortes Generales may also be involved if they so decide.

2b. Briefly describe the procedures involved.

According to the draft resolution, the legislative proposals will be submitted to a preliminary scrutiny of the Bureau, together with the Spokespersons, of the Joint Committee. The Bureau may then refer the proposal to the Joint Committee and appoint a subcommittee to draft a reasoned opinion. Two Parliamentary Groups or a fifth of the members of the Joint Committee may also initiate the proceedings by tabling a draft reasoned opinion to the Joint Committee. The procedure must be initiated within the first five weeks after the reception of the draft legislative act.

Once the draft reasoned opinion, alternative drafts and amendments have been tabled, the Chair will convene the Joint Committee to debate and put the draft to a vote.

If the plenaries of any of the Chambers decide to recall the final vote, the reasoned opinion of the Joint Committee will be debated and put to a vote in both Plenaries.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

As soon as the Joint Committee receives a draft EU legislative act, the Committee will refer it to all Regional Parliaments through email. Any Regional Parliament may then table a reasoned opinion to the Joint Committee within a four-week period. The reasoned opinions of the Regional Parliaments will not be binding to the Cortes Generales, but if the Joint Committee approves a reasoned opinion on the same draft act, the list of opinions of the Regional Parliaments will be attached to the Cortes' opinion, together with the relevant references to facilitate their consultation.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

The Joint Committee did follow up the information from other Chambers posted on the IPEX website during the tests. We believe the IPEX site may have an important role to play in the exchange of information regarding the subsidiarity checks.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

The system for uploading information should be significantly simplified. Easier and more user-friendly search applications should also be provided.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

An exclusive email address (cmue@congreso.es) has been established to centralise all documents forwarded to the Cortes Generales from the European Commission and the Council.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of

the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁸⁵ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

In a preliminary interpretation of the article, the legal services of the Cortes Generales state the following:

1. Legislative acts are defined in Article 289 (3) TFEU as "legal acts adopted by legislative procedure". Legal acts (ie, regulations, directives and decisions) may have either a legislative or a non legislative nature depending on the procedure adopted for their adoption.

2. Article 279 TFEU specifically differentiates between "legislative acts" and "non legislative acts adopted in the form of regulations, directives or decisions". As the same EU institutions may participate in the adoption of any legal act -either of a legislative or a non legislative nature-, the procedure for their adoption ought to be considered as the decisive factor to differentiate between a legislative and a non legislative act.

3. Legislative acts may be adopted through one of the two following procedures: the ordinary legislative procedure or a special legislative procedure, as defined in Article 289 (2) TFEU.

4. Special legislative procedures must comply with the following requirements: (a) they involve the "adoption of a regulation, directive or decision by the European parliament with the participation of the Council, or by the latter with the participation of the European Parliament" -as opposed to the procedure consisting in the joint adoption by the European Parliament and the Council of a regulation, directive or decision on a proposal from the Commission, which constitutes the "ordinary legislative procedure"-; and (b) they require a specific provision in the Treaties establishing that the legal act is to be adopted through a special legislative procedure.

5. It must be noted that the first requirement would be insufficient to identify a legislative act, as non legislative acts may also take the form of regulations, directives and decisions and their adoption always involve one or several EU institutions. Therefore, the Treaty must specifically mention that the legal act is adopted through a legislative procedure. If no such mention is provided for in the Treaty, the legal act will therefore not have a legislative nature.

6. All EU acts, as adopted by all EU institutions, must comply with the principle of subsidiarity in accordance with Article 5 TEU. Article 5 (3) parr.2 TEU establishes that the compliance of this principle will be ensured by national parliaments, "in accordance with the procedure set out in [the protocol on the application of the principles of subsidiarity and proportionality]".

7. In accordance with the said Protocol, only draft legislative acts are to be the object of reasoned opinions regarding the compliance with the principle

⁸⁵ The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

of subsidiarity. Non legislative acts, as defined by the Treaties, are therefore not meant to be the object of the said procedure.

The Government's view on the matter has not been sought.

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The political monitoring of Europol will be undertaken by the Joint EU Committee on a general basis, with, if need be, the intervention of the specific relevant Committee (currently, the specific relevant Committees would be the Committees of the Interior in both Chambers).

3b. Briefly describe the procedures involved.

The Bureau of the Joint Committee, together with the Spokespersons, will decide on the specific proceedings at a later date.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

The participation of regional parliaments is not foreseen.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No criteria are provided by the applicable regulations.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

The evaluation of activities of Eurojust will be undertaken by the Joint EU Committee on a general basis, with, if need be, the intervention of the specific relevant Committees (currently, the specific relevant Committees would be the Committees of Justice in both Chambers).

4b. Briefly describe the procedures involved.

The Bureau of the Joint Committee, together with the Spokespersons, will decide on the specific proceedings at a later date.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

The participation of regional parliaments is not foreseen.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No criteria are provided by the applicable regulations.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The bodies involved are the Plenaries of both Chambers and the Joint EU Committee.

5b. Briefly describe the procedures involved.

Within a six-month period after the notification of the initiative to the Cortes, its opposition shall be debated by the Plenaries of both Chambers, on the proposal of the Joint EU Committee. The proceedings may be initiated by two Parliamentary Groups or by a fifth of the members of any of the Chambers, within a four months period after the reception of the notification. The Joint Committee shall then debate and put the proposal to a vote. If the proposal is adopted, it shall be referred to the Plenaries of both Chambers.

In order for the Cortes to oppose the revision, both Plenaries must declare separately their opposition.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

The participation of regional parliaments is not foreseen.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

No procedures are foreseen in order to arrive to a joint position. If the Plenaries do not agree, it is understood that there is no opposition to the initiative from the Cortes.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

The parliamentary bodies are the Joint EU Committee and, if they so wish, the Plenaries of the Chambers.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

Two Parliamentary Groups or a fifth of the members of any of the two Chambers may table a proposal for the Government to file an action for annulment. The proposal must be tabled within two weeks of the publication of the legislative act.

Once the proposal is tabled, the Joint Committee shall examine and vote on the issue within six weeks after the publication of the legislative act.

The Joint Committee, two Parliamentary Groups or a fifth of any of the two Chambers may move a motion for the recall to the Plenaries of both Chambers of the final decision. This motion for the recall must be put to a vote within four weeks of the publication of the legislative act.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

The participation of regional parliaments is not foreseen.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

The Joint Committee is a parliamentary body with members of both Chambers. In any case, any of the two Chambers may ask separately for the filing of the action, and therefore, there is no need for a joint position.

6e. In which cases, if any, may the national Government reject the Parliament's request?

The national Government may refuse to file an action for annulment. The refusal shall be motivated and a member of the Government shall have to appear before the Joint Committee to explain the motives of the refusal.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

The request is not binding, although, as established above, the refusal shall have to be justified by the Government.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The Joint EU Committee will be the parliamentary body dealing with this issue.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The Joint EU Committee shall receive all information regarding the accession to the EU, in compliance with article 49 of the Treaty of the European Union.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The Cortes Generales have not debated nor examined the Brok Report.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, “*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*”. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The Cortes Generales have not debated how this cooperation shall be organised.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

The Cortes Generales have not held debates on the COSAC agenda topics prior to COSAC meetings.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

The Cortes Generales have not held debates on the COSAC conclusions or its contribution after the COSAC meetings.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Neither the debates at COSAC meetings nor the COSAC conclusions and contributions have had any detectable effect on the Cortes Generales' day-to-day work.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

COSAC should be used as a forum for debate between national Parliaments on specific EU topics relating to the European institutional framework, as well as to provide a means of exchanging best practices as well as views on these topics between national Parliaments and with the different EU institutions.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

The Cortes Generales have strong doubts on the relevance to COSAC debates of the Bi-Annual reports.

The drafting of regular reports should therefore be avoided. Reports should be drafted on specific COSAC-related issues, on the proposal of the host Parliament.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report	Yes	No
b) Presidency programme		Yes
No		
c) The principle of subsidiarity	Yes	
No		
d) COSAC contribution and conclusions		Yes
No		

- e) Commission Annual Policy Strategy or similar document Yes
~~No~~

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- a) Commission Legislative and Work Programme Yes
~~No~~
- b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice ~~Yes~~
 No
- c) Political monitoring of Europol and evaluation of Eurojust's activities ~~Yes~~ No
- d) Common foreign and security policy, including common security and defence policy ~~Yes~~ No
- e) Other (please specify) Yes No

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- a) The Commission Yes ~~No~~
- b) The Council Yes ~~No~~
- c) Other (please specify)

Debate on draft EU acts⁸⁶

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

As a general rule, the Cortes Generales are not in favour of debating draft acts which fall within the attribution of powers of the EU institutions. National Parliaments should not "shadow" the institutions that are legally competent to examine issues that fall within their competences in accordance with the Treaties.

⁸⁶ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

Nevertheless, and as an exception to the general rule, there may be a case to debate certain drafts to EU acts that deal with contentious issues that may be especially sensitive to the public opinions of a number of Member States.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

After the entry into effect of the Treaty, there is no need to coordinate subsidiarity checks. It may be more useful for COSAC to provide a forum to exchange information and best practices regarding the subsidiarity checks that will hereto become a normal feature of the proceedings of each national Parliament.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

The time currently devoted to meetings of political families is considered adequate.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

Insofar as the future of COSAC remains in doubt, the permanent resources of COSAC should be kept to a minimum.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

It could be useful to turn COSAC into a forum of national Parliaments, as no such forum exists today. This could provide an added value to COSAC and would contribute to avoid confusion with other venues like the Joint Parliamentary Meetings organised by the European Parliament.

It should be stressed that the European Parliament already has a number of instruments of interparliamentary cooperation with national Parliaments, like the Joint Parliamentary Meetings and related meetings.

Furthermore, from an institutional point of view, as the Conference may submit contributions to, among others, the European Parliament, it does not seem logical that the European Parliament should have a say and a vote regarding this contribution. In relation to other EU Institutions that are possible recipients of the COSAC contributions, the European Parliament has a number of intra EU procedures at its disposal and should not use COSAC for that purpose.

The European Parliament may possibly participate as an observer to COSAC, together with other EU institutions (for example, the Council of the European Union and the European Commission, in accordance with Article 4.3 of the Rules of Procedure).

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

There is no need to change the name of the Conference, a move which may result on confusion and a probable increase of expenses. It should be noted that the Treaty does not preclude the possibility of maintaining the acronym COSAC.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

This possibility should be included in the Rules of Procedure.

These conferences should be convened with the approval of the Presidential Troika, on the proposal of the Presidency.

The topic will be proposed by the Presidency and should be an EU-related topic.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

The current formats are deemed convenient.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|-------------------|
| a) Should not be limited | Yes |
| No | |
| b) Should be limited to once per Parliament / Chamber | Yes |
| No | |
| c) Should be limited to twice per Parliament / Chamber | Yes |
| No | |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes No |

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor Yes
~~No~~

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Excessive speaking time hinder the fluidity of the debates. Therefore, interventions should be limited to a maximum of 2 minutes per speaker.

The Spanish Act 8/1994 of 19 May 2009

ACT 8/1994, of 19 May, governing the Joint Committee for the European Union.

JUAN CARLOS I
KING OF SPAIN

To all whom these presents shall come or may concern.
Know Ye: That the Cortes Generales have passed and We hereby sanction the following Act:

Stated Motive

The entry into force of the Treaty on European Union, on 1 November 1993, represents an important step forward in the construction of the European project.

Spain, a full member of the European Union, has given proof over time of its European vocation. Spain has modified its own Constitution, with the unanimous support of all the political groups represented in the Chambers, so as to adapt it to the conditions required by the engagements adopted with a view to reinforcing the great European endeavour.

Within the perspective of an ever closer union between the peoples of Europe, it is of utmost importance to strengthen the participation of national Parliaments in the process, an aspect that is reflected in the Treaty on European Union itself, which states that: "...the governments of the Member States will ensure, inter alia, that national Parliaments receive Commission proposals for legislation in good time for information or possible examination."

This new context requires the development of Section 93 of the Spanish Constitution, which states that "it is incumbent on the Cortes Generales or the Government, as the case may be, to ensure compliance with these treaties and with resolutions originating in the international and supranational organisations to which such powers have been so transferred".

From the internal point of view, up to the present this aspect had been governed by Act 47/1985, of 27 December, on the Grounds for Delegation to the Government for the Application of European Community Law (as amended in Section 5 by Act 18/1988, of 1 July), in particular by virtue of the provisions concerning the Joint Committee for the European Communities. The natural development of its contents has led to the obsolescence of said Act and now requires its replacement. The Joint Committee must be adapted in accordance with the implications for Spain of the entry into force of the Treaty on European Union.

It is therefore essential that the Cortes Generales have access to all the proposals for legislation developed by the European Commission. This need was widely debated and backed by a broad majority of Parliamentary Groups on occasion of the granting of parliamentary authorisation for ratification of the Treaty.

This duty to inform, incumbent on the Government, becomes broader and more comprehensive, having been previously limited to European proposals for legislation with a bearing on Spain solely in matters reserved by the Constitution to the exclusive legislative competence of Parliament.

Section One

We hereby establish a Joint Congress of Deputies – Senate Committee, called the Joint Committee for the European Union, with the aim of ensuring the Cortes Generales participate adequately in European Commission proposals for legislation and may avail, in general, on the most comprehensive information regarding the activities of the European Union.

Section Two

The Joint Committee for the European Union shall consist of a number of Deputies and Senators to be determined by the Bureaus of both Houses sitting jointly, at the beginning of each legislative term, ensuring the presence of all Parliamentary Groups in all cases. Members of the Committee shall be designated by the Parliamentary Groups in proportion to the number of each Group in either House.

The names of Committee members shall be notified within a fortnight of the opening of Parliament in each legislative term. On expiry of said period, the Speaker of the Congress of Deputies shall convene the Committee so as to proceed to its official constitution.

The Committee shall be chaired by the Speaker of the Congress of Deputies or the Deputy or Senator he or she may delegate to on a permanent basis.

In order to be valid, resolutions must be carried by a single majority of members sitting on the Committee.

Section Three

For the effective fulfilment of its business, the Joint Committee for the European Union shall have power:

- a) to be informed, upon their publication, of legislative decrees enacted in application of secondary Community law.
- b) to receive, via the Government, the European Commission's proposals for legislation, in good time for information or possible examination by the Committee.
The Government, as soon as possible and subject to a final evaluation, shall forward to the Chamber a brief report on the substantial content of any European Commission proposals for legislation with a bearing on Spain.
The Committee may resolve to request the Government to expand on the information provided.
- c) to hold debates on a specific proposal for legislation within the Committee and request, if it considers it appropriate, to the Speaker of either or both Chambers, a debate in the Plenary of the respective house to that end, with the Government's participation in both cases.
The Committee may request, via the Bureau of the Congress of Deputies, that one or more Committees of either Chamber draw up a preliminary report on a specific matter.
Upon enactment of the legislative proposal or initiative by the European Union Council of Ministers, the Joint Committee may resolve to send for the Government to report on the passage of the bill and its results.
- d) to receive from the Government any information in its power regarding the European Union institutions' activities.

- e) to be informed by the Government of the guiding principles of its policy within the European Union, as well as the European Union Council of Ministers' decisions and resolutions.

To this end, the Government shall forward to both Chambers, before each regular meeting of the European Council, a written report on the development of events in the European Union during the Presidency concluding with said Council meeting.

- f) to table reports on any matters relating to the activities of the European Union that it may consider of interest, including those mentioned under b) above.
- g) to establish links of cooperation with the relevant bodies of the other European Union Member States' Parliaments and with the European Parliament.
- h) to hold joint meetings with the Spanish members of the European Parliament.
- i) to engage in mutual information sharing and cooperation with Committees in other National Parliaments of European Union Member States with powers similar to those of the Joint Committee, as well as with the corresponding Committee in the European Parliament.

To this end, mutual assistance shall be provided and regular meetings may be held between parliamentarians with an interest in a given field, with the Bureau of each House's due authorisation, in compliance with the respective Standing Orders.

Section Four

The Government shall appear before the Plenary of the Congress of Deputies, after each European Council meeting, whether it be regular or extraordinary, to inform on the resolutions adopted and hold a debate with the Parliamentary Groups.

Additional Provision One

The Council of State shall be consulted on any legislation enacted in application of, compliance with or development of European Community law, in the terms set forth in the Organic Law governing the Council of State.

Additional Provision Two

The existing Joint Committee for the European Communities, governed by Act 47/1985, of 27 December, as amended by Act 18/1988, of 1 July, shall here forth become the Joint Committee for the European Union, with the terms of reference and powers stated herein.

The Bureaus of both Chambers shall adopt any measures necessary for the fulfilment of this provision.

Repeals

Act 47/1985, of 27 December, on the Grounds for Delegation to the Government for the Application of European Community Law, and Act 18/1988, of 1 July, amending Section 5 of Act 47/1985, of 27 December, are hereby repealed.

Sole Final Provision

Any matter not provided for herein shall be governed by the Standing Orders of the Congress of Deputies.

Wherefore,

We order all persons and authorities of Spain to respect and to enforce this Act.

Madrid, 19 May 1994.

FELIPE GONZÁLEZ MÁRQUEZ
President of the Government

JUAN CARLOS R.

Sweden: Riksdag

QUESTIONNAIRE: 13TH COSAC BI-ANNUAL REPORT

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

- 1a. Constitutional provisions
- 1b. Legal provisions - Statutory provisions
- 1c. Parliamentary Standing Orders
- 1d. Other (please specify)

New procedures have been developed in the Swedish Parliament with regard to checking the compliance with the principle of subsidiarity of new legislative acts, and with regard to treaty amendments. The new provisions have been added to the Riksdag Act, which is semi-constitutional.

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

Not applicable.

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

The Treaty of Lisbon has not resulted in any changes in the procedures of the Swedish Parliament regarding monitoring the activities of the EU institutions.

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Comment to question 1 B 1a-1d:

The Treaty of Lisbon has not resulted in any changes to the procedures of the Swedish Parliament regarding monitoring of the activities of the EU institutions. In principle, all activities are monitored with an emphasis on pre-legislative and legislative matters.

In practice, the Swedish Parliament's procedures already include the following main points:

Information:

The Swedish Parliament receives all documents directly from the EU institutions and the Government is to inform the Riksdag on its position on EU matters that it deems significant.

Monitoring:

Monitoring is comprehensive and covers all areas of cooperation within the EU. The specialised committees are to monitor EU activities within their respective spheres of responsibility as part of their everyday tasks and to engage in EU matters at an early stage of proceedings from the pre-legislative phase until a decision is to be taken in the Council.

Deliberation:

The Government is obliged to deliberate with the specialised committees in any EU matters decided by the committees.

Consultation:

The Government is to consult the Committee on EU Affairs on all matters put on the Council's agenda prior to decisions, at all stages of the proceedings, in order to acquire a mandate for the Swedish position in negotiations. This applies to all configurations of the Council, as well as to meetings in the European Council. Prior deliberations, subsidiarity checks and other activities in the specialised committees in relation to EU matters are taken into due account by the Committee on EU Affairs.

Reporting:

The Government is obliged to keep the Swedish Parliament informed on developments within the framework of EU cooperation and to report back on its own actions. These obligations are carried out both orally and in writing in the Plenary, in the specialised committees and in the Committee on EU Affairs.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Not applicable.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The secretariats of the specialised committees, the Committee of EU Affairs and the Chamber, including the EU coordination unit, the IPEX correspondent and the permanent representative to the EU institutions are all involved in the task of monitoring the EU institutions.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The Plenary and the specialised committees ensure the compliance with the principle of subsidiarity.

2b. Briefly describe the procedures involved.

According to new provisions in the Riksdag Act, the Plenary refers the proposal to the committee that possesses specialised knowledge of the field to which the draft legislative act applies. The committee in question is to carry out the subsidiarity check. If the committee concludes that a legislative act conflicts with the principle of subsidiarity, the committee presents a statement to the Plenary containing a proposal for a reasoned opinion addressed to the Presidents of the European Parliament, the Council and the Commission. The Plenary adopts a reasoned opinion of the Swedish Parliament. The Committee on the Constitution is to monitor the Swedish Parliament's application of the principle of subsidiarity, and once a year it is required to inform the Plenary of its observations.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes, the IPEX website is used regularly. The use of IPEX can be foreseen to increase.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

IPEX could be improved by timely and regular upload of information. Further, improvement could be achieved by adding summaries in English or in French as well as specific contact information.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

If the Plenary takes a decision to submit a reasoned opinion to the Presidents of the European Parliament, the Council and the Commission, a written communication will be submitted to these EU institutions. Please also see question 1 B 2b above.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of

Lisbon, as outlined in the Note⁸⁷ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The Swedish Parliament has not addressed this issue yet.

3. POLITICAL MONITORING OF EUROPOL

The Swedish Parliament has as of yet not changed its procedures when it comes to monitoring of Europol.

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

3b. Briefly describe the procedures involved.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

Please see answer to question 1 B 4.

4. EVALUATION OF ACTIVITIES OF EUROJUST

The Swedish Parliament has as of yet not changed its procedures when it comes to evaluation of activities of Eurojust.

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

4b. Briefly describe the procedures involved.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

Comment to questions 1 B 3 and 1 B 4:

The Swedish Parliament, as such, has not yet carried out any formal scrutiny of the activities of Europol or Eurojust.

However, the Committee on Justice has been informed of issues relating to Europol and Eurojust prior to meetings of the Justice and Home Affairs Council. Further, when negotiations relating to Eurojust or Europol appear on the Council agenda, the Government must consult with the Committee on EU Affairs about its position prior to Council meetings. The Swedish Parliament, as such, has no direct communication with our National Member or Liaison Officer

⁸⁷ The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

for Europol and Eurojust. However, it is possible for members of Parliament to contact them on their own initiative or through staff at the Swedish Parliament.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding
One or more of the specialised committees and the Plenary would be involved in such a proceeding. The Committee on EU Affairs would be involved before a decision is taken in the European Council.

5b. Briefly describe the procedures involved.
When treaty revisions are carried out in accordance with the simplified procedure (art. 48.7), the Swedish Parliament can veto the revisions. A decision to use, or not to use, the right of veto shall be taken by the Plenary, on the proposal of the responsible specialised committee.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.
Not applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.
Not applicable.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.
The specialised committee concerned and the Plenary would be involved.

6b. Briefly describe the procedures involved in your Parliament / Chamber.
The Swedish Parliament, via the specialised committee, would monitor the handling of the principle of subsidiarity in the continuing legislative processes. As before the Lisbon Treaty entered into force, the Swedish Parliament may, by means of an announcement, urge the Government to take action if there could be a breach of the principle of subsidiarity.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.
Not applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.
Not applicable.

6e. In which cases, if any, may the national Government reject the Parliament's request?
Not applicable.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

There is no legal obligation for the Government to act. It has however not been considered necessary to impose compulsory regulations.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The Committee on Foreign Affairs and the Committee on EU Affairs are involved.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The Committee on Foreign Affairs is informed of the application for accession via the Secretariat of the Chamber. The Committee then monitors the process. Consultations are held in the Committee on EU Affairs prior to decisions in the Council and the European Council.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The Brok Report has not been dealt with by the Swedish Parliament. However, the party group leaders have been briefed about the Report in connection with a visit by the President of the European Parliament, Mr Buzek.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

The Plenary has not debated or taken any decisions on interparliamentary cooperation.

Comment to question 1 B 8b: A committee of inquiry on the consequences for the Swedish Parliament of the Lisbon Treaty concluded that contacts with other national parliaments are valuable and that these contacts are most likely to increase with the new treaty. Furthermore, it was stressed that contacts between specialised committees dealing with the same issues would be of particular importance. COSAC was said to be an important body for discussion and exchange of best practices about parliamentary work with EU matters in general, including subsidiarity issues.

At present, preparations for the 2010 EU Speakers' Conference are being carried out. Interparliamentary cooperation, including cooperation with national parliaments and the European Parliament, will be addressed at this meeting and the result will be taken into due account. The suggested position is that the fora best suited to address an issue in question should be used, be it EUSC, COSAC, specialised committee meetings or joint parliamentary meetings, or when it comes to administrative support, IPEX and the Brussels representatives. The aim is to avoid duplication of work and the creation of new fora. In addition, the creation of bigger meetings should be avoided.

Political groups also cooperate at the European level and this framework of cooperation is an important forum for political dialogue. These contacts should be encouraged.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

No general debates are held on the topics on COSAC agendas prior to COSAC meetings, but a regular preparatory procedure is followed by the Committee on EU Affairs. The agenda is also sent to the specialised committee(s) who is(are) offered an opportunity to comment on the topics on the agenda.

The members of the Committee on EU Affairs, which is the body responsible, are at the same time members of the various specialised committees in the Swedish Parliament. The topics of the COSAC agenda in question are taken into account when selecting the delegation.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No debate is held on the conclusions/contributions.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

A concrete effect is the participation of the relevant specialised committees in the coordinated subsidiarity checks. The Committee on EU Affairs is informed of the outcome of the COSAC meeting and of the conclusions/contribution.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

COSAC has developed over the years and now offers a valuable platform for the regular exchange of information and views, experience and best practices between EU Affairs Committees. The unique competence of COSAC is related to the exchange of information and experience in the execution of scrutiny, from a horizontal or general, yet practical, angle. When the competences of COSAC are considered, it is important to keep in mind that COSAC offers **one** aspect of interparliamentary cooperation within the EU framework which is complementary, and not contradictory, to what other fora for interparliamentary cooperation can do.

The continuing process of discussions within COSAC on the application of the subsidiarity principle is possibly the best example of added value for national parliaments in the development of processes for this new task.

Further, the opportunities to meet with party colleagues within the party groups in connection with COSAC gatherings are particularly valuable and more time could therefore be devoted to such meetings (please see question no. 2 B 6 below).

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

Duplicating discussions in other fora or on already decided documents and strategies seems, in general, less relevant.

B) THE FUTURE ROLE OF COSAC

General

remarks:

A valuable contribution and role for COSAC would involve focusing on the exchange of best practises regarding EU scrutiny, Government scrutiny and general trends in parliamentary work with EU matters. On the other hand, political debates on particular issues should not be necessary since this is taken care of by specialised committees or other fora.

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report

Yes No

Comment:

In general terms, it should be up to each Presidency to decide on the items on the COSAC agenda and the material forming the basis for discussions.

Bi-annual Reports can be very useful e.g. for best practices. In order for the reports to be as accessible as possible, they should be kept short and preferably contain information connected with the subjects on the agenda as a basis for discussions.

b) Presidency programme

Yes

No

Comment:

Usually, the Presidency period is halfway through by the time of the COSAC plenary and the programme as such may be well-known to COSAC participants. While a short presentation of the outcome and results of the Presidency so far is always of interest, a presentation of the programme as such is not necessary.

- c) The principle of subsidiarity Yes
 No

Comment:

Discussions on the application of the subsidiarity principle would be useful.

- d) COSAC contribution and conclusions Yes
 No

- e) Commission Annual Policy Strategy or similar document Yes
 No

Comment:

Debates with the Commission, as mentioned below, can be relevant (please see comment to question B 3). However, the APS does not necessarily need to be a regular item on the agenda. The APS could be a topic for discussions in other fora as well.

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- a) Commission Legislative and Work Programme Yes
 No
- b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice Yes
 No
- c) Political monitoring of Europol and evaluation of Eurojust's activities Yes No
- d) Common foreign and security policy, including common security and defence policy Yes No
- e) Other (please specify) Yes No

Comment:

All the points above fall within the area of the work of the specialised committees. These subjects could possibly be dealt with in joint committee meetings composed of delegations that specialise in the subject matter.

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- a) The Commission Yes No

b) The Council

Yes No

c) Other (please specify)

Comment:

Time on the agenda for debates with the Commission can be very relevant, especially in discussions on the application of the subsidiarity principle. Occasional debates with the Council or other institutions in scrutiny matters can be relevant too.

Debate on draft EU acts⁸⁸

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

COSAC is not the forum for discussions on specific draft legislative acts. COSAC is not sufficiently equipped for organising frequent meetings at such short notice as would undoubtedly be necessary if discussions on draft acts were to have effect. This task falls within the competence of specialised committees and could for instance be more suitable for joint committee meetings. Ongoing monitoring and comparison during the negotiating phase would preferably be carried out through IPEX and the national parliaments' permanent representatives in Brussels.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

Not applicable.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Not applicable.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Not applicable.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

⁸⁸ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

Not applicable.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Not applicable.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Not applicable.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

Please also see question 2 B 1 c. Since COSAC has gained considerable and valuable experience, and developed a mechanism for comparison, COSAC could continue the performance of this task if more experience is needed. The role of COSAC should still be holding discussions on the application of the subsidiarity principle. There should still be no elements that limit or force participation. It is up to each national parliament to determine how a subsidiarity check should be conducted in each particular case.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

Yes, more time should be devoted to deliberation in political groups since these cross-border party meetings are particularly useful. The idea has been favoured and put forward by the Swedish Committee on EU Affairs on previous occasions.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

No new resources are called for, for the time being, due to the fact that tighter meetings should be strived for. Information on legislative proposals concerning e.g. preliminary standpoints or ambiguities towards a proposal would concern the competence of specialised committees. Therefore, information exchange on this subject would concern the tasks of IPEX and the permanent representatives of national parliaments in Brussels.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

The question of modification of the composition of COSAC is connected with the issue of COSAC's tasks.

At this point there seems to be no immediate need for modification. As already mentioned, COSAC is an important forum for exchange of information and best practices between bodies for EU affairs in national parliaments, notwithstanding slightly different roles according to national rules. In order to accomplish as interesting and fruitful discussions as possible it is of course important that the delegations are suitably composed.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

Should a good suggestion for a new name be presented, it could be favourably considered, but there seems to be no immediate need to change the name at this point.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

Conferences between parliaments on various politically interesting subjects or legislative proposals could be a way to reach even better decisions at EU level. Conferences of this kind lie primarily within the scope of the work of specialised committees, and should be arranged by them and not by COSAC.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

There seems to be room for improvement, especially in terms of new initiatives aimed at enhancing discussions. New arrangements could encompass such varieties as discussions in smaller groups, parallel subjects to choose from in seminar-like settings, or more panel discussions. Such suggested possible new arrangements do not seemingly require changes to the rules of procedure, but are primarily tasks to be taken on by the Presidency hosting the meeting.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

- | | |
|--|---------|
| a) Should not be limited
No | Yes |
| b) Should be limited to once per Parliament / Chamber
No | Yes |
| c) Should be limited to twice per Parliament / Chamber
No | Yes |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor
No | Yes Yes |
| f) Other criteria: (please specify) | |

Comment:

Overall, it is generally the task of the Chair to distribute the use of the floor between the delegates, and there is a risk that excessively strict rules may hamper flexibility.

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Please see comment to question no 2 C 2 above.

United Kingdom: House of Commons

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

The UK does not have a single constitutional act.

1b. Legal provisions - Statutory provisions

The Treaty of Lisbon was incorporated into national law by an Act of Parliament: the European Union (Amendment) Act 2008, which received Royal Assent on 19 June 2008. The Act gives the Lisbon Treaty primacy over national law and lays down procedures for Parliamentary approval of the Ordinary and Simplified revision procedures and several other 'passerelles'.

1c. Parliamentary Standing Orders

Standing Order No. 143, *Orders of Reference of the European Scrutiny Committee*, and the resolution of the House of 17 November 1998, the *Scrutiny Reserve Resolution*, are in the process of being revised in negotiations between the European Scrutiny Committee and the Government.

1d. Other (please specify)

None

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

See 1c above.

E) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The European Scrutiny Committee (ESC) scrutinises “European Union documents”, without making a distinction between EU policies. The expression “European Union documents” will cover draft legislative acts, European Council and Council decisions under the CFSP, and any other document submitted by one EU institution to another. The Government has yet to agree that it covers draft non-legislative acts. “European Union documents” do not include European Council or Council Conclusions.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

If a document falls within the definition of a “European Union document”, it follows that it will be subject to the entirety of the scrutiny mechanism. This includes the Scrutiny Reserve Resolution, under which a minister is prevented from giving agreement to the document, unless in exceptional circumstances, before it has been cleared from scrutiny by the ESC.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

Documents are deposited in the House by the Government within two working days of its arrival in the Foreign and Commonwealth Office in London.

Within ten days of the deposit of the EU document, the responsible government Department has to submit an Explanatory Memorandum (EM) on it. An EM sets out the legal, financial and policy implications of the document, and the procedure and timetable for its consideration and adoption. The submission of an EM is the trigger for the scrutiny process. Although the ESC will already have already received the EU document and the Commission’s explanatory memorandum on it, there is no point in formal consideration until the Government’s evidence, in the form of an EM, is also available.

The ESC is required by Standing Order No.143 to report its opinion on the ‘legal and political importance’ of each EU document and to make recommendations as to which should be further considered by the House.

The ESC meets every Wednesday when the House is sitting. On every one of the usually 30 or so items of business (both EU documents and letters from Ministers) each member of the ESC receives a written analysis and recommendation from the ESC staff in advance of the meeting. The recommendation may be to clear the document with a Report to the House, to keep the document under scrutiny pending further explanations from the minister, or to debate the document. During the weekly meeting the ESC considers each document on the agenda in turn, with the help of supplementary oral advice from the staff where necessary, and agrees its weekly Report.

The ESC can choose to have the document debated either in the European Committees or — for the most important documents — on the Floor of the House. There is always a debate if the ESC recommends one, but the ESC has no power to require that the debate be on the Floor of the House; for that the Government's agreement is needed. If the ESC decides on a European Committee debate, the document is automatically referred to one of the European Committees for debate.

In an average year, the ESC considers about 1,000 documents. It finds about 500 to be of political or legal importance, and reports substantively upon them. It recommends about 40 documents for debate in European Committee, and about three for debate on the Floor. Documents of insufficient political or legal importance are not reported.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The Scrutiny Reserve Resolution places obligations on the Government not to give political agreement in the European Council or Council to a "European Union document" which has not been cleared from scrutiny by the ESC. There are exceptions to this in cases where the Minister decides that "exceptionally and for special reasons" agreement should be given. In the latter case, the Minister must report his reasons to the Committee at the first opportunity after reaching his agreement.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

The House of Lords has a parallel but separate system of EU scrutiny, conducted by the House of Lords Select Committee on the European Union.

Importantly, EU documents must clear the scrutiny process in both Houses before the Minister can give agreement to them in Brussels.

The scrutiny processes in both Houses complement each other well. There is no formal but much informal cooperation, with officials keeping in close contact. The two scrutiny processes being independent of each other, there is no consensus-reaching mechanism between the two Committees.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The ESC has the usual powers of a House of Commons Select Committee including to: require the submission of written evidence; examine witnesses; make reports; obtain specialist advice; travel; appoint sub-committees; and sit on days when the House is not meeting. The ESC also has the right to legal advice from the Speaker's Counsel (European Legislation) who is assisted part-time by an assistant counsel. In addition to the normal complement of Select Committee staff – clerk, second clerk, administrative secretariat - the ESC is also served by 'clerk assistants' (usually former senior civil servants) who assist in the expert scrutiny of the very large volume of documents it scrutinises. In all the ESC has a staff of 14; this is substantially more than any other Select Committee.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The ESC in the House of Commons; the Select Committee on the European Union in the House of Lords; the European and External Affairs Committee in the National Assembly for Wales; and the European and External Relations Committee of the Scottish Parliament. The Northern Ireland Assembly does not have a European affairs committee.

2b. Briefly describe the procedures involved.

Since the introduction of the principle of subsidiarity, the ESC has been reviewing European Union documents for compliance with it. Under the subsidiarity mechanism introduced by the Protocol on the Application of the Principles of Subsidiarity and Proportionality, the ESC will be responsible for drafting the reasoned opinion and recommending it to the House for adoption. In a procedure still to be finalised between the ESC and Government, the reasoned opinion will have to be approved by the House before being submitted to the relevant EU institution or group of member States.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Given the short timetable, the ESC considers that it would not be in a position to act on behalf of the regional parliaments spotting what for them might be objectionable proposals. For example it might not be apparent to the ESC that a proposal contained material which was likely to be objectionable to one of the regions of the United Kingdom and not to others. The ESC considered therefore that it:

- should place the onus on the regional parliaments to obtain draft EU legislation, vet it and tell the ESC as quickly as possible if they have objections; and
- should invite the comments of the regional parliaments on the ESC's draft reasoned opinions where the draft includes reference to a matter on which one or more of them have expressed a view. If a regional parliament were not ready to express its views until after the reasoned opinion had been proposed to the House, or if the ESC disagreed with the views, the regional parliament should be invited to send its views to the ESC for onward transmission to the Government.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

Yes. We do not foresee any major changes in the level of use

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

Real time exchange of information between parliaments is much more easily achieved by the representatives based in Brussels. However, the current capabilities of IPEX in this area (the ability to subscribe to alerts, etc) could be useful.

We have no suggestions for further technical improvements, other than to ensure that the design of the site is made much more intuitive and user friendly. This includes working to reduce the time it currently takes for correspondents to upload information. The manual upload process should involve fewer steps.

It is now important to focus on ensuring that the data uploaded by national parliaments is timely, accurate, comprehensive and in a commonly understandable language.

We would also like to see all parliaments apply common guidelines on when to use a symbol.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁸⁹ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The ESC raised this question and set out its views in a note to COSAC on 1 February 2010.

3. POLITICAL MONITORING OF EUROPOL

4. EVALUATION OF ACTIVITIES OF EUROJUST

At present, there are no procedures for national or regional parliamentary bodies to scrutinise or evaluate the activities of Europol and Eurojust. It would be premature to introduce such procedures until the answers to some crucial questions are available.

⁸⁹ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

Articles 85 and 88 of the Treaty on the Functioning of the European Union does not define the meaning of the “evaluation” of Eurojust or the “scrutiny” of Eurojust. Presumably the two processes differ but how is uncertain. This is not the only question unanswered by Articles 85 and 88. Others include:

- what is the purpose of the evaluation or scrutiny and what action, and by whom, might be taken on their findings?
- what would be the constitutional implications if the Regulations made by the Council and the European Parliament were binding on national parliaments;
- similarly, what would be the constitutional implications if the European Court of Justice were given jurisdiction over the compliance of national parliaments with the Regulations?

• would each chamber of every national parliament be involved in the evaluation and scrutiny? and

• if every chamber had one representative and the European Parliament had equal representation, there would be about 100 representatives at evaluation and scrutiny meetings — is this intended?

These are important questions and many of them could be answered only by the Eurojust and Europol Regulations. That is why we have long emphasised the importance of the Council and European Parliament consulting national parliaments about drafts of the Regulations, giving them reasonable time in which to consult each other in COSAC and prepare their comments."

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

Section 6 of the European Union (Amendment) Act 2008 provides that where a draft decision for simplified revision of the Treaties under Articles 48(6) and (7) TEU comes before the European Council, the UK may not “vote in favour or otherwise support” the decision, unless approval by the House of Commons and the House of Lords has first been given.

5b. Briefly describe the procedures involved.

A vote is required in the House of Commons and the House of Lords approving the Government’s intention to support the decision to revise the Treaties.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There are no procedures for the participation of regional parliaments.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Both Houses vote independently; if the vote is not carried in both Houses, the Government cannot agree in the European Council to the revision of the Treaties.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

The procedure for an appeal to the Court of Justice under Article 8 of the Protocol on the Application of the Principles of Subsidiarity and Proportionality has yet to be agreed between the ESC and Government.

6a. Please specify the parliamentary bodies involved.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6e. In which cases, if any, may the national Government reject the Parliament's request?

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

House of Commons and House of Lords (rather than the EU committees).

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

Accession to the EU by a new Member State will entail an amendment to the EU Treaties which, according to Article 49 TEU, has to be ratified by existing Member States "in accordance with their respective constitutional requirements". The constitutional requirement in the UK is an Act of Parliament to be passed (approved) in both Houses.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, “*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*”. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

No. The European Scrutiny Committee is the body responsible for identifying and preparing topics for the COSAC agenda, as appropriate.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No. the Minutes, Contribution and Conclusions are made available to members of the Committee.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

Only in so far as the European Scrutiny Committee has participated in the subsidiarity checks coordinated by COSAC and the adaptation of working practices alongside the tests.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

Exchanges of information and best practice between European Affairs Committees of national parliaments on subjects of common concern, for example, on the implementation of the Lisbon Treaty and the point raised by the House of Commons at the Madrid chairs meeting on the need to address "legal acts" in the provisions for national parliaments under the Lisbon Treaty .

The active dialogue established over the past few years with the European Commission, primarily through the attendance of Margot Wallström regularly at COSAC meetings, was beneficial.

The contribution addressed to the EU institutions – responses should be sought to this.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

The biannual report debate is not as productive or stimulating as it could be. Perhaps it would be better to allow this debate to focus on issues of importance identified by the bi-annual report, rather than allowing the debate to become unfocused by permitting interventions on any aspect of the report.

The rigid nature of the agenda, controlled by the presidency. There should be an opportunity, perhaps at the Chairpersons meeting, to feed in ideas for the agenda.

Debate of the APS and AWLP is not always useful due to two factors:

- The House of Commons scrutiny system looks at all inter-institutional documents and so does not have a need to identify documents for attention (and/or inclusion in a short list) as each one is assessed for legal and/or political significance and subsidiarity; and
- The Committee has found in the past that the AWLP does not give enough information for an accurate judgement to be made about the importance of a document.⁹⁰

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

- | | |
|--|--------------------|
| a) Bi-annual Report
more focused manner | Yes, but used in a |
| b) Presidency programme | YES |
| c) The principle of subsidiarity | Yes |
| d) COSAC contribution and conclusions | <u>Yes</u> |
| e) Commission Annual Policy Strategy or similar document | No |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

- | | |
|---|-------------------|
| a) Commission Legislative and Work Programme | No |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | <u>Yes</u> |
| c) Political monitoring of Europol and evaluation of Eurojust's activities | <u>Yes</u> |
| d) Common foreign and security policy, including common security and defence policy | |

⁹⁰ Reference letter/response to questionnaire to COSAC about the AWLP and no contribution from HofC and reasons.

Yes

e) Other (please specify)

Yes No

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission

NO

b) The Council

No

c) Other (please specify)

A good amount of time is already given to these activities, we value this.

Debate on draft EU acts⁹¹

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

Submission by any COSAC delegations with a selection recommendation made by presidency and agreed by the troika and the COSAC ordinary meeting. Submissions by all chambers should not be obligatory as some do not work in this way but scrutinise all draft acts.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Not necessarily as these debates should take place in a timely manner and so should not always be subject to long lead times that may be involved with the production of a bi-annual report chapter.

⁹¹ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

YES. If possible.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

Only if they are Members of the European Committee of their chamber, and have been sent as delegates of their Parliament to COSAC. If more delegates are added it may make COSAC too unwieldy. Such contributions would be best made at Topic/subject based conferences organised by the Presidencies.

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes, if they can be agreed on during negotiations of the contribution. It may, however, be difficult to achieve this. The EU institutions should include answers to this in their response to the contributions. As noted above, in Q4, responses to the whole contribution should be sought from the institutions.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

The House of Commons working methods are not suitable for identifying drafts in this way.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

This is not a priority for the House of Commons; the European Scrutiny Committee already carries out subsidiarity checks on all documents that are deposited by the UK Government under Standing Order No. 143.⁹²

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

⁹² Find at: <http://www.publications.parliament.uk/pa/cm/cmstords.htm>

Yes. The Political Group meetings should be Chaired by the host Parliaments Delegation from the respective political grouping, but a longer meeting would allow the European Parliamentary Group contributions to be included in the business.

Yes. It would be useful to have a political group meeting at the meeting of COSAC Chairs.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

COSAC needs to be mindful of the pressures on the budgets of many parliaments at this time when it comes to requests for resources.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No. Any alteration to that would widen the source of Members would reduce the focus and diminish the credibility of COSAC (or the Conference)

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

The advantage of the acronym is that it is well known but it does not give any explanation as to the purpose of the conference. The House of Commons COSAC delegation would therefore be open to considering a change to the acronym.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

There should not be a proliferation of meetings in the current economic situation. However, a framework for the consideration of Common Security and Defence Policy must be considered.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No, the current format seems to work well. It is important that the formal sessions remain based on the Monday and Tuesday of the week as it allows travel on Sundays.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

a) Should not be limited Yes. The calling of multiple delegates from one country when other have not spoken is not well received.

b) Should be limited to once per Chamber
Yes if there are two chambers represented

c) Should be limited to twice per Parliament
Yes, unless there are special circumstances that requires a 'response' from a contributor.

d) Second and Third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak
Yes, but the Chair should ensure that the 2nd use etc still rotates among all the Parliaments.

d) The Chairperson may adopt any one of these procedures based on the number of requests for the floor
NO. The main task should be to allow contributions that are aimed at, and limited to 3 minutes. If there are many contributors then each parliament must be heard before the time is shortened to allow second contributors from the same Parliament to speak. We are all delegates.

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

See above.

This should be the method used by the chair depending on the number of Members that have indicated their wish to speak.

United Kingdom: House of Lords

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

None

1b. Legal provisions - Statutory provisions

European Union (Amendment) Act 2008 section 6 on passerelles.

1c. Parliamentary Standing Orders

House of Lords Procedure Committee 2nd and 3rd Reports 2009-10, agreed to 16 March 2010. See below for details.

1d. Other (please specify)

None

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

Under its terms of reference, the EU Committee monitors activities of the EU institutions on the basis of its scrutiny of European Union documents deposited in the House by the Government. Such documents include:

- (a) a document submitted by an institution of the European Union to another institution and put in the public domain;
- (b) a draft legislative act or a proposal for amendment of such an act;
- (c) a draft decision relating to the Common Foreign and Security Policy of the European Union under Title V of the Treaty on European Union.

Documents deposited for scrutiny are subject to the Scrutiny Reserve Resolution of the House under which no Minister may give agreement in the Council or the European Council to a document which has not been cleared from scrutiny by the EU Committee except in limited, clearly defined circumstances.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

All of the documents deposited with us are considered. However we operate a sifting system whereby the Chairman of the Committee refers certain documents to sub-committees for examination or information. This allows us to focus on the most important documents, but "national interest" is not necessarily a deciding factor in sifting a document for examination. The remainder of the documents deposited with us are cleared by the Chairman at his sift.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

European scrutiny starts with the EU Committee. When a document is deposited for scrutiny the Chairman and legal adviser assess it and decide whether it is important enough to be referred to a sub-committee of the EU committee (or on occasion to the EU Committee itself) for examination or information, or whether it can be cleared from scrutiny.

Where a document is examined by a sub-committee there are a number of options. These include clearing from scrutiny, entering into correspondence with the UK Minister responsible or launching an in depth inquiry. These in depth inquiries result in a published report which is most often debated in the Plenary.

On rare occasions an EU sub-committee has worked with a non-EU committee where their inquiries overlap.

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

The obligation to report is not found in regulations but successive governments have committed to keeping the EU Committee generally informed of EU developments; in particular on documents subject to scrutiny, and before and after each Council meeting. Ministers also make statements to the House (when it is sitting) before and after Council meetings. The Government has made a specific separate commitment to report each year on their approach in the forthcoming year to EU Justice and Home Affairs matters and on the exercise of the UK opt in during the previous year.

The Government provides both Houses with the following:

- Explanatory memoranda shortly after the Commission or other Institution adopts a qualifying document. This is followed by updates throughout the negotiations;
- Statements before and after each Council meeting; and
- Details are prescribed in Guidance issued by the Cabinet Office.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

There is no formal coordination of day to day scrutiny of EU initiatives, although staff do keep in touch. Members of the Lords committee, Commons EU Committee and UK MEPs meet formally three times per year.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

- 9 Clerks, two for the Select Committee and one for each Sub-Committee
- 4 Policy Analysts, supporting the Sub-Committees with policy knowledge and research skills
- 2 Legal Advisers
- a Liaison Officer based in Brussels
- 8 Committee Assistants, providing administrative support to the Select Committee and the Sub-Committees
- 2 Documents Officers, handling the traffic of documents, EMs and correspondence

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The EU Committee takes the lead in assessing legislative proposals for their compliance with the principle of subsidiarity. However the Plenary will be involved before a Reasoned Opinion can be sent. It is also worth noting that any individual member could move a motion asking the Plenary to agree a Reasoned Opinion.

2b. Briefly describe the procedures involved.

The procedures are set out in the House of Lords Procedure Committee 2nd and 3rd Reports 2009-10, and were agreed by the House on 16 March 2010.

The EU Committee has adopted internal procedures to identify and fast track subsidiarity issues.

Where the EU Committee comes across an EU legislative proposal that it considers does not comply with the principle of subsidiarity, it will produce a report on the proposal, containing a "Reasoned Opinion" to this effect. The Committee will recommend its report for debate by the Plenary.

The report will be debated in the usual way, on a "take note" motion in the name of the Chairman or a Member of either the Select Committee or the relevant Sub-Committee.

The "take note" motion will be debated jointly with a second, free-standing motion inviting the House to support the Reasoned Opinion contained in the report and instructing that it be forwarded to the Presidents of the EU institutions on behalf of the House. This motion will be amendable and divisible. At the end of the debate the second motion will normally be moved formally, but if there are amendments these will be dealt with in the usual way.

The motions would be in the following form:

The following two motions are expected to be debated together:

Lord [name] to move that this House takes note of the Report of the European Union Committee on the XYZ Directive (1111/09) (First Report, HL Paper 10).

Lord [name] to move to resolve that this House considers that the XYZ Directive (1111/09) does not comply with the principle of subsidiarity, for the reasons set out in the First Report of the European Union Committee (HL Paper 10); and, in accordance with article 6 of the Protocol on the application of the principles of subsidiarity and proportionality, instructs the Clerk of the Parliaments to forward this reasoned opinion to the Presidents of the European institutions.

As mentioned above, it remains open to any Member of the House to table a free-standing motion along the lines set out in the second motion above, replacing the reference to the EU Committee report with a short, self-contained "reasoned opinion", as required by the Protocol.

Finally, the UK's Europe Minister has given a commitment that the Government will not support a proposal in the Council of Ministers which has been the subject of a reasoned opinion from either House without first further communicating to Parliament their reasons for doing so.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

We will not enter into a formal protocol with the devolved assemblies. However, where we think it appropriate we will contact them informally and invite them to give their opinions. In addition they are always welcome to submit their views to us. We would be under no obligation to agree with their views or to issue a Reasoned Opinion because they ask us to do so.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

We have tried to do so, although it is often a less helpful experience than we would wish. Practical difficulties, such as language and an unintuitive user interface, often mitigate against frequent use of IPEX.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

Real time exchange of information between parliaments is much more easily achieved by the representatives based in Brussels. However, the current capabilities of IPEX in this area (the ability to subscribe to alerts, etc) could be useful.

We have no suggestions for further technical improvements, other than to ensure that the design of the site is made much more intuitive and user friendly. This includes working to reduce the time it currently takes for correspondents to upload information. The manual upload process should involve fewer steps.

It is now important to focus on ensuring that the data uploaded by national parliaments is timely, accurate, comprehensive and in a commonly understandable language.

We would also like to see all parliaments apply common guidelines on when to use a symbol.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Other than through sending Reasoned Opinions, we do not envisage that the Lisbon Treaty will bring great changes in this area. It is already established practice to engage with EU bodies when conducting inquiries (we take evidence from the Commission, MEPs, etc) and we frequently send our reports to the Commission for their response.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of

the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note⁹³ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

The EU Committee does consider that an interpretation of "legislative act" which excludes legal acts adopted under a procedure which involves both the European Parliament and the Council but which is not expressly labelled a "special legislative procedure" does limit the powers of national Parliaments. The UK Government view is as stated by the House of Commons.

The importance of this is that legislation agreed using these procedures would not be subject to Reasoned Opinions. The legal bases are:

- Article 74: Council to adopt measures to ensure administrative cooperation between Member States' authorities under Title V (Freedom, Security and Justice).
- Article 78(3): Council taking provisional measures where one or more Member States are confronted with an emergency situation in the form of a sudden influx of third country nationals.
- Article 81(3)(2nd para): Council decision that aspects of family law with cross-border implications may be subject to the ordinary legislative procedure.
- Article 82(2)(d): Council decision on "other" specific acts of criminal procedure to fall under competence of the EU.
- Article 95(3): Council provisions on non-discrimination in relation to transport charges and conditions for carriage of goods.
- Article 103(1): Council Regulations and Directives in the field of competition policy.
- Article 109: Council Regulations in the field of state aid policy.
- Article 125(2): Council to define "overdraft facility/credit facility" with ECB or central banks of Member States and "privileged access" by EU institutions.
- Article 129(4): Council decisions on operation of the ECB and ESCB.
- Article 148(2): Council guidelines on Member State employment policies.
- Article 150: Council to establish an Employment Committee to promote coordination of employment policies between Member States.
- Article 160: Council to establish a Social Protection Committee to promote coordination of social protection policies between Member States.
- Article 329: Council to authorise "enhanced cooperation" between Member States (where fewer than 27 arrange to cooperate).

⁹³ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

Yet to be determined. We would expect the Commission to consult fully with national parliaments and the European Parliament before issuing its proposal on how this should be organised.

3b. Briefly describe the procedures involved.

Yet to be determined.

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

No formal procedures are envisaged.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

No.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

Yet to be determined. We would expect the Commission to consult fully with national parliaments and the European Parliament before issuing its proposal on how this should be organised.

4b. Briefly describe the procedures involved.

Yet to be determined.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

No formal procedures are envisaged.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

No.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The Plenary, although the EU Committee (or any other Committee) could, on its own initiative, produce a report for the information of the House in advance of the Plenary debate.

5b. Briefly describe the procedures involved.

The Lisbon Treaty gives national parliaments a veto over the second simplified revision procedure and the family law *passerelle*. The UK's European Union (Amendment) Act 2008 gives each House of the UK Parliament an additional veto, exercisable in advance, over not only these *passerelles*, but also the first simplified revision procedure and all the other *passerelles* which can be used to move from unanimity to qualified majority voting or from special legislative procedure to ordinary legislative procedure.

In other words, the Act gives the UK Parliament a veto over:

- (a) Article 48(6) of the Treaty on European Union (simplified revision procedure),
- (b) Article 48(7) of that Treaty (adopting qualified majority voting or applying ordinary legislative procedure: general),
- (c) the provision of Article 31(3) of that Treaty (Common and Foreign Security Policy) that permits the adoption of qualified majority voting,
- (d) the provision of Article 81(3) of the Treaty on the Functioning of the European Union (family law) that permits the application of ordinary legislative procedure in place of special legislative procedure,
- (e) the provision of Article 153(2) of that Treaty (social policy) that permits the application of ordinary legislative procedure in place of special legislative procedure,
- (f) the provision of Article 192(2) of that Treaty (environment) that permits the application of ordinary legislative procedure in place of special legislative procedure,
- (g) the provision of Article 312(2) of that Treaty (EU finance) that permits the adoption of qualified majority voting,
- (h) the provision of Article 333(1) of that Treaty (enhanced cooperation) that permits the adoption of qualified majority voting, or
- (i) the provision of Article 333(2) of that Treaty that permits the application of ordinary legislative procedure in place of special legislative procedure.

What follows is a description of the procedure under the Act. No provision has been made for procedure under the Treaty, because it is unlikely to be needed.

A motion will be moved by a Government minister as follows:

Lord [name] to move that, in accordance with section 6 of the European Union (Amendment) Act 2008, this House approves Her Majesty's Government's intention to support the adoption of draft Council Decision xxx."

This motion is amendable as follows:

Lord [name] to move, as an amendment to the above motion, to leave out "approves" and insert "declines to approve".

No other type of amendment is admissible.

The Government have given assurance that, save in exceptional circumstances, they expect there to be sufficient "lead-in" time for the EU Committee or any other committee to have the opportunity to make its views known before the House is asked to approve the use of a "passerelle" clause.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

There is no formal procedure for involvement of regional parliaments.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

The UK Government can support use of the "passerelle" is only approved if both Houses agree the Government motion without amendment.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

The Plenary will always be involved. The European Union Committee may also be involved in producing a report arguing that a piece of EU legislation does not comply with the principle of subsidiarity.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

Essentially the same procedures will apply as were outlined above for the reasoned opinion mechanism. In the Plenary the motions would be debated as follows:

The following two motions are expected to be debated together:

Lord [name] to move that this House takes note of the Report of the European Union Committee on Directive 2009/10/EC on XYZ (First Report, HL Paper 10).

Lord [name] to move to resolve that this House considers that Directive 2009/10/EC on XYZ infringes the principle of subsidiarity, for the reasons set out in the First Report of the European Union Committee (HL Paper 10); and calls on Her Majesty's Government to bring an action on these grounds before the European Court of Justice.

The EU Committee is seeking an accord with the Government covering the practical issues arising in the conduct of such litigation.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

No specific procedures for the participation of regional parliaments are envisaged. However, as ever, they are free to submit their views to the European Union Committee.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

The Government would take forward a case requested by either House, regardless of whether the other House agreed.

6e. In which cases, if any, may the national Government reject the Parliament's request?

The Government has given a commitment to take every case forward on behalf of the House concerned. We would expect the costs to fall upon the House.

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

Not applicable.

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The EU Committee will monitor pre-Accession negotiations under its ordinary scrutiny procedure. Before the Government can ratify an Accession Treaty there must be an Act of Parliament to which the plenary will have to agree.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

The normal procedures for primary legislation will apply.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

Neither the House nor the EU Committee have formally considered this Resolution.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

Debates on related issues have seen members raise opinions on interparliamentary cooperation. However, no resolution has been adopted, nor is one envisaged.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings?

No.

Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

Staff of the EU Committee prepare briefing in their specialist areas. Briefing is coordinated by the Brussels-based representative.

The Chairman will invite members of the EU Committee who are specialists in the topics on the agenda to attend.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

No.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

The Conclusions / Contribution and a note of the discussions are circulated to the staff of the EU Committee and its sub-committees after each COSAC meeting. Where appropriate they will draw this to the attention of Members.

The minutes of meetings are circulated to members of the EU Committee for information.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

- The opportunity to share best practice with other parliaments;
- The opportunity to question and put our views to the Presidency Minister or Commissioner responsible for a particular dossier (these must also be timely);
- The opportunity to hear and question the views of other parliaments.

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

- Broadly focused presentations from Presidency Ministers which do not concentrate on a specific proposal currently under discussion.s

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report

Yes

The biannual report is useful to compare the different practices in parliaments. It is also useful in providing background on topics to be debated at the COSAC meeting.

There is no need to prepare a chapter which does not fulfil either of these uses.

b) Presidency programme

Yes

This may be the one exception to our point above that all debates should be focused on specific proposals currently being negotiated.

It is for consideration whether COSAC would be an appropriate forum for the new President of the European Council to meet national parliamentarians.

c) The principle of subsidiarity

No

Subsidiarity is but a small part of the work of national parliaments on EU affairs. As a result, we see no reason to maintain it as a standing item on every COSAC agenda. Of course, however, where there are current and important subsidiarity debates (or issues raised in legislative proposals) these should be raised.

We would prefer to widen the regular debate along the lines suggested by the French Assemblée Nationale and include a regular item where we compare the results of our policy scrutiny (which includes, but is not limited to, subsidiarity).

An annual debate on subsidiarity and experience with Reasoned Opinions would be useful while the system is still new.

d) COSAC contribution and conclusions

Yes

Although currently there is very little impact from these. We could perhaps seek to invite a response from the Commission, rotating Presidency or both, to our Contribution.

e) Commission Annual Policy Strategy or similar document

No

These debates have not been particularly effective in the past, so on balance we would prefer more debates on specific proposals. However, where a strategic planning document is particularly interesting (such as at the start of a new Commission) this could be debated.

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

a) Commission Legislative and Work Programme

No

b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice

Possibly

Such debates are better held in existing fora, rather than by arranging new meetings. Whether or not this means COSAC is ultimately a matter for the EU Speakers Conference who will want to take into account other fora such as meetings of JHA committee chairmen. However we would be happy as long as the debates are focused.

c) Political monitoring of Europol and evaluation of Eurojust's activities

Possibly

See answer to 2b above. Further consideration needs to be give to the most appropriate forum for such oversight.

d) Common foreign and security policy, including common security and defence policy

Possibly

See answer to 2b above. But COFACC and the regular meetings of defence committee chairmen are well established, and it may be that the conference of Speakers consider one or both of these a better forum for such debates than COSAC.

e) Other (please specify)

Yes

There has been much debate about including various other bodies or parliaments in COSAC meeting. Examples include COSAP and the Eastern Partnership countries.

In limited situations we consider that there is merit in including, as an additional half-day session after a COSAC Plenary meeting, a meeting with a group of non-EU parliaments such as COSAP or the EaP.

This would be just as effective, and clearly cheaper, than seeking to arrange these meetings in separate fora.

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

Timings are a matter for each Presidency to arrange. What is more important is that the debates are focused on specific proposals or events.

COSAC may be a good forum for an exchange of views with the President of the European Council.

a) The Commission

Yes No

b) The Council

Yes No

c) Other (please specify)

Debate on draft EU acts⁹⁴

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

Yes, very much so.

We note however, the need to keep the number manageable. There may also be a problem of timing: we would need, for example, to ensure that we do not begin analysing a dossier which will be agreed before we have debated our views.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

In a similar way to the selections made for the subsidiarity pilot checks.

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

Establishing the views of all chambers before the meeting would be useful and would allow more informed debate. This could perhaps be more easily achieved through informal exchange of information between Brussels representatives rather than through a questionnaire.

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

Yes. The Commissioner and rapporteur should certainly be present and should be expected to take part in the debate. The responsible Presidency Minister would also be a useful addition.

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

This is a matter for each parliament to decide for themselves. However, for our part we would always seek to send members who had worked on the proposal under debate.

⁹⁴ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

Yes. And the Institutions should be asked to respond.

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Given that the Commission have yet to indicate what they will be bringing forward, this is not a good time to speculate on what will be important in six months.

This might be a good opportunity for COSAC to debate the Commission's better regulation agenda. We have just published a report on this (<http://www.publications.parliament.uk/pa/ld200910/ldselect/ldeucom/61/6102.htm>). We consider that a debate on this in COSAC would engage parliamentarians from across Europe and hence help to make progress on better regulation.

However, we would suggest (note that we would not limit discussions only to draft legislation):

EU 2020

The review of the budget

The future of cohesion funds

The Common Fisheries Policy

The Common Agricultural Policy

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

The subsidiarity pilot checks were an initiative of the UK Parliament during the 2005 UK Presidency. They have been very valuable in preparing for implementation of the Lisbon Treaty. If they continue, and if targets are chosen with care, the procedure might offer the best chance of getting all the way to a yellow/orange card in the time allowed.

However subsidiarity monitoring is but a small part of our work. It would seem to us that coordinated work along the lines outlined under questions 4 to 4d above would be a better use of time and resources.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

The current balance is about right.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

The Secretariat appears to be performing well.

Given that we have had a permanent member of the secretariat for some time, now might be a good time to review her role to ensure that we can demonstrate value for money.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

No.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

Possibly.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

The current programme of meetings and conferences is possibly overloaded already and we would oppose any moves to increase the number of interparliamentary meetings.

However, in limited situations we consider that there is merit in including, as an additional half-day session after a COSAC Plenary meeting, a meeting with a group of non-EU parliaments such as COSAP or the EaP. (See our answer to Chapter 2, question 2(e)).

This would be just as effective, and clearly cheaper, than seeking to arrange these meetings in separate fora.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

While some have suggested that COSAC should follow the Council in moving from a Troika system to a Trio system, it is difficult to see what would be gained.

If parts of the meetings are broadcast, this should be confined to the discussion of public policy. Internal business should not be broadcast.

Hospitality should be kept within the bounds of public acceptability.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

This is a matter for each Presidency to decide according to the specific circumstances

a) Should not be limited Yes
No

b) Should be limited to once per Parliament / Chamber Yes
No

c) Should be limited to twice per Parliament / Chamber Yes
No

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor Yes

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Again, this is a matter for each Presidency.

UK European Union (Amendment) Act, 2008

European Union (Amendment) Act, 2008

1 The Treaty of Lisbon

In this Act “the Treaty of Lisbon” means the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th December 2007.

2 Addition to list of treaties

At the end of the list of treaties in section 1(2) of the European Communities Act 1972 (c. 68) add— “; and

(s) the Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community signed at Lisbon on 13th December 2007 (together with its Annex and protocols), excluding any provision that relates to, or in so far as it relates to or could be applied in relation to, the Common Foreign and Security Policy;”.

3 Changes of terminology

(1) In section 1(2) of the European Communities Act 1972 (interpretation) before B

2 European Union (Amendment) Act 2008 (c. 7)

the definition of “the Communities” insert—

““the EU” means the European Union, being the Union established by the Treaty on European Union signed at Maastricht on 7th February 1992 (as amended by any later Treaty),”.

(2) A reference to the EU in an Act or an instrument made under an Act includes, if and in so far as the context permits or requires, a reference to the European Atomic Energy Community.

(3) The Table in the Schedule to this Act sets out substitutions required to reflect terminology after the commencement of the Treaty of Lisbon.

(4) The Secretary of State or the Treasury may by order make other amendments of Acts or instruments made under Acts to reflect changes in terminology or numbering arising out of the Treaty of Lisbon.

(5) An order under subsection (4)—

(a) may include incidental provision,

(b) shall be made by statutory instrument, and

(c) shall be subject to annulment in pursuance of a resolution of either House of Parliament.

(6) In an Act or instrument made under an Act a reference to all or any of the Communities shall, in the application of the enactment or instrument after the passing of this Act, be treated as being or including (as the context requires) a reference to the EU.

4 Increase of powers of European Parliament

The Treaty of Lisbon is approved for the purposes of section 12 of the European Parliamentary Elections Act 2002 (c. 24) (Parliamentary approval of treaties increasing the European Parliament’s powers).

5 Amendment of founding treaties

(1) A treaty which satisfies the following conditions may not be ratified unless approved by Act of Parliament.

(2) Condition 1 is that the treaty amends—

(a) the Treaty on European Union (signed at Maastricht on 7th February 1992),

(b) the Treaty on the Functioning of the European Union (the Treaty establishing (what was then called) the European Economic Community, signed at Rome on 25th March 1957 (renamed by the Treaty of Lisbon)), or

(c) the Treaty establishing the European Atomic Energy Community (signed at Rome on 25th March 1957).

(3) Condition 2 is that the treaty results from the application of Article 48(2) to (5) of the Treaty on European Union (as amended by the Treaty of Lisbon)

(Ordinary Revision Procedure for amendment of founding Treaties, including amendments affecting EU competence).

European Union (Amendment) Act 2008 (c. 7) 3

6 Parliamentary control of decisions

(1) A Minister of the Crown may not vote in favour of or otherwise support a decision under any of the following unless Parliamentary approval has been given in accordance with this section—

(a) Article 48(6) of the Treaty on European Union (simplified revision procedure),

(b) Article 48(7) of that Treaty (adopting qualified majority voting or applying ordinary legislative procedure: general),

(c) the provision of Article 31(3) of that Treaty (Common and Foreign Security Policy) that permits the adoption of qualified majority voting,

(d) the provision of Article 81(3) of the Treaty on the Functioning of the European Union (family law) that permits the application of ordinary legislative procedure in place of special legislative procedure,

(e) the provision of Article 153(2) of that Treaty (social policy) that permits the application of ordinary legislative procedure in place of special legislative procedure,

(f) the provision of Article 192(2) of that Treaty (environment) that permits the application of ordinary legislative procedure in place of special legislative procedure,

(g) the provision of Article 312(2) of that Treaty (EU finance) that permits the adoption of qualified majority voting,

(h) the provision of Article 333(1) of that Treaty (enhanced cooperation) that permits the adoption of qualified majority voting, or

(i) the provision of Article 333(2) of that Treaty that permits the application of ordinary legislative procedure in place of special legislative procedure.

(2) Parliamentary approval is given if—

(a) in each House of Parliament a Minister of the Crown moves a motion that the House approves Her Majesty's Government's intention to support the adoption of a specified draft decision, and

(b) each House agrees to the motion without amendment.

(3) The motions under subsection (2) in respect of a draft decision ("Draft Decision 1") may include provision ("disapplication provision") disapplying subsection

(1) in respect of any later draft decision which a Minister of the Crown may certify as an amended version of Draft Decision 1; and—

(a) if Parliamentary approval is given in accordance with subsection (2), any disapplication provision agreed to by both Houses shall have effect, and

(b) an amendment to omit the disapplication provision shall be ignored for the purposes of deciding under subsection (2) whether a motion has been agreed to without amendment.

(4) In this section—

(a) "the Treaty on European Union" means the Treaty on European Union signed at Maastricht on 7th February 1992 (as amended by the Treaty of Lisbon), and

(b) “the Treaty on the Functioning of the European Union” means the Treaty establishing (what was then called) the European Economic Community, signed at Rome on 25th March 1957 (as amended and renamed by the Treaty of Lisbon).

4 European Union (Amendment) Act 2008 (c. 7)

7 Short title

This Act may be cited as the European Union (Amendment) Act 2008.

8 Commencement

(1) Section 3 (and the Schedule) come into force in accordance with provision made by the Secretary of State by order made by statutory instrument.

(2) An order under subsection (1)—

(a) may make provision generally or for specified purposes only,

(b) may make different provision for different purposes, and

(c) may include incidental, transitional and consequential provision.

(3) The other provisions of this Act come into force on Royal Assent.

European Union (Amendment) Act 2008 (c. 7)

Schedule — Changes of Terminology

5

SCHEDULE Section 3

CHANGES OF TERMINOLOGY

PART 1

EUROPEAN COMMUNITIES ACT 1972

Provision of the European

Communities Act 1972 (c. 68)

Existing expression Substituted expression

Section 1(2) (interpretation) “the Community Treaties” “the EU Treaties”

Section 1(2) “any other treaty entered into by any of the Communities”

“any other treaty entered into by the EU (except in so far as it relates to, or could be applied in relation to, the Common Foreign and Security Policy)”

Section 1(3) (Order in Council)

“the Community Treaties” “the EU Treaties”

Section 2(1) (general implementation)

““enforceable Community right””

““enforceable EU right””

Section 2(2)(a) (power to implement)

“Community obligation” “EU obligation”

Section 2(2) “objects of the Communities”

“objects of the EU”

Section 2(3) (money) “Community obligation”

(three times)

“EU obligation”

Section 2(3) “any of the Communities or member States”

“the EU or a member State”

Section 3 (heading) (treaties and instruments)

“Community instruments” “EU instruments”

Section 3(1) (construction) “Community instrument” “EU instrument”

Section 3(1) “the European Court or any court attached thereto”

“the European Court”

Section 3(2) (judicial notice) “the European Court or any court attached thereto” “the European Court”

Section 3(2) “Official Journal of the Communities”
 “Official Journal of the European Union”
 Section 3(2) “any of the Communities” “the EU”
 Section 3(2) “Community institution” “EU institution”
 Section 3(3) (evidence) “Community institution”
 (twice)
 “EU institution”
 European Union (Amendment) Act 2008 (c. 7)
 Schedule — Changes of Terminology
 Part 1 — European Communities Act 1972
 6
 Section 3(3) “the European Court or any court attached thereto” “the European Court”
 Section 3(4) (evidence) “Community instrument” “EU instrument”
 Section 4(1) (amendment of the law)
 “Community obligations”
 (twice)
 “EU obligations”
 Section 5(1) (customs duties) “Community customs duty” “EU customs duty”
 Section 5(1) “Economic Community” “EU”
 Section 5(1) “Community provision” “EU provision”
 Section 6(3) (common agricultural policy)
 “Community arrangements”
 (twice)
 “EU arrangements”
 Section 6(4) “Economic Community” “EU”
 Section 6(4) “Community provision” “EU provision”
 Section 6(5) “Economic Community” “EU”
 Section 6(5) “Community customs duties” (twice)
 “EU customs duties”
 Section 6(5) “Community arrangements” “EU arrangements”
 Section 6(8) “Community arrangements” “EU arrangements”
 Section 11 (heading)
 (offences)
 “Community offences” “EU offences”
 Section 11(1) “the European Court or any court attached thereto”
 (twice)
 “the European Court”
 Section 12 (heading)
 (information)
 “Communities” “EU”
 Section 12 “Community obligation” “EU obligation”
 Section 12 “Community institution” “EU institution”
 Schedule 1 (heading)
 (defined terms)
 “Communities” “EU”
 Schedule 1, Part 2 ““Community customs duty””
 ““EU customs duty””
 Schedule 1, Part 2 “Community provision” “EU provision”
 Schedule 1, Part 2 ““Community institution””

means any institution of any of the Communities or common to the Communities; and any reference to an institution of a particular Community shall include one common to the Communities when it acts for that Community, and similarly with references to a committee, officer or servant of a particular Community.”

““EU institution” means any institution of the EU.”

Provision of the European

Communities Act 1972 (c. 68)

Existing expression Substituted expression European Union (Amendment) Act 2008 (c. 7)

Schedule — Changes of Terminology

Part 2 — Interpretation Act 1978

7

PART 2

INTERPRETATION ACT 1978

Schedule 1, Part 2 ““Community instrument”” ““EU instrument””

Schedule 1, Part 2 “issued by a Community institution” “issued by an EU institution”

Schedule 1, Part 2 ““Community obligation”” ““EU obligation””

Schedule 1, Part 2 “enforceable Community obligation”

“enforceable EU obligation”

Schedule 1, Part 2 ““Enforceable Community right””

““Enforceable EU right””

Schedule 1, Part 2 ““European Court” means the Court of Justice of the European Communities or the Court of First Instance, and any reference to a court attached to the European Court is a reference to a judicial panel attached to the Court of First Instance.”

““European Court” means the Court of Justice of the European Union.”

Schedule 1, Part 2 “membership of the Communities”

“membership of the EU”

Schedule 2 (subordinate legislation) para. 1A

“Community instrument”

(twice)

“EU instrument”

Schedule 2, para. 4 “Community obligation” “EU obligation”

Provision of the Interpretation

Act 1978 (c. 30)

Existing expression Substituted expression

Section 20A (heading)

(references to Community instruments)

“Community instruments” “EU instruments”

Section 20A “Community instrument” “EU instrument”

Schedule 1 (definitions) ““The Communities”, “the

Treaties” or “the Community Treaties””

““The EU” or “the EU

Treaties”” (to be substituted in the appropriate place in the Schedule)

Provision of the European Communities Act 1972 (c. 68)

European Parliament

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

1a. Constitutional provisions

1b. Legal provisions - Statutory provisions

1c. Parliamentary Standing Orders

The European Parliament adopted amendments to its Rules of Procedure in order to transpose the new procedures for the national Parliaments with regard to the respect for the principle of subsidiarity⁹⁵. The amendments were adopted on 25 November 2009⁹⁶ and entered into force on 1 December 2009.

A new Rule 38a was introduced which reads:

Rule 38 a : Examination of respect for the principle of subsidiarity

- 1. During the examination of a proposal for a legislative act, Parliament shall pay particular attention to respect for the principles of subsidiarity and proportionality*
- 2. The committee responsible for respect of the principle of subsidiarity may decide to make recommendations for the attention of the committee responsible for the subject-matter in respect of any proposal for a legislative act.*
- 3. If a national parliament sends the President a reasoned opinion in accordance with Article 3 of the Protocol on the role of national parliaments in the European Union and Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality, that document shall be referred to the committee responsible for the*

⁹⁵ See justification to Amendment 8, introducing new Rule 38 a (new), Report on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon, Committee on Constitutional Affairs, A7-0043/2009.

⁹⁶ European Parliament decision of 25 November 2009 on the adaptation of Parliament's Rules of Procedure to the Treaty of Lisbon (P7_TA(2009)0088).

subject-matter and forwarded for information to the committee responsible for respect of the principle of subsidiarity.

4. Except in the cases of urgency referred to in Article 4 of the Protocol on the role of national parliaments in the European Union, the committee responsible for the subject-matter shall not proceed to its final vote before the expiry of the deadline of eight weeks laid down in Article 6 of the Protocol on the application of the principles of subsidiarity and proportionality.

5. Where reasoned opinions on the non-compliance of a proposal for a legislative act with the principle of subsidiarity represent at least one third of all the votes allocated to the national parliaments or a quarter in the case of a proposal for a legislative act submitted on the basis of Article 76 of the Treaty on the Functioning of the European Union, Parliament shall not take a decision until the author of the proposal has stated how it intends to proceed.

6. Where, under the ordinary legislative procedure, reasoned opinions on the non-compliance of a proposal for a legislative act with the principle of subsidiarity represent at least a simple majority of the votes allocated to the national parliaments, the committee responsible for the subject-matter, having considered the reasoned opinions submitted by the national parliaments and the Commission, and having heard the views of the committee responsible for respect of the principle of subsidiarity, may recommend to Parliament that it reject the proposal on the grounds of infringement of the principle of subsidiarity or submit to Parliament any other recommendation, which may include suggestions for amendments related to respect of the principle of subsidiarity. The opinion given by the committee responsible for respect of the principle of subsidiarity shall be annexed to any such recommendation.

The recommendation shall be submitted to Parliament for a debate and vote. If a recommendation to reject the proposal is adopted by a majority of the votes cast, the President shall declare the procedure closed. Where Parliament does not reject the proposal, the procedure shall continue, taking into account any recommendations approved by Parliament.

1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

Two additional amendments to the Rules of Procedure are currently under consideration, establishing respectively procedural rules for setting up the new arrangements with national parliaments which are envisaged under the Lisbon Treaty (Rule 130, paragraphs 1a, 1b, 1c (new)) and the representation of the European Parliament in COSAC (Rule 131).

In the meeting of the Constitutional Affairs Committee of 3 May 2010 the following amendments have been adopted:

Rule 130 – paragraphs 1 a, 1 b, 1 c

1a. *The organisation and promotion of effective and regular interparliamentary cooperation within the Union, pursuant to Article 9 of the Protocol on the role of national parliaments in the European Union, shall be negotiated on the basis of a mandate given by the Conference of Presidents, after consulting the Conference of Committee Chairs.*

Parliament shall approve any agreements on such matters in accordance with the procedure set out in Rule 127.

1b. *A committee may directly engage in a dialogue with national parliaments at committee level within the limits of budgetary appropriations set aside for this purpose. This may include appropriate forms of pre-legislative and post-legislative cooperation.*

1c. *Any document concerning a legislative procedure at European Union level which is officially transmitted by a national parliament to the European Parliament shall be forwarded to the committee responsible for the subject-matter dealt with in that document.*

Justification:

It is appropriate to clarify the procedural rules for setting up the new arrangements with national parliaments which are envisaged under the Lisbon Treaty. The referral to Rule 127 ensures that any modifications of Parliament's Rules which might be required under such new arrangements are put in place at the time when those arrangements are approved by Parliament. Such a procedural rule in no way prejudices the outcome of the working group on relations with national parliaments.

Rule 131

1. *On a proposal from the President, the Conference of Presidents shall name the members of, and may confer a mandate on, Parliament's delegation to COSAC. The delegation shall be headed by **a Vice-President of the European Parliament** responsible for implementation of relations with the national parliaments **and by the Chair of the committee responsible for institutional matters.***

2. *The other members of the delegation shall be chosen in the light of the subjects to be discussed at the COSAC meeting **and shall comprise, as far as possible, representatives of the committees responsible for those subjects. Due account shall be taken** of the overall political balance within Parliament. A report shall be submitted by the delegation after each meeting.*

Justification:

In its resolution of 7.7.2009 on the relations with national parliaments Parliament has envisaged that the delegation to the COSAC be in future headed by the AFCO chair. However, it has been widely argued that the role of the Vice-Presidents should be maintained.

A vote in plenary on these items is scheduled on 18 May 2010.

In addition, the Conference of Presidents of the European Parliament invited the President to conduct exploratory talks with the speakers of the national Parliaments with a view, in accordance with Article 12 (f) TEU and protocol 1, Article 9, to establishing a renewed system of inter-parliamentary cooperation⁹⁷.

A steering group was set up to reflect on any further measures for the implementation of the Lisbon Treaty concerning national parliaments and present them for consideration and adoption by the Conference of Presidents by the end of July 2010⁹⁸. The steering group is composed of the Vice-Presidents responsible for relations with the national parliaments, the Chair of the Conference of Committee Chairs, and one representative per political group⁹⁹.

F) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).

The EP monitors all the activities of all EU institutions, including the European agencies, from a political and budgetary point of view.

⁹⁷ See decision of the Conference of Presidents of 17 December 2009, PV CPG 12.12.2009, pp 12-13.

⁹⁸ See decision of the Conference of Presidents of 22 April 2010; initially the group was called to present its final report by May 2010 but its mandate was extended to the end of July 2010.

⁹⁹ See decision of the Conference of Presidents of 17 December 2009, PV CPG 12.12.2009, pp 12-13.

1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.

See 1a.

1c. Briefly describe the procedure and specify the parliamentary bodies involved.

The monitoring takes place at the level of Plenary, EP committees, Conference of Presidents of Political Groups and Conference of Committee Chairs. The responsible authorities of the other EU institutions testify in hearings and appear before the Plenary at the request of EP authorities and bodies (legal base: EU Treaty , EP Rules of Procedure and Interinstitutional agreements).

1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

Not applicable.

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

Not applicable.

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

The Secretariat General of the EP and the secretariats of the relevant parliamentary bodies ensure the necessary administrative support for the monitoring of the other EU institutions.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

The compliance with the principle of subsidiarity is ensured by the committees in charge of a specific legislative dossier, together with the Committee on Legal Affairs (JURI) (see annex 7-XVI of the Rules of Procedure of the EP).

2b. Briefly describe the procedures involved.

The procedure is described in Rule 38 a of the Rules of Procedure of the European Parliament (see A.1.c).

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

The EP does not participate in the subsidiarity checks but the EP committees regularly use IPEX as an information source on the scrutiny procedures ongoing in national Parliaments.

It is generally expected that the use of IPEX will increase in the future.

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

The EP is committed to the development and enhancement of IPEX. The EP is a member of the IPEX Board, a member of the IPEX Support and a member of the Technical Working Group on the enhancement of IPEX (TWIG). The IPEX development is entirely financed by the EP.

Suggested improvements:

- Use of XML for automatic uploading of information by the national Parliaments.
- Provision of summary translation of national documents/opinions in English and /or French by the national Parliaments.

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

Direct communication between the EP and the European Commission is ensured principally through the Framework Agreement on relations between the European Parliament and the Commission (C 117 E /125 of 18.5.2006). A new Framework Agreement is currently under negotiations. The EP is also involved in working groups with the European Commission and the Council.

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "special legislative procedure" and therefore a "legal act" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of

Lisbon, as outlined in the Note¹⁰⁰ circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

(The EP will reply to this question in a letter signed by President BUZEK and addressed to the Joint Committee on European Affairs of the Spanish Cortes Generales.)

3. POLITICAL MONITORING OF EUROPOL

General remark to points 3 and 4:

This reply applies not only to the monitoring of Europol and evaluation of Eurojust's activities but also to the democratic accountability of the increasing number of JHA agencies (European Agency for the Management of Operational Cooperation of the External Borders of the Member States of the European Union (Frontex), European Asylum Support Office (Easo), European Police College (Cepol...)).

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

The Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Plenary are in charge of the political monitoring of Europol.

3b. Briefly describe the procedures involved.

According to article 88-2 TFEU:

2. The European Parliament and the Council, by means of regulations adopted in accordance with the ordinary legislative procedure, shall determine Europol's structure, operation, field of action and tasks. These tasks may include:

(a) the collection, storage, processing, analysis and exchange of information, in particular that forwarded by the authorities of the Member States or third countries or bodies;

(b) the coordination, organisation and implementation of investigative and operational action carried out jointly with the Member States' competent authorities or in the context of joint investigative teams, where appropriate in liaison with Eurojust.

These regulations shall also lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments.

¹⁰⁰ The Note is published on the COSAC website:
<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

The current criteria are provided by the Rules of Procedure of the European Parliament with regard to the competences of the EP committees.

The new arrangements will be determined by new regulations to be adopted by the EP and the Council under the ordinary legislative procedure (see 3b).

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

See 3a.

4b. Briefly describe the procedures involved.

According to article 85 TFEU:

1. Eurojust's mission shall be to support and strengthen coordination and cooperation between national investigating and prosecuting authorities in relation to serious crime affecting two or more Member States or requiring a prosecution on common bases, on the basis of operations conducted and information supplied by the Member States' authorities and by Europol.

In this context, the European Parliament and the Council, by means of regulations adopted in accordance with the ordinary legislative procedure, shall determine Eurojust's structure, operation, field of action and tasks. These tasks may include:

(a) the initiation of criminal investigations, as well as proposing the initiation of prosecutions conducted by competent national authorities, particularly those relating to offences against the financial interests of the Union;

(b) the coordination of investigations and prosecutions referred to in point (a);

(c) the strengthening of judicial cooperation, including by resolution of conflicts of jurisdiction and by close cooperation with the European Judicial Network.

These regulations shall also determine arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities.

2. In the prosecutions referred to in paragraph 1, and without prejudice to Article 86, formal acts of judicial procedure shall be carried out by the competent national officials.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

The new arrangements will be determined by new regulations to be adopted by the EP and the Council under the ordinary legislative procedure (see 4b).

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

The Plenary of the EP and the Committee on Constitutional Affairs (AFCO) are involved in this proceeding.

5b. Briefly describe the procedures involved.

According to article 48-6 TEU:

Simplified revision procedures

6. The Government of any Member State, the European Parliament or the Commission may submit to the European Council proposals for revising all or part of the provisions of Part Three of the Treaty on the Functioning of the European Union relating to the internal policies and action of the Union.

The European Council may adopt a decision amending all or part of the provisions of Part Three of the Treaty on the Functioning of the European Union. The European Council shall act by unanimity after consulting the European Parliament and the Commission, and the European Central Bank in the case of institutional changes in the monetary area. That decision shall not enter into force until it is approved by the Member States in accordance with their respective constitutional requirements.

The decision referred to in the second subparagraph shall not increase the competences conferred on the Union in the Treaties.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not applicable

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

Not applicable

6b. Briefly describe the procedures involved in your Parliament / Chamber.

Not applicable

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

Not applicable

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

Not applicable

6e. In which cases, if any, may the national Government reject the Parliament's request?

Not applicable

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

Not applicable

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

The Plenary of the EP and the Committee on Foreign Affairs (AFET) are involved in the scrutiny of applications for accession to the EU.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

According to article 49 TEU:

Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union. The European Parliament and national Parliaments shall be notified of this application. The applicant State shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the consent of the European Parliament, which shall act by a majority of its component members. The conditions of eligibility agreed upon by the European Council shall be taken into account.

The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

Not applicable.

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, "*the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*". Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

Concerning the resolution adopted on the inter-parliamentary cooperation, please refer to the European Parliament resolution of 7 May 2009 on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon.

The Conference of Presidents of Political Groups of 17 December 2009:
". invite the President to conduct exploratory talks with the speakers of the national parliaments for the implementation of the decisions adopted by the Conference of Presidents on 18 September 2008 and plenary on 7 May 2009, in particular in the framework of the Conferences of the Speakers (first meeting on 12 December 2009 and second meeting on 14 May 2010, both organised by the Swedish Riksdag), with a view, in accordance with Article 12 (f) TEU and protocol 1, Article 9, to establishing a renewed system of inter-parliamentary cooperation until May 2010 and to report regularly back to the Conference of Presidents on the proceedings;

. decide to set up a steering group that should reflect, in close cooperation with the President (...) on any further measures for the implementation of the Lisbon Treaty concerning national parliaments, for consideration and adoption by the Conference of Presidents. The steering group shall be composed of the Vice-Presidents responsible for relations with the national parliaments, the Chair of the Conference of Committee Chairs, and one representative per political group, as follows:

EPP - Paulo RANGEL
S&D - Ramon JAUREGUI
ALDE - Andrew DUFF
Greens/EFA - Sandrine BELIER
ECR - Sir Robert ATKINS
GUE/NGL - Marie-Christine VERGIAT
EFD - Morten MESSERSCHMIDT

The steering group should be coordinated by the highest ranking Vice-President."

The steering group shall prepare the EP position for the next EU Speakers Conference in Stockholm.

CHAPTER 2: THE FUTURE ROLE OF COSAC

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?

The EP delegation is nominated by the Conference of Presidents of Political Groups following the procedure described in Rule 131 of the Rules of Procedure of the European Parliament. In the meeting of the Constitutional Affairs Committee of 3 May 2010 Rule 131 has been modified (see Chapter 1.A.2).

Once the EP delegation is nominated, the Directorate for Relations with National Parliaments prepares the documentation, informs the Members and organises a preparatory meeting with the EP delegation where the topics on the COSAC agenda and the position of the EP are discussed.

2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.

According to Rule 131-2 of the Rules of Procedure of the European Parliament, a report shall be submitted to the Conference of Presidents of Political Groups by the delegation after each COSAC meeting.

Traditionally, the Committee on Constitutional Affairs (AFCO) also invites the Vice-Presidents responsible for relations with national Parliaments to make an oral report to the Committee on the outcome of the COSAC meeting, and the topics debated at COSAC are discussed again on this occasion.

3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?

The Conclusions and Contributions adopted at the ordinary COSAC meetings are forwarded to all EP committees and are taken into consideration at political and legislative level when appropriate.

4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?

The EP considers particularly useful that COSAC meeting allow parliaments to exchange information and debate on general political issues and best practices with regard to the scrutiny of national governments (cf European Parliament resolution of 7 May 2009 on the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon).

5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

The EP finds less relevant subsidiarity checks in the future and discussions on procedural questions and technical issues.

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

a) Bi-annual Report

Yes

b) Presidency programme

Yes, if the debate is organised during the Chairpersons' meetings, as these meetings take place at the beginning of the Presidency. At the ordinary meeting it would be more useful to have a presentation of the Presidency programme of the country holding the following Presidency.

c) The principle of subsidiarity

Yes, COSAC "should remain primarily a forum for the exchange of information and debate on general political issues and best practices with regard to the scrutiny of national governments (...) and debate should be focused, secondly, (...) on respect of the principle of subsidiarity at European Union level." (cf Brok report).

d) COSAC contribution and conclusions

Yes

e) Commission Annual Policy Strategy or similar document

Yes, as long as, at the time of the discussion, the latest Commission Annual Policy Strategy has been published. If it is not the case, the debate could instead take place during the Chairpersons' meetings.

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

a) Commission Legislative and Work Programme

Yes

b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice

The Contribution to the XLI COSAC, point 3.4 states : "COSAC has agreed to use the existing inter-parliamentary forms of co-operation for this purpose". These forms are essentially the Joint Parliamentary Meetings (JPM) or the Joint Committee Meetings (JCM)

c) Political monitoring of Europol and evaluation of Eurojust's activities

See point 2b. The European Commission is expected to make a proposal on this issue.

d) Common foreign and security policy, including common security and defence policy

See point 2b. The EP committee on Foreign Affairs holds currently a debate on this matter with a view to holding regular JCMs on CFSP and CSDP.

e) Other (please specify)

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

a) The Commission

No

b) The Council

No

c) Other (please specify)

Debate on draft EU acts¹⁰¹

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

The EP is not in favour of COSAC debating specific draft legislative acts as these acts are already extensively debated in the EP committees and in the plenary.

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

¹⁰¹ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

[See 4.](#)

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

[See 4.](#)

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

[See 4.](#)

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

[See 4.](#)

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

[See 4.](#)

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

[See 4.](#)

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

[See 4.](#)

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

[Following the entry into force of the Treaty of Lisbon the subsidiarity checks should be carried out in national Parliaments. COSAC could rather be used as a forum for the exchange of best practices on Protocol 2.](#)

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

Yes, the EP is open to devoting more time to meetings and discussions within European political families and it would also be open to organising political groups meetings during the meetings of COSAC Chairpersons, if the other national Parliaments support this idea.

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

The EP considers that the current arrangement with the COSAC Secretariat is satisfactory (the EP provides technical and logistic support to the Secretariat). COSAC might however consider upgrading its current website.

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

The composition of the Conference should remain the same.

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

The EP is open to holding a debate on the possible new name of COSAC, following the changes that appear in the Treaty of Lisbon.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

The EP does not think necessary to modify the current Rules of Procedure, considering that the inter-parliamentary conferences on specific topics can be organised within the existing inter-parliamentary forms of cooperation.

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

No

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

a) Should not be limited

Yes

b) Should be limited to once per Parliament / Chamber

No

c) Should be limited to twice per Parliament / Chamber

No

d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak

Yes

e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor

Yes

f) Other criteria: (please specify)

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?

Speaking time should be limited between 2 and 3 minutes.