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**Annex to the**  
**Ninth bi-annual report**  
**by COSAC:**  
**replies to the questionnaire**  
**by the National Parliaments**  
**and the European Parliament**

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## **QUESTIONNAIRE: 9TH BI-ANNUAL REPORT**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

- 1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**
- 2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

**This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.**

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

## **CHAPTER 3: The Lisbon Strategy**

**This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent**

in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

There is no questionnaire for this Chapter

#### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

#### **Questions:**

- 1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**
- 2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**
- 3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>1</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

#### **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### Questions:

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

#### Negotiations chapter-by-chapter phase:

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?

If so, what is:

a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

c) the role of the plenary?

#### Approval of the Accession Treaty phase:

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

If so, what is:

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

**b) the role of the plenary?**

**Ratification phase:**

- 3. What is the role of committees in ratification of an Accession Treaty?**
- 4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**
- 5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

## **Austria: Bundesrat and Nationalrat**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

**1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

*No.*

**2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**



*First of all, the Treaty of Lisbon was debated in the EU Main Committee of the Nationalrat and the EU Committee of the Bundesrat before December 13, 2007. Both meetings – according to the rules of procedure – were held in public.*

*The Treaty of Lisbon is being discussed in the Constitutional Affairs Committee of the Nationalrat. The first two sittings were public hearings of experts. In addition a series of public discussions on “The Treaty of Lisbon – Facts and Assessments” were held at Parliament on February 22, 2008 and April 2, 2008. Booklets on the Treaty of Lisbon were published by the Chancellery and the Foreign Affairs Ministry.*

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

The above mentioned hearings of experts took two days. A general debate was followed by specific debates on environmental and energy policy, social dimension, foreign and security policy as well as citizens’ and human rights. The new possibilities for national parliaments were emphasised on several occasions..

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

*The Treaty of Lisbon itself will have the consequence that European debates will have to be held more than before within Parliament. On the other hand the new provisions on the early warning system will provide the opportunity to comment on EU drafts and communicate directly with EU*

*institutions. Finally, the additional possibilities (in particular with regard to Europol and Eurojust) will need to be implemented as well.*

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

*The Rules of Procedure have already been adjusted in 2005 making it possible to deal with documents coming directly from EU institutions (before that only documents emanating from the Austrian government could be subject of parliamentary debates). Statements by the EU committees of both chambers are still instruments directed at government, those addressing EU institutions would have to be included in the rules of procedure.*

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

*Needless to say that the early warning system as well as the “Barroso Initiative” can only work and have effect if parliaments are able to swiftly exchange information on possible breaches with subsidiarity and envisaged activities. IPEX will be a valuable tool provided that parliaments upload information at a very early stage. Informal contacts between parliaments, in particular the permanent representations of parliaments in Brussels, will play an important role as well.*

### **CHAPTER 3: The Lisbon Strategy**

**This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.**

**There is no questionnaire for this Chapter**

### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

### Questions:

1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?

*The Austrian Parliament exerts influence on the decision-making process on the enlargement of the Schengen area by discussing the relevant questions with Austrian members of government in the respective committees (EU main committee, EU subcommittee, committee for external affairs, committee for internal affairs) and plenary sessions. The topic has also been on the agenda of the presentations of the Austrian chancellor and/or ministers in the Austrian Parliament before European Council meetings and Council meetings which included a debate on the plans and positions on government.*

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

*The Austrian Parliament is closely following and debating the functioning and progress of the Schengen area (see also the answer to the first question). With regard to contributing to the security rules in the Schengen area the Austrian Parliament is discussing the impacts of the enlarged Schengen area on the Austrian security situation as well as possible ways for remedy where appropriate.*

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>2</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if

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<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

*Austria was one of the founding members of the Treaty of Prüm which provides for strict data dissemination rules (e.g. the hit/no-hit procedures), which the Austrian Parliament also would welcome to be reflected in an European PNR agreement. With regard to defending individual freedoms in the Schengen area so far concerns have focussed on safeguarding strict rules on data transfers and data protection. The Permanent Subcommittee of the Austrian Parliament welcomed in September 2007 a Council proposal on the enhanced cross-border cooperation in combating terrorism and international crime and supported in a committee statement the efforts of the European Parliament and of the European data protection supervisor on the conclusion of a data protection council decision.*

*The Permanent Subcommittee further asked the Austrian government in its statement to strive for a decision on this framework decision as quick as possible on the basis of existing agreements and legal documents while considering the proposals of the European Parliament.*

*The Austrian Parliament will make use of the provisions of the Treaty of Lisbon with regard to the evaluation and scrutiny of the activities of Europol and Eurojust. The formal ways to do this are yet to be defined.*

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

**Negotiations chapter-by-chapter phase:**

**1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**If so, what is:**

a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

c) the role of the plenary?

*Information of parliament by government has to be comprehensive by the Austrian Federal Constitution. This also includes reports of meetings of Council working groups, the COREPER and Council meetings where the state of negotiations for EU accession are discussed. With regard to formal meetings the EU committees of Nationalrat and Bundesrat are in charge of scrutinize the process before the ratification phase. In that sense the legal form of the political decision would be a (politically or legally) binding statement of those committees. In theory, a resolution of the plenary of the Nationalrat (politically binding) could be a further instrument of explaining the political will of Parliament.*

**Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**If so, what is:**

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

b) the role of the plenary?

*see above 1)*

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

*Until now ratification of accession treaties was debated in the Constitutional Affairs Committees of both chambers.*

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

*A new provision in the Austrian Federal Constitution determines that the ratification of changes of primary law of the EU (which also includes accession treaties) requires a 2/3 majority in in both chambers. Before that ratification had to run through 2 stages (special constitutional law for each ratification procedure).*

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

*No, see above 4)*

## **Belgium: Chambre des Représentants**

### **Chapter 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

*1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?*

The Belgian Council of State underlined in its advice that MPs needed to have in their possession a consolidated version of the Treaty of Lisbon in order to be able to fully understand the Treaty. The Belgian Minister of Foreign Affairs provided the Belgian Parliament with a consolidated version in French and Dutch, which was published as parliamentary document and which was put at the disposal of the members of the House during the debate on the Treaty in the Foreign Affairs Committee and in plenary.

(The consolidated version constitutes one parliamentary document together with the bill (approving the Treaty of Lisbon); the Treaty of Lisbon itself and in annex the consolidated version).

*2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?*

*3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?*

The Belgian House of Representatives did not communicate on the Treaty of Lisbon as such but was very active before, during the reflection period on the future of Europe and the IGC. So, the Belgian House of Representatives was the only Parliament of the European Union to host the citizen's consultations on the future of Europe in the framework of the European Commission's Plan D, in May 2007. It should also be stressed that the civil society is always consulted in the framework of IGC's. Moreover it is in the intention of the Committee on European Affairs to organise a series of communication events in order to explain the Treaty, to enhance its visibility and to raise the citizens' awareness.

### **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

*1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?*

Yes, the Belgian government itself has underlined during the debate in plenary on the Lisbon Treaty the new role of the Belgian House of Representatives in the

European decision making through the new provisions on subsidiarity check, in accordance with the Protocol on the role of national parliaments in the European Union and the Protocol on the application of the principles of subsidiarity and proportionality.

These new provisions have enhanced the importance of the “eurowhips” in each of the House’s Standing Committees who have to see to it that European issues and in particular, subsidiarity checks, are dealt with by the Standing Committee they belong to.

*2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)*

**Yes.** In the light of the provisions on the subsidiarity checks, the House has decided to strengthen the administrative and logistic support provided to the MPs in the framework of European Affairs scrutiny.

So, the existing European Affairs division will be reinforced (3 new staff members with university degree).

The House has also introduced a new article in its Rules of Procedures (art. 37), specifically dealing with the subsidiarity checks to be carried out by the House. The House has also called upon the Prime Minister to see to it that the members of the government systematically forward to the House the annotated agendas of the meetings of the European Councils of Ministers as well as the results of these meetings and the position of Belgium.

*3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?*

*If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?*

**Yes.** Article 12 of TEU now explicitly stipulates that national parliaments have to take part in the interparliamentary cooperation between national parliaments and with the European Parliament, in accordance with the Protocol on the role of national parliaments in the European Union. This essential provision in the corpus itself of the Treaty confers a greater visibility to the national parliaments. In this perspective, cooperation should be further improved at both the COSAC level and the level of Joint parliamentary meetings and Joint Committee meetings. This important issue could be put on the agenda of the next COSAC under French presidency in order to exchange views on the mechanisms needed to improve this cooperation further. As a matter of fact, IPEX remains an important tool for national parliaments to exchange information (within the 8 weeks period).

### **CHAPTER 3: The Lisbon Strategy**

**There is no questionnaire for this Chapter**



## **CHAPTER 4: Enlargement of the Schengen area**

*1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?*

Parliamentary scrutiny is exercised through the traditional means of parliamentary control, i.e.: (written and oral questions and interpellations).

*2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?*

Idem question 1 but particularly the Justice and the Home Affairs Committees are interested by the items discussed during the Joint Parliamentary Meetings organised by the European Parliament.

*3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>3</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?*

Idem questions 1 & 2 + moreover, the Belgian House has a Permanent police Monitoring Committee at its disposal. This committee may be asked by Parliament to report to it on any national or international police matter.

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

*1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?*

*If so, what is:*

*a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?*

*b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?*

*c) the role of the plenary?*

No, the House is not involved in a systematic monitoring of the negotiations on a chapter-by-chapter basis. Negotiations on accession to the EU and, in some cases, negotiations on particular chapters are nevertheless touched upon in the

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<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

framework of the general parliamentary control (oral and written questions, interpellations) and during the debates with the Prime Minister on the occasion of European Councils of Heads of State and government when progress reports of the European Commission on accession negotiations are presented to the European Council.

*2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?*

*If so, what is:*

- a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?*
- b) the role of the plenary?*

**Yes.** The Federal Advisory Committee on European Affairs and the Committee on Foreign Affairs meet with the Prime Minister before the approval of the Accession Treaty by the European Council. This meeting provides members of parliament with the opportunity to put forward their views on the acceding country.

*3. What is the role of committees in ratification of an Accession Treaty?*

The bill approving the accession treaty is first presented and commented by the Minister of Foreign Affairs during a meeting of the Foreign Affairs Committee. There is a debate in the Committee and a vote on the bill. A report of the proceedings is published afterwards.

*4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.*

The procedure is the same as for other bills: simple majority, vote in committee and in plenary.

*5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.*

**No.** There isn't any difference as such between founding treaties and accession treaties as far as the ratification procedure is concerned. The only difference is to be found in article 168 of the Belgian Constitution which stipulates that: "From the beginning, the Houses are informed of negotiations concerning any revision of the treaties establishing the European Community and the treaties and acts which have modified or complemented them. They receive the draft treaty before its signature."

## **Belgium: Sénat**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

- 1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?*

The Belgian “Conseil d’Etat” concluded in its advice that MPs needed to have in their possession a consolidated version of the Treaty of Lisbon in order to be able to fully understand the Treaty. The Belgian Minister of Foreign Affairs sent to the Senate administration a consolidated version in French and Dutch, which was published as official Senate document 4-568/2 (document 4-568/1 is the law of approval, document 4-568/3 is the report of the discussions in Committee).

- 2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?*

No.

- 3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?*

No. But this aspect has been pointed out by most of the Senators during the approval procedure.

### **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

- 1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?*

The Treaty of Lisbon will mobilise the MPs around the European idea and the relevant policies through the fact that the national parliament now has an important and fully recognised role to play in the European Union. The influence of national parliaments will be enhanced through the subsidiarity and proportionality checks, as well as through the reception of information, which in the past was not always available or easy to find.

- 2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)*

The changes were already made within the framework of the draft European constitution, and need only to be updated. This will be done by the end of 2008.

Contacts and cooperation with government will be intensified, in particular concerning the availability of (background and inside) information following Council meetings.

3. *Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments? If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?*

National Parliaments in the European Union need to communicate as much as possible on which items are on their agenda in the field of European affairs. The IPEX tool is considered to be of the utmost importance for this, together with intensified personal contacts on administrative (through the networks of representatives in the European Parliament) and political (JPMs, JCMs, COSAC, etc) level.

### **CHAPTER 3: The Lisbon Strategy**

*There is no questionnaire for this Chapter.*

### **CHAPTER 4: Enlargement of the Schengen area**

1. *Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?*

No

2. *What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?*

Not yet determined

3. *As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement 1? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?*

Not yet determined

### **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

*Negotiations chapter-by-chapter phase:*

1. *Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis? If so, what is:*

- a) *the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?*
- b) *the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?*
- c) *the role of the plenary?*

**No, only on an ad hoc basis, during meetings with ministers in the general framework of parliamentary control, when the subject is touched upon.**

*Approval of the Accession Treaty phase:*

- 2. *Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council? If so, what is:*
  - a) *the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?*
  - b) *the role of the plenary?*

**No, only on an ad hoc basis, during meetings with ministers in the general framework of parliamentary control, when the subject is touched upon.**

*Ratification phase:*

- 3. *What is the role of committees in ratification of an Accession Treaty?*

**The committee on external relations treats the ratification of an Accession Treaty in the same way as the ratification of a classic international treaty.**

- 4. *Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.*

**No special provisions are envisaged. The classic ratification procedure is followed (treatment in committee and then in plenary, relative majority vote, etc).**

- 5. *Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.*

**No**

## **Bulgaria: National Assembly**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

#### **Question:**

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

#### **Answer:**

No, during the ratification process which has already finished, no need of a consolidated version of the Treaty of Lisbon was identified.

#### **Question:**

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?

#### **Answer:**

Yes, our Parliament has organized, with the support of the European parliament and the European Commission, a conference - "The Treaty of Lisbon: the Citizens, the Parliaments, and the Union". The chairman of the Committee on European Affairs was one of the key lecturers at the conference. The opinions expressed in the conference were widely covered by the press and other media.

#### **Question:**

3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?

#### **Answer:**

The above mentioned conference focused on the new important role of the national parliaments and on the increased role of the Charter of Fundamental Rights, which is now introduced in the EU primary law.

### **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

**Question:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

**Answer:**

**Yes, the Treaty of Lisbon will enhance the influence of the Bulgarian Parliament in dealing with EU affairs. Firstly, because of much better supply of information and secondly, because the subsidiarity check is a quite efficient tool for direct monitoring of the EU institutions in the legislative process.**

**Question:**

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

**Answer:**

**Our Parliament will continue to implement the subsidiarity check as an integral part of the already existing scrutiny procedure. Changes could be undertaken if there is evidence that the present procedure is not enough to meet the new requirements.**

**Question:**

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments? If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

**Answer:**

**Yes, our Parliament considers the deepening of the interparliamentary cooperation as an important task after the entry into force of the Treaty of Lisbon. The Conferences of the Speakers of EU Parliaments, the COSAC meetings and the everyday contacts of the permanent representatives of the national parliaments in Brussels are the main tools of the cooperation. IPEX will also have a more important role in the cooperation especially by supporting the exchange of information and best practice between parliaments in the subsidiarity checks. The IPEX further development will need the joint efforts of all parliaments.**

## **CHAPTER 4: Enlargement of the Schengen area**

### **Question:**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

### **Answer:**

**Yes, the Bulgarian Parliament is involved in the decision-making process regarding the enlargement of the Schengen area. We use the usual scrutiny procedure to scrutinise the drafts concerning the Schengen area. The Minister of Home Affairs and the Minister of Justice periodically inform the Internal Security and Public Order Committee, the Legal Affairs Committee and the European Affairs Committee about the achievements and the problems in the process of Bulgaria's accession to the Schengen area.**

### **Question:**

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

### **Answer:**

**Our Parliament considers the Schengen-Evaluation as a necessary instrument for the proper functioning of the Schengen area. The criteria of the evaluation are in line with the task and the evaluation gives a real picture of the situation in the different member states. Our Parliament uses the parliamentary hearings and public discussions in order to play a much more important role in defining security rules to establish a common Schengen policy.**

### **Question:**

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>4</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

### **Answer:**

**Our Parliament will carefully check the implementation of the subsidiarity and proportionality principles concerning all acts establishing new rules for data exchange in the Schengen area. The**

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<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>



**control of the activities of Europol and Eurojust will be a part of the parliamentary hearings in the respective parliamentary committees.**

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

**Negotiations chapter-by-chapter phase:**

### **Question:**

**1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

**b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

**c) the role of the plenary?**

### **Answer:**

**No, our parliament is not involved in monitoring the accession negotiations on a chapter by chapter basis.**

**Approval of the Accession Treaty phase:**

### **Question:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

**b) the role of the plenary?**

### **Answer:**

**Yes, the Bulgarian Parliament is involved in the phase where the Accession Treaty is approved by the European Council.**

**a) The Committee on European Affairs and the Foreign Affairs Committee may hold a joint sitting and debate on the Accession**

Treaty. They can invite at their sitting the Minister of Foreign Affairs and the Minister of European Affairs.

- b) In accordance with the Rules of Organisation and Procedure of the National Assembly the Chamber may hold a hearing of the Prime Minister on the position of the Republic of Bulgaria on the Accession Treaty.

**Question:**

3. What is the role of committees in ratification of an Accession Treaty?

**Answer:**

The committees prepare opinions and announce them in the plenary.

**Question:**

4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.

**Answer:**

No, our constitutional system does not envisage special provisions for the process of the ratification of Accession Treaties.

**Question:**

5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.

**Answer:**

Yes. There is a special regulation in the Constitution of the Republic of Bulgaria concerning the ratification of international treaties (Founding Treaties) which confer to the European Union powers ensuing from the constitution. In these cases the law ratifying the international treaty shall be adopted by a majority of two-thirds of all members of the Parliament.

## **Cyprus: House of Representatives**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

No, it is not necessary. The Treaty of Lisbon was submitted to the House of Representatives for ratification on 6<sup>th</sup> March 2008. The text of the Treaty submitted, is the one signed by all the heads of state and government on the 13<sup>th</sup> December 2007.

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?

The Treaty has been submitted to the House of Representatives but it has not yet been discussed by the relevant Committees. However, the House of Representatives as well as the European Affairs Committee intends to organize public debates and other events in order to inform the public of the content of the Treaty.

3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?

The Parliament has not decided yet the way of communication with the public. Most likely there will be public debates on the different aspects of the Treaty as well as the role of national parliaments.

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### **Questions:**

1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?

The enhancements brought about by the Treaty of Lisbon with regard to the role of national parliaments in the EU are deemed very important, since they are expected to benefit national parliaments through an enhancement of their role with respect to the examination of proposals, the formulation of positions and the influencing of the final position that their government will take at the EU level with respect to the matter at hand. The changes brought about by the Treaty of Lisbon are of particular importance to the House of Representatives of Cyprus, since owing to the fact that Cyprus is a Presidential Democracy with a clear separation of powers which essentially limits the amount of influence that the Parliament can exercise over the actions of the executive. Therefore, once the Treaty of Lisbon comes into force, the Cyprus Parliament will be in a position to directly express its views to the Commission, the Council and the European Parliament as prescribed in the said Treaty, thereby enhancing its ability to influence the decision making at the EU level.

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

**The European Affairs Committee of the House of Representatives of Cyprus is currently considering the enhancement of the scrutiny procedure, the cooperation with the executive, as well as the communication with the citizens on EU matters. These changes are under consideration as part of a continuous effort of the House of Representatives to effectively participate in the decision-making process at the EU level and to improve its cooperation with the executive and its communication with the citizens who are affected by decisions taken at the EU level. Surely, in the light of the changes brought about by the Treaty of Lisbon concerning the role of national parliaments in the EU, the House of Representatives is expected to further improve its cooperation with the executive and, ultimately, its ability to effectively influence their position at the EU level.**

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

**With the entry into force of the Treaty of Lisbon, national parliaments will need to further deepen their cooperation and exchange of best practice and information, in order to, effectively and in unison, express their views on Commission proposals and other EU matters.**

**To achieve this end, national parliaments could make an initial yearly selection of matters to be discussed from the Annual Legislative Programme of the Commission within the framework of COSAC. Preparatory work with respect to the said proposals could then be undertaken, involving an exchange of views and positions, thereby laying the groundwork for speedy response when the proposal is transmitted to the national parliaments, initiating the 8 week consideration period. During the 8 week period, national parliaments could then complete their examination of the said proposal based on the preparatory work done, and can reach their final position on the matter having an insight to the views of the other parliaments. In an attempt to maximize efficiency, national parliaments should be encouraged to further utilize IPEX as an invaluable platform of exchange of information and knowledge thereby assisting their fellow parliamentarians in other Member States.**

**Ties between national parliaments should also be strengthened through the conduct of frequent meetings of the competent committees of national parliaments with the relevant committees of the European Parliament and with the Commission and through the promotion of the transfer of knowledge, experiences and parliamentary best practice. In this respect, COSAC could play an instrumental role by exploring methods of transferring knowledge and experience from the national parliaments of older EU Member States to newer member states in order to enable them to tackle EU matters more effectively.**

### **CHAPTER 3: The Lisbon Strategy**

**This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.**

**There is no questionnaire for this Chapter**

### **CHAPTER 4: Enlargement of the Schengen area**

**This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.**

#### **Questions:**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

**Cyprus' political system (presidential democracy with a complete separation of powers) does not allow the imposition of views and opinions on the government. The parliament cannot legally bind the government. However, the House of Representatives 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 either (a) indirectly, through the Parliament's right to amend or reject bills of law submitted before it by the executive or (b) directly, through the submission of questions to the various Ministries, the registration of matters pertaining to the actions of the executive to be discussed before the Parliamentary Committees and/or the plenary of the Parliament, the submission of proposals for amendment of legislation by MP's and the in depth discussion and approval of the budget. The Ministers can be called by Parliamentary Committees to attend either in person or through a representative to answer questions and/or submit further information concerning a matter under**

examination before the relevant Parliamentary Committee. Some of the above means are used by the House of Representatives in order to follow the decision-making process regarding the enlargement of the Schengen area.

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

The aforementioned subject has not yet been discussed in the Parliament. It should be noted, however, that due to the political system the parliament can only express opinions and not legally bind the government.

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>5</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

*This subject has not yet been discussed in the Parliament. However, it should be underlined that the Parliamentary Committee on European Affairs when scrutinizing the actions of the executive falling within the ambit of European Affairs always takes into serious consideration data protection aspects as well as the way individual freedoms are affected.*

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features

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<sup>5</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

of national constitutions which would be required for the ratification of an Accession Treaty.

**Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

**Negotiations chapter-by-chapter phase:**

**1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

The Cyprus Parliament, while exercising parliamentary control over the actions of the executive, can monitor the negotiations with any acceding member on a chapter by chapter basis. The views of the Parliament, however, are not binding on the executive, since Cyprus is a Presidential democracy with a clear separation of powers.

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

The parliamentary Committee on European Affairs can monitor the overall progress made in the negotiations with the acceding state, focusing on particular areas of concern. The sectoral committees can also examine specific aspects of the accession negotiations pertaining to their area of competence, and formulate a position on such issues which can then be discussed at the plenary or be transmitted to the government for consideration during the conduct of the negotiations. It should be noted that the positions expressed by the Parliament are not binding on the government.

**b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

Due to the fact that Cyprus is a Presidential Democracy with a clear separation of powers, a factor that essentially limits the amount of influence that the Parliament can exercise over the actions of the executive, the position formulated by the Parliament cannot have a mandatory character. However, practice has shown that the government does consider the views of the Parliament when representing Cyprus at the EU and the international level.

**c) the role of the plenary?**

The plenary can adopt a position on any matter pertaining to the negotiations with an acceding state, which it can then transmit to the government for consideration during the negotiations. It should be noted that such a position is not binding on the government.



**Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**No.**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

**b) the role of the plenary?**

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

**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.**

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**Special provisions exist with regard to the ratification of treaties; however, each treaty is ratified by simple majority.**

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**No.**

## **Czech Republic: Chamber of Deputies**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

- 1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

A consolidated version of an amending international treaty is neither necessary in purely normative perspective nor according to the constitutionally relevant parliamentary practices. Nevertheless, the Treaty of Lisbon is such a complex text that a consolidated version of the Treaties may be regarded as a necessity allowing the Deputies to make a responsible decision in the ratification process. Some Deputies have already expressed the same view as the Committee on Constitutional Affairs of the European Parliament in its Report on the Treaty of Lisbon<sup>6</sup>, ...*“that an amending treaty is inevitably less clear and readable than a codified*

*Treaty“* and called therefore, *„for the rapid publication of the consolidated Treaties as revised by the Treaty of Lisbon, which would provide citizens with a clearer basic text of the Union“.*

That is the reason why the Parliamentary Institute (a department of the Office of the Chamber of Deputies) in cooperation with the Office of the Government, has provided an unofficial consolidated version of the Treaty on the European Union, of the Treaty on the Functioning of the European Union and of all the Protocols, that was distributed on 19 March 2008 when the deliberation of the Treaty of Lisbon was launched in the Chamber of Deputies of the Parliament of the Czech Republic.

(This unofficial consolidated version was distributed to all MPs and it is available on the web pages of the Government and the Chamber of Deputies.)

- 2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

The Committee on European Affairs will hold a seminar on the Treaty of Lisbon in May 2008 with the participation of the leading EU experts of parliamentary political parties as well as of the academic experts.

The Parliamentary Institute has published and distributed to all MPs a report *“What is new in the Treaty of Lisbon?”* in the beginning of January 2008 that contains and explains all the major changes brought by the Treaty of Lisbon.

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<sup>6</sup> The Report on the Treaty of Lisbon, Committee on Constitutional Affairs of the European Parliament, 29. 1. 2008, see <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2008-0013+0+DOC+PDF+V0//EN>

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

We are convinced that the text of Treaty of Lisbon contains so many changes that it must be apperceived in its complexity and integrity. We deem that it is misleading to limit the debate over the Treaty of Lisbon on some specific highlighted questions.

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

The Committee on the European Affairs of the Chamber of Deputies is currently examining the influence of the Treaty of Lisbon on its role, so far no conclusions have been adopted.

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

Not so far. (The possible changes of the Rules of Procedure of both Chambers are being discussed unofficially.) See also above

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

Probably yes. Even though it is too soon to detect all the consequences of the Treaty of Lisbon, we might start to consider a deepening of the cooperation between national parliaments. A deepening of the cooperation and exchange of information is the *conditio sine qua non* of the successful execution of the enhanced role of the national parliaments. So called “early warning mechanism” or “mechanism of the yellow card” as well as the “mechanism of the orange card” that were strongly supported by the Czech government within the negotiations of the Reform Treaty, call for an introduction of a mechanism enabling the national parliaments to carry out their role enhanced in Treaty of Lisbon responsively in due form and in due time. In this respect, the Treaty of Lisbon is a challenge for the national parliaments and for the COSAC secretariat. It will put increased demands on the exchange of information among

national parliaments. This information exchange will be possible, for example, through COSAC meetings its secretariat and IPEX as each parliament will need information on whether other legislatures are planning to submit opinions stating that an initiative is in breach of the principle of subsidiarity.

The early warning system may also stimulate tighter control of governments by individual national parliaments, though this outcome might depend on other current and future conditions in various member states.

What remains to be seen is the significance of this mechanism. Most likely it will be used very seldom, it may, however, encourage national parliaments to invest more resources into scrutinizing EU matters and it may also, as a result, stimulate the Commission to be more detailed in describing the arguments for why new EU level legislation is necessary.

### **CHAPTER 3: The Lisbon Strategy**

There is no questionnaire for this Chapter.

### **CHAPTER 4: Enlargement of the Schengen area**

#### **Questions:**

- 1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

During the last years the enlargement of the Schengen area was a top priority for the Czech Republic. That is also one of the reasons why the Chamber of Deputies concentrated on the well prepared draft implementing legislation so that the conditions of the evaluation process were satisfied. For purpose of a better cooperation with the Government the regular information about the state of preparation of the Czech Republic for the enlargement of the Schengen area were at disposal of the Deputies. In a more specific way, the questions of the Schengen enlargement were regularly discussed within the scope of the agenda of the Committee on European Affairs and the Committee on Foreign Affairs.

The only experience that the Czech Republic has had with the enlargement of the Schengen area yet is the ratification of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen acquis. The regular procedures of the ratification according to our Constitution were applied.

- 2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

There are two main aspects of the Schengen-Evaluation questions, technical and legal. It is rather complicated for the Chamber of Deputies to examine in details the technical aspect of the system functioning. As to the legal aspect, the

respective committees of the Chamber of Deputies should focus on the scrutiny of the compliance of the specific provisions with the principles of subsidiarity and proportionality and the appropriate protection of the personal data.

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>7</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

As far as the question of the establishment of an „European PNR agreement“ is concerned, the Chamber of Deputies will play its regular role of parliamentary scrutiny with regard to what was already mentioned above in connection with the question of Schengen (compliance with the principles of subsidiarity and proportionality and the appropriate protection of the personal data).

The provisions concerning the evaluation and parliamentary scrutiny of the activities of Eurojust (Art. 85 (1)) and Europol (Art. 88 (2)) have to be developed further by the process of implementation of the Treaty of Lisbon. The Chamber of Deputies has the intention to make these provisions effective and in this sense it would support a common initiative of the national parliaments, for example through the COSAC's mediation. Respective sector committees of the Chamber of Deputies should be more involved.

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

**Negotiations chapter-by-chapter phase:**

**1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

The Members of the Committee on European Affairs and of the Foreign Affairs Committee are informed on regular basis about accession negotiations. (As a regular item of committee meetings agenda the paper monitoring CFSP, published twice a month by the Parliamentary Institute, is deliberated, one part of which is focused on the progress of negotiations and Commission reports.) The committees may invite the Prime minister of the Czech Republic or the Deputy Premier for European Affairs to present details on ongoing negotiations and position of the Government.

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and**

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<sup>7</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

other sector committees, who deal with issues which correspond to a particular negotiation chapter?

*Foreign Affairs Committee is regularly informed about the newly open chapters and about the substantial progress in already open chapters. The committee discusses a particular negotiated chapter in detail only if it has relevance to the Czech Republic and its interests. Sector committees are not involved in this process.*

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

Committee may adopt Resolution. According to the general constitutional framework, the Government shall take this Resolution into account in any future decisions.

c) the role of the plenary?

The committee may ask by the Resolution the Speaker of Chamber to fit a particular topic into the agenda of the plenary session. The Plenary may adopt the Resolution. According to the general constitutional framework, the Government shall take this Resolution into account in the future decision

**Approval of the Accession Treaty phase:**

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

**Yes.** The Committee on European Affairs and the Foreign Affairs Committee receive information from the Prime minister of the Czech Republic or from the Deputy Premier for European Affairs on their meetings. The plenary might choose to deliberate the issue.

If so, what is:

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

The Foreign Affairs Committee (as well as the Committee on European Affairs) is regularly informed about the progress in Accession Treaty negotiations before the European Councils' approval. The committee may discuss topics with substantial relevance for the Czech Republic and its interests and adopt appropriate Resolution.

b) the role of the plenary?

The committee may ask by the Resolution the Speaker of Chamber to fit a particular topic into the agenda of the plenary session. The Plenary may adopt the Resolution. According to the general constitutional framework, the Government shall take this Resolution into account in the future decision.

**Ratification phase:**

3. What is the role of committees in ratification of an Accession Treaty?

**An Accession Treaty is submitted to the same ratification procedure as any other international treaty.**

**Section 109 of the Rules of Procedures of the Chamber of Deputies stipulates:**

**(1) The Chamber of Deputies considers all international treaties that have to be ratified by the Chamber of Deputies as well as all international treaties ratified by the Chamber of Deputies that are to be repudiated. At least one copy of the original version of any such international treaty as well as its Czech translation must be presented to the Chamber of Deputies.**

**(2) The provisions regulating the consideration of draft bills shall be applied to the consideration of international treaties accordingly. Articles 92 and 96 shall not apply to the consideration of international treaties.**

**(3) After the consideration of each international treaty in the course of its first reading the committee to which the consideration has been referred shall present to the Chamber's president a resolution containing above all the committee's opinion on its ratification or on the repudiation of an international treaty already ratified by the Chamber of Deputies.**

**(4) The Chamber's president shall have the committee's resolution or opposing report concerning the discussed international treaty printed and delivered to all Deputies at least 24 hours before the beginning of its second reading.**

**(5) The second reading of every international treaty is opened by its sponsor. His/her address is followed by a rapporteur who is to substantiate the opinion of the relevant committee.**

**(6) Each international treaty and the proposal of the relevant committee on its ratification/repudiation are subject to a debate. At the end of it the Chamber of Deputies adopts a resolution concerning its ratification or repudiation, if the international treaty has already been ratified; the Chamber of Deputies may also decide to adjourn its debate.**

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**No. See above.**

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**Yes. The Constitution of the Czech Republic in its art. 10a contains special provision on the international treaties that may provide for a transfer of certain powers of bodies of the Czech Republic to an international organization or institution. To ratify such an international agreement, an approval of the Parliament is required unless a constitutional law requires an approval from a referendum. An approval of a three-fifths majority of all Deputies and of a three-fifths majority of Senators in attendance is required to approve the ratification of such an international agreement.**

## **Czech Republic: Senate**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

*A consolidated version of the Treaty of Lisbon is not a formal prerequisite for the ratification process in the Czech Republic. However, Senators have at their disposal an unofficial consolidated version elaborated by the Office of the Government in cooperation with expert staff of the Parliament. This unofficial consolidated version together with a commentary elaborated by Parliament expert services were submitted to members of the Czech Parliament at the same time when the Treaty, version published in the Official Journal 2007/C 306, was presented by the government for parliamentary ratification.*

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of



summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?

*As the Lisbon Treaty is not being submitted to referendum, no official presentation of the Treaty to the public is organised by the Senate or its EU Affairs Committee. Debates and other events as well as commentaries concerning the Treaty may be organized or issued by each Senator individually.*

3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?

*Regarding communication with citizens, see point above.*

*The focus of the Senate is the conformity of the Lisbon treaty with the Czech Constitution. In the debates currently taking place in Senate bodies the division of competences between the EU and Member States and the role of national parliaments are being closely examined. The Senate is exploring the need to seize Constitutional court on the question of conformity of the Treaty with the Constitution of the Czech Republic.*

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### **Questions:**

1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?

*There is no official standpoint of the Czech Senate on the impacts of the Lisbon Treaty for national parliaments. Senators pay special attention namely to changes in third pillar matters introduced by the Community method; changes of the anchorage of flexibility and bridging clauses, and the efficiency of the early warning mechanism of the subsidiarity check. Appreciation of the impact of the above named varies according to individual opinion and political affiliation.*

2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)

*In the Czech Senate, discussions are taking place concerning the strengthening of the parliamentary mandate for the government vis-à-vis the future application of the flexibility and bridging clauses and the decisions in the frame of justice and home affairs. Moreover, the accomplishment of the Treaty conditions of the subsidiarity claim at the European Court of Justice shall be debated during the considerations of the future changes of the Senate Rules of Procedure.*

3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?

If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?

*Generally, intensifying cooperation and exchange of information through COSAC network and IPEX databases are the preconditions of effective functioning of the early warning mechanism of the subsidiarity check. To make the IPEX database a reliable tool for the early warning mechanism, important changes have to be introduced. I.e. and above all assure that all parliaments upload information and the database is complete. The notion of subsidiarity and proportionality principle should be clarified and the practice of coordinated subsidiarity checks should become more frequent.*

### **CHAPTER 3: The Lisbon Strategy**

This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

There is no questionnaire for this Chapter

### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules

inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

### Questions:

1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?

*Czech Senate was involved in the process of preparation for the enlargement of the Schengen area. Within the ex-ante scrutiny, the Senate's EU Affairs Committee dealt with the Regulation and Decision on the establishment, operation and use of the second generation Schengen information system (SIS II).*

*In the second half of 2006, Senate played an active role in the negotiations on the possible solution of delay of putting SIS II into operation. The Senate in its resolution to the Proposal for a Council Regulation and Decision amending Regulation (EC) No. 2424/2001 on the development of the second generation Schengen Information System (SIS II) supported the Portuguese initiative "SISone4all", which minimized the delay of accession of new Member States to the Schengen Area. Regarding this issue, the Senate also took part in the negotiations on Parliamentary level within various regional platforms: Visegrad Group, Regional Partnership (November 2006).*

*Within the national legislative process, Senate approved the Proposal amending a number of Acts in connection with the accession of the Czech Republic to the Schengen Area (7<sup>th</sup> June 2007).*

*Furthermore, Senate gave consent to the ratification of the Agreement between the European Union, the European Community and the Swiss Confederation, concerning the Swiss Confederation's association with the implementation, application and development of the Schengen acquis (5<sup>th</sup> December 2007).*

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

*Senate does not participate in the Schengen Evaluation process. As for the security rules in connection with the common Schengen policy, Senate is prepared to scrutinize the relevant proposals above all with regard to the principle of subsidiarity and the protection of individual rights.*

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a

"European PNR agreement"<sup>8</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

*The Senate has chosen Framework decision on PNR for ex-ante scrutiny and will pay considerable attention to the issue. As a consequence of delays originating outside the Senate, the Committee for Foreign Affairs, Defence and Security will discuss it only in late March. The Senate is highly concerned with the guarantees of individual freedoms and perceives itself as a defender of these freedoms.*

*As regards Eurojust and Europol, Senate has always called for more control given to national parliaments, as provided in its resolutions. Senate would surely like to participate as much as possible with other national parliaments on evaluation of Europol and Eurojust functioning, as it considers that there is need for democratic control carried out by national parliaments. The Senate has addressed this issue in its very recent Resolution on Draft Council Decision on the strengthening of Eurojust amending Council Decision 2002/187/JHA of 28 February 2002, as amended by Council Decision 2003/659/JHA setting up Eurojust with a view to reinforcing the fight against serious crime.*

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

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<sup>8</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

## Questions:

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

### Negotiations chapter-by-chapter phase:

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?

*The Senate is not involved in the chapter-by-chapter phase.*

If so, what is:

a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

c) the role of the plenary?

### Approval of the Accession Treaty phase:

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

*The Senate is not involved in the approval phase, although Mandate for European Council is provided by the Government for its information and the plenary is informed personally by the Minister for European Affairs.*

If so, what is:

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

b) the role of the plenary?

### Ratification phase:

3. What is the role of committees in ratification of an Accession Treaty?  
*The committees discuss the Accession Treaty at the first stage before it goes to the plenary session of the Senate. The Committee for Foreign Affairs, Defence and Security is the one that was responsible for the topic in the case of Bulgaria and Romania, the Committee for European Affairs was asked for its opinion. The resolutions of the*

*committees are then presented at the plenary session of the Senate. Ratification is done by the plenary as a whole.*

4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.

*Article 10a of the Czech Constitution applies to the Accession treaty. Qualified majority, that means 3/5 majority of ALL senators, has to be obtained. As the Czech Senate has 81 members, 49 votes are needed for a successful ratification.*

5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.

*The Czech constitutional system does not distinguish between different types of EU primary legislation. Article 10a of the Czech Constitution applies to both of the treaty types mentioned.*

## **Denmark: Folketing**

**Chapter 1: Involvement of national parliaments in the ratification process of the Treaty of Lisbon.**

- 1) There is in Denmark no obligation to make a consolidated version of EU Treaties available for the ratification process.**

**However, a consolidated version of the Lisbon Treaty was provided simultaneously with the Government's submission of the ratification bill to the Folketing on 9 January 2008.**

**A first provisional consolidated treaty based on the text from the Piris group of legal experts was in fact already completed by 15 October 2007 prior to a debate in the chamber on the Treaty.**

**The consolidated version of the Lisbon Treaty was prepared by the EU Secretariat of the Folketing.**

**The consolidated treaty was distributed to all members of parliament and has since its publication been available to citizens from the Folketing's EU Information Centre free of charge.**

- 2) Yes, the Folketing's EU Information Centre prepared a booklet on the Lisbon Treaty providing background information and facts about the most important elements of the new treaty. The booklet was made available from January 2008. However already in October 2007 a fact sheet on the Lisbon Treaty was published by the EU Information Centre. Both the booklet and the fact sheet have since their publication been available to citizens from the Folketing's EU Information Centre free of charge.**

**An information campaign was conducted in January to inform the public about this option to acquire non-biased information on the Lisbon Treaty from the Folketing's EU Information Centre.**

**The European Affairs Committee of the Folketing is the central committee when it comes to planning information activities concerning EU-matters. Funding however is a matter for the Presidium of the Folketing.**

- 3) The information material on the Lisbon Treaty prepared by the Folketing provides an overall account of the main elements of the new treaty. However one important area is given special attention and that is the new provisions concerning national parliaments.**

**Chapter 2: The Treaty of Lisbon – Implementation and its consequences for national parliaments of the EU.**

- 1) **The new provisions of the Lisbon Treaty could enhance the influence of parliaments in dealing with European matters.**  
**The new treaty puts a number of new instruments at the disposal of national parliaments to involve them more in the EU decision-making process– among other things with a view to monitoring EU proposals’ compliance with the principle of subsidiarity.**  
**Particularly the subsidiarity mechanism has a strong potential when it comes to engaging national parliaments in EU-matters, because it directly encourages national parliaments to monitor and scrutinise EU legislative proposals in the early stages of the decision-making procedures.**
- 2) **This is currently being considered.**
- 3) **The entry into force of the Lisbon Treaty will most likely encourage closer cooperation between national parliaments and promote better exchange of information on legislative proposals.**  
**Closer cooperation is among other things facilitated by the fact that the “subsidiarity mechanism” requires that at least 1/3 of parliaments must submit a reasoned opinion to the Commission in order to force the Commission to review a proposal.**

#### **Chapter 3: The Lisbon Strategy.**

- 1) **No questions**

#### **Chapter 4: Enlargement of the Schengen area**

1. **The Folketing was not involved in the decision-making process leading to the enlargement of the Schengen area with Liechtenstein and Switzerland.**  
**It is up to the Government on a case by case basis to asses whether involvement of the Folketing is required.**  
**Provided it is considered to be a matter of considerable importance the Government must inform the European Affairs Committee, and present its negotiation position in the case of decisions of major significance. The Government decides which EU matters fall within each of the two categories.**
- 1) **No official position of parliament on this issue.**
- 2) **No official position of parliament on this issue.**

#### **Chapter 5: Involvement of national parliaments of the European Union in negotiations on accession to the EU.**

- 1) **The European Affairs Committee of the Folketing is kept well informed by the government on a regular basis about the progress of accession negotiations with applicant states.**



**The European Affairs Committee is also the competent committee when it comes to preparing the Folketing's report on accession of new Member States in the context of the second reading of the accession bill. The foreign minister will normally be invited to the European Affairs Committee to give evidence on the issue as well as respond to written questions from the committee.**

**The Danish constitution does not envisage special procedures for ratification of accession bills. The bill is approved by the House with a majority of the members participating in the vote.**

**However, when the Folketing gives its consent to the ratification of amendments to the founding treaties of the European Union, a 5/6 majority in parliament would be required, if Denmark's accession to the treaty implies a transfer of competences from Danish authorities to the EU.**

## **Estonia: Riigikogu**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it? **No**

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this? **The EU Affairs Committee organised a public hearing where the Prime Minister and other relevant Government Senior Officials were taking part (<http://www.riigikogu.ee/?id=48444>) . The EU Affairs Committee has been informing the public through its press-statements after the Committee meetings (where the Lisbon Treaty and IGC before its conclusion were discussed).**

3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon? **No**

### **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

#### **Questions:**

1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how? **No**

2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?) **No**

3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments? **No**

If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?

### **CHAPTER 4: Enlargement of the Schengen area**

#### **Questions:**

1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this? **The regular scrutiny mechanism is used, i.e. meetings with the Ministers before the council meetings, meetings with specialists, discussion of relevant EU initiatives as a part of the regular scrutiny process; public hearing( <http://www.riigikogu.ee/?id=48194> ) on accession to Schengen Treaty was organised by the EU affairs Committee; the EU Affairs Committee visited the Police Headquarters in order to discuss the practical impact of our accession.**

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy? On the EU legislative side- the regular scrutiny procedure; on domestic legislative side: the regular norms and procedures for domestic legislative process

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>1</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how? **The EU Affairs of the Riigikogu has discussed the COM(2007)654 and supported the position of the Government taking into account the opinion of Constitution Committee. This position was preceded by discussion in the EU Affairs Committee of the same proposal in the framework of the meeting with Ministers of Justice and Minister of Interior prior to their participation in JHA Council non-formal meeting in January 2008.**

**EUROPOL and EUROJUST- answer is not available at this moment**

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

**Negotiations chapter-by-chapter phase:**

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?

**No**

**If so, what is:**

a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

c) the role of the plenary?

**Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**Yes, it is involved: usually a joint meeting of the EU Affairs and Foreign Affairs Committees with the Prime Minister is held prior to the European Council**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

**b) the role of the plenary?**

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

**The Foreign Affairs Committee of the Riigikogu conducts the ratification process of an Accession Treaty in the Parliament.**

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**No**

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**No**

## **FINLAND: EDUSKUNTA**

### **CHAPTER 1: INVOLVEMENT OF NATIONAL PARLIAMENTS IN THE RATIFICATION PROCESS OF THE TREATY OF LISBON**

**1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

**There is no formal requirement for a consolidated version. However, it is generally understood that a consolidated version would be helpful. The government has indicated that a consolidated version will be made available as an annex to the ratification bill, which is expected on 28 March 2008.**

**2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

**No. Public information on the EU is the job of Finland's EU Information Bureaux (19 regional offices), which are administratively attached to the Ministry for Foreign Affairs. In the Finnish context, it would not be normal for the services of Parliament to engage in public debate on a subject that Parliament itself will have to vote on.**

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

**Not applicable.**

### **CHAPTER 2: THE TREATY OF LISBON - IMPLEMENTATION AND ITS CONSEQUENCES FOR THE NATIONAL PARLIAMENTS OF THE EU**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

**No. The Eduskunta already controls Finnish positions to be adopted in the Council. The subsidiarity mechanism is defined in the Treaty in a manner so narrow as to render it largely meaningless. The Commission's green and white papers etc. have 'always' been available for perusal and comment to**

anyone interested – the specific mention of national parliaments in the Protocol is viewed as a cosmetic addition.

2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)

A specific procedure for subsidiarity issues will be added to the Rules of Procedure, but it is assumed that it will rarely or never be used.

3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments? If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?

Not really. The Eduskunta doubts the practical usefulness of the Lisbon Treaty's provisions on national parliaments. In any case, any parliament that wishes to invoke the Protocol can easily correspond with other parliaments by electronic means. The eight week period is not considered particularly challenging, as the much more demanding task of scrutiny usually can be handled in less time.

### **CHAPTER 3: THE LISBON STRATEGY**

(No questionnaire)

### **CHAPTER 4: ENLARGEMENT OF THE SCHENGEN AREA**

1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?

Yes, the Eduskunta is involved through the normal scrutiny procedure according to which the Government is required to communicate to the Grand Committee all EU proposals that fall within the competence of Parliament according to section 96 of the Constitution. The purpose of the scrutiny is to authorise the Government's negotiating position with respect to the proposal.

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your

**Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

**The file of the future of the Schengen evaluation has not yet been opened in the Eduskunta. The Grand Committee delivers the view of Parliament after scrutiny and based on the opinions of the relevant sectoral committees. The GC's opinion will be normative for the government's actions on this subject.**

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>1</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

**The European PNR agreement is subject to the normal scrutiny, specified in section 96 of the Constitution: the Government is required to communicate to the Grand Committee all EU proposals that fall within the competence of the Parliament. The experience of Prüm has no relevance at all in determining the procedure to be used. The Eduskunta has already now the authority to scrutinize nationally the activities of Europol and Eurojust; the Lisbon treaty adds nothing relevant to the Eduskunta's powers.**

## **CHAPTER 5: INVOLVEMENT OF THE PARLIAMENTS OF THE EUROPEAN UNION IN NEGOTIATIONS ON ACCESSIONS TO THE EU**

**Negotiations chapter-by-chapter phase:**

**1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**The Eduskunta's Grand Committee is regularly and periodically informed of progress. The Eduskunta has so far not seen any need for any stronger involvement. These negotiations are by definition limited to transition periods for and limited derogations from, i.e. local adaptation of the *acquis*, adoption of which is a condition for accession.**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

**Periodic hearings in the Grand Committee, usually in the context of mandating ministers for the GEAC.**

**b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

**Not applicable.**

**c) the role of the plenary?**

**Not applicable.**

**Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**The Prime Minister appears before and seeks the mandate of the Grand Committee and the Foreign Affairs Committee before each European Council. Occasionally, the PM may choose also to address the plenary session before particularly important European Councils.**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

**above.**

**b) the role of the plenary?**

**above.**

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

**The Bill seeking ratification of an accession treaty is examined by a committee (usually the Foreign Affairs Committee) before final decision in the Plenary.**

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**No. These are simply treaties, subject to usual procedures. Assuming that the accession treaty does**



**not change the fundamental relationship between Finland and the EU, a simple majority is sufficient.**

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**Our legal system does not view EU related treaties as a special category; they are subject to the usual constitutional provisions concerning treaties. If a new treaty involves a derogation from the Finnish Constitution (typically, a further transfer of powers to the EU), a 2/3 majority is required. Otherwise, a simple majority is enough.**

## **France: Assemblée nationale**

### *Chapitre 1: Participation des parlements nationaux au processus de ratification du traité de Lisbonne*

Ce chapitre dresse un état des lieux des procédures en cours dans les États membres afin de ratifier le Traité de Lisbonne d'ici fin 2008. Un tableau présentera le calendrier d'adoption, ainsi que les exigences législatives et institutionnelles de chaque pays. Ce tableau sera disponible sur le site Internet de la COSAC et sera mis à jour tout au long du processus de ratification.

*La plupart des États membres vont ratifier le traité par voie parlementaire ; pour le moment, seule l'Irlande doit organiser un référendum. Les parlements nationaux se trouvent donc placés au centre du processus de ratification. Dans ce contexte, ce chapitre décrira également les initiatives parlementaires qui ont été prises en vue d'informer les citoyens sur le Traité de Lisbonne. Il présentera les moyens par lesquels les parlements nationaux ont choisi d'informer sur le traité (par exemple, lors de débats publics, grâce à la publication et la diffusion de documents de synthèse, l'organisation d'événements et des partenariats avec d'autres institutions européennes et nationales) et examinera le contenu de leur stratégie de communication.*

#### **Questions :**

Avant de répondre aux questions, nous vous serions reconnaissants de bien vouloir consulter le lien suivant sur le site Internet de la COSAC afin de vérifier l'exactitude des informations concernant le processus de ratification (procédure et calendrier) dans votre pays/Parlement :

<http://www.cosac.eu/en/info/Treaty/>

En cas d'erreur ou d'omission, merci d'en avertir le Secrétariat.

Il sera tenu compte de vos remarques dans le 9<sup>e</sup> rapport biennuel mais également après sa publication, puisque le tableau, disponible sur le site de la COSAC, sera actualisé.

- 1. Une version consolidée du traité de Lisbonne est-elle nécessaire dans le cadre de la procédure de ratification au sein de votre Parlement/Chambre ? Si c'est le cas, quand doit-elle être mise à disposition et par qui ?**

Le Parlement français a ratifié le Traité de Lisbonne sur la base de sa version signée par les chefs d'Etat et de gouvernement le 13 décembre 2007. Une version consolidée des traités sur l'Union européenne et sur le fonctionnement de l'Union européenne n'était pas nécessaire d'un point de vue juridique. Cependant, afin d'éclairer les parlementaires et l'opinion publique, M. Poniatowski, président de la Commission des affaires étrangères de l'Assemblée nationale et M. Lequiller, président de la Délégation pour l'Union

européenne ont publié, sous la forme de rapports d'information, respectivement une version consolidée des traités et un document comparant le texte des traités en vigueur aux nouvelles dispositions introduites par le traité de Lisbonne.

- 2. Votre Parlement/Chambre a-t-il/elle développé des initiatives visant à informer les citoyens sur le contenu du traité de Lisbonne ? Si c'est le cas, pourquoi et par quels moyens (à travers l'organisation de débats publics, la publication et la diffusion de documents de synthèse, l'organisation d'événements, des partenariats avec d'autres institutions européennes ou nationales, etc) ? Votre commission des affaires européennes joue-t-elle un rôle dans ce cadre ?**

La Délégation pour l'Union européenne de l'Assemblée nationale, outre de très nombreuses réunions ouvertes à la presse portant sur la négociation et la ratification du traité (auditions des ministres, des observateurs du Parlement européen à la CIG...), a publié début janvier 2008 un rapport d'information de son Président Pierre Lequiller sur le traité de Lisbonne. Le premier tome a dessiné une synthèse des principales dispositions du traité, tandis que le second a dressé un comparatif exhaustif des traités dans leurs versions actuelle et modifiée. Par suite, les différents acteurs publics (Gouvernement et parlementaires) ont multiplié les prises de position dans le cadre du débat médiatique et politique sur la ratification.

- 3. Votre communication en direction des citoyens porte-t-elle sur le traité de Lisbonne dans son ensemble ou se concentre-t-elle sur certains aspects ? Avez-vous mis l'accent sur le rôle des parlements nationaux dans le traité de Lisbonne ?**

La communication de la Délégation s'est voulue principalement pédagogique, le Président Pierre Lequiller concentrant ses interventions sur les principales innovations du traité (par rapport aux traités actuels et au traité établissant une Constitution pour l'Europe) et mettant en valeur les progrès de l'implication des parlements nationaux dans les procédures européennes.

### Chapitre 2: Traité de Lisbonne - la mise en œuvre et ses conséquences pour les parlements nationaux européens

Ce chapitre examinera les dispositions du Traité de Lisbonne qui concernent le rôle des parlements nationaux dans l'UE. Il ne se focalisera pas seulement sur les mécanismes prévus dans le Protocole sur le rôle des parlements nationaux dans l'Union européenne et dans le Protocole sur l'application des principes de subsidiarité et de proportionnalité, mais aussi sur les autres éléments figurant dans le Traité de Lisbonne qui concernent l'influence des parlements nationaux dans l'UE.

Parallèlement, un aperçu du rôle renforcé du Parlement européen sera présenté.

Une attention particulière sera accordée à la façon dont les parlements se préparent à relever les défis posés par le Traité de Lisbonne. Une attention particulière sera portée sur la coopération et l'échange d'informations et les meilleures pratiques parmi tous les acteurs concernés. En outre, ce chapitre examinera de manière stratégique la question des moyens par lesquels les parlements peuvent exercer l'influence qui leur a été attribuée par le Traité.

### **Questions :**

- 1. Votre Parlement/Chambre considère-t-il/elle que le Traité de Lisbonne renforcera sa capacité d'influence dans le traitement des questions relatives à l'Union européenne ? Si oui, comment ?**

La capacité d'influence de l'Assemblée nationale devrait être substantiellement renforcée par les nouvelles dispositions relatives au rôle des parlements nationaux. L'avancée la plus prometteuse concerne le contrôle de subsidiarité, expérimenté à titre informel depuis le second semestre 2006, qui devrait permettre au Parlement de se saisir très en amont des enjeux européens et de mieux peser aux premiers stades de la procédure décisionnelle communautaire. Un enjeu décisif aux yeux de la Délégation est de parvenir à « politiser » les textes européens suffisamment tôt pour manifester clairement au Gouvernement la position de la représentation nationale sur les grands enjeux européens et, ainsi, de pouvoir influencer dès le début la position de négociation qu'il adopte.

- 2. Au vu des dispositions contenues dans le Traité de Lisbonne, votre Parlement/Chambre envisage-t-il/elle de modifier ou d'adapter ses procédures internes ? (p. ex., modification de la procédure de contrôle, modification des relations avec votre gouvernement ?)**

Le Parlement français a d'ores et déjà adapté ses procédures en adoptant la loi constitutionnelle du 4 février 2008 qui inscrit dans la Constitution les nouvelles procédures parlementaires de contrôle de la subsidiarité (article 88-6), *a priori* (droit d'alerte) et *a posteriori* (recours devant la Cour de justice de l'UE) et d'opposition aux révisions simplifiées et aux mesures relatives au droit de la famille (article 88-7). A cette occasion, le champ des documents obligatoirement transmis par le Gouvernement au Parlement, aujourd'hui limité aux projets d'actes européens entrant de le domaine législatif français, a été étendu à l'ensemble des projets d'actes législatifs européens au sens du traité de Lisbonne.

Le règlement de l'Assemblée nationale sera modifié dans le courant de l'année 2008 pour définir les modalités concrètes de ces nouvelles procédures. La Délégation souhaite « fluidifier » les interventions du Parlement français afin de lui permettre d'intervenir avec réactivité et régularité à l'actualité législative européenne. Dans cet esprit, il serait sans doute opportun de pérenniser la procédure informelle de contrôle de subsidiarité aujourd'hui mise en place qui permet aux avis adoptés par la Délégation d'être considérés comme engageant l'Assemblée nationale toute entière lorsque la Commission

spécialisée concernée au fond à laquelle le projet d'avis de la Délégation est transmis ne s'est pas prononcée dans le délai imparti.

- 3. Votre Parlement/Chambre considère-t-il/elle que l'entrée en vigueur du Traité de Lisbonne impliquera d'approfondir plus encore la coopération, l'échange d'informations et de bonnes pratiques entre les parlements ? Si oui, quels sont les mécanismes que vous pensez nécessaires pour accroître la coopération, notamment pendant la période des 8 semaines prévue au Protocole sur l'application des principes de subsidiarité et de proportionnalité ?**

La base de données IPEX devrait constituer l'outil pertinent pour promouvoir cet échange d'informations.

### Chapitre 3: Stratégie de Lisbonne

Ce chapitre suivra et complètera le sommaire du 8ème rapport bisannuel (octobre 2007) qui a analysé le rôle des parlements nationaux et du Parlement européen dans la stratégie de Lisbonne.

Son objectif consiste à (a) fournir l'information factuelle sur le progrès de la stratégie en tenant compte du début du nouveau cycle (2008-2010), (b) présenter les résultats du prochain Conseil européen du Printemps, et (c) souligner les tendances générales dans les positions parlementaires qui se manifestent lors du dialogue interparlementaire annuel entre les parlements nationaux et le Parlement européen à l'approche du Conseil du Printemps.

**Il n'y a pas de questionnaire sur ce chapitre.**

### Chapitre 4: - Elargissement de l'espace Schengen

Ce chapitre examinera le degré d'engagement des parlements nationaux de l'Union européenne dans le processus Schengen. Il déterminera comment les parlements nationaux cherchent à exercer le contrôle.

Pour que la création d'un espace de libre circulation de personnes ait du succès, il est nécessaire de définir les règles de sécurité qui s'appliquent aux nouvelles frontières extérieures. Par conséquent, ce chapitre soulignera les moyens par lesquels les parlements nationaux envisagent la délimitation de l'espace Schengen (critères d'adhésion), ainsi que le rôle qu'ils entendent jouer dans la détermination des règles de sécurité visant à maintenir l'ordre public à l'intérieur de cet espace (échange de données, mesures relatives aux sujets de migration ou la lutte contre le terrorisme).

Cependant, de telles mesures de sécurité peuvent également affaiblir des libertés individuelles (par exemple le respect de la vie privée). Ce chapitre rassemblera les points de vue des parlements nationaux sur cette question en vue de donner un aperçu des débats nationaux sur ces sujets.

Questions :

**1. Votre Parlement/Chambre est-il/elle impliqué(e) dans le processus décisionnel concernant l'élargissement de l'espace Schengen ? Si oui, quelle procédure de contrôle utilisez-vous ? Comment votre Parlement/Chambre coopère-t-il/elle avec votre gouvernement sur ce sujet ?**

Le projet de décision du Conseil sur l'élargissement de l'espace Schengen (11722/07 SCH-EVAL 131 du 11 juillet 2007) a été transmis à l'Assemblée nationale par le Gouvernement le 31 juillet 2007, selon la procédure de l'article 88-4 de la Constitution.

La Délégation pour l'Union européenne l'a examiné et approuvé le 24 octobre 2007, après la présentation d'une communication de M. Thierry Mariani.

Le Gouvernement n'a pas transmis de fiche d'impact sur ce projet de décision. Il a communiqué, au titre de la loi du 10 juin 1994, un rapport de la Présidence du Conseil du 27 septembre 2007 présentant une vue d'ensemble des résultats des évaluations dans les nouveaux Etats membres.

**2. Quel est le point de vue de votre Parlement/Chambre concernant les critères et l'avenir de l'évaluation Schengen ? Quel rôle votre Parlement/Chambre entend-t-il/elle jouer dans la détermination des règles de sécurité à mettre en place pour définir une politique commune sur Schengen?**

Dans la communication qu'il a présentée le 24 octobre 2007, M. Thierry Mariani a estimé que les deux critères principaux de l'évaluation Schengen étaient la capacité à intégrer le système d'information Schengen et la sécurité des frontières extérieures. La question de l'avenir de l'évaluation Schengen n'a pas été abordée.

La Délégation pour l'Union européenne doit prochainement adopter un rapport d'information sur la politique européenne d'immigration, présenté par M. Mariani dans la perspective de la Présidence française de l'Union et du pacte européen de l'immigration proposé par la France.

Elle doit aussi examiner le « paquet terrorisme » (notamment la proposition relative au PNR européen) proposé par la Commission en novembre dernier.

Concernant la question des frontières extérieures, l'Assemblée avait adopté le 11 mai 2004 une résolution sur la création de l'Agence Frontex proposant la création d'une véritable police européenne des frontières. Elle n'est pas saisie des propositions publiées en février dernier par la Commission car il ne s'agit que de communications et non de propositions législatives.

**3. Au vu de l'expérience du Traité de Prüm, quel rôle votre Parlement/Chambre entend-t-il/elle jouer dans l'élaboration d'un "accord PNR européen"? Quel est le point de vue de votre Parlement/Chambre concernant les manières de défendre les libertés individuelles dans l'espace Schengen ? Avez-vous l'intention d'utiliser - si elles sont ratifiées - les dispositions du Traité de Lisbonne relatives à l'évaluation et au contrôle des activités d'Europol et d'Eurojust ? Si oui, comment ?**

La proposition de décision-cadre relative à l'utilisation des données des dossiers passagers (Passenger Name Record - PNR) à des fins répressives a été

transmise à l'Assemblée nationale le 22 novembre 2007. La Délégation pour l'Union européenne ne l'a pas encore examinée.

L'Assemblée nationale souhaitera utiliser les nouvelles dispositions du Traité de Lisbonne sur l'évaluation et le contrôle d'Eurojust et d'Europol, d'autant plus qu'elles correspondent, concernant Europol, à une demande que l'Assemblée avait formulée dans une résolution du 15 juin 2003. A ce stade, les modalités de l'évaluation et du contrôle qui pourrait être exercé n'ont pas encore été définies. Conformément au traité de Lisbonne, elles devront faire l'objet de dispositions spécifiques dans les règlements déterminant la structure, le fonctionnement, le domaine d'action et les tâches d'Europol et d'Eurojust.

#### Chapitre 5: Participation des parlements nationaux aux négociations d'adhésion à l'UE

*L'article 49 du Traité sur l'Union européenne dispose que tout État européen qui respecte les principes énoncés à l'article 6, paragraphe 1, peut demander à devenir membre de l'Union. Il adresse sa demande au Conseil, lequel se prononce à l'unanimité après avoir consulté la Commission et après avis conforme du Parlement européen qui se prononce à la majorité absolue des membres qui le composent.*

*En outre, le Traité énonce que les conditions d'admission et les adaptations que cette admission entraîne en ce qui concerne les traités sur lesquels est fondée l'Union, font l'objet d'un accord entre les États membres et l'État demandeur. Ledit accord est soumis à ratification par tous les États parties, conformément à leurs règles constitutionnelles respectives.*

*Du point de vue des parlements de l'UE, le processus d'adhésion peut être envisagé comme un déroulement en trois étapes comprenant : une étape d'ouverture, une étape de « monitoring » du progrès des négociations, chapitre par chapitre, et une étape finale, la ratification du traité d'adhésion.*

*L'objectif de ce chapitre est de déterminer si les parlements nationaux sont impliqués dans les négociations d'adhésion avec les pays candidats à chacune de ces étapes et comment. En outre, ce chapitre tâchera d'identifier les éventuelles règles particulières des constitutions nationales pour la ratification d'un traité d'adhésion.*

#### Questions :

*Les questions portent uniquement sur les deuxième et troisième phases décrites ci-dessus, en prenant en compte le rôle des parlements de l'Union européenne. La dernière phase est présentée en deux parties. On cherchera également à identifier les éventuelles particularités liées à la ratification d'un traité d'adhésion dans les systèmes constitutionnels des États membres.*

*Les négociations chapitre par chapitre :*

1. Votre Parlement/Chambre exerce-t-il/elle un contrôle sur les négociations, chapitre par chapitre ?

*Le Parlement français n'exerce pas un contrôle systématique sur les négociations d'adhésion chapitre par chapitre.*

*Il intervient cependant dans le cadre des traditionnelles procédures de contrôle des actes européens, usant de la faculté de se saisir des documents relatifs aux adhésions (par exemple, conclusions adoptées par la Délégation le 23 janvier 2008 sur le projet d'accord de stabilisation et d'association avec la Serbie) ou de publier des rapports d'information (par exemple rapports d'information d'avril 2006 de MM. Jacques Myard et Jérôme Lambert sur le suivi de l'adhésion de respectivement la Roumanie et la Bulgarie à l'UE).*

*Dans cet esprit, la Délégation pour l'Union européenne a désigné en 2007 six rapporteurs sur les processus d'adhésion de la Croatie, de la Serbie (et du Kosovo), du Monténégro et de la Bosnie-Herzégovine, de l'Ancienne République yougoslave de Macédoine et de l'Albanie, et a créé avec la Commission des Affaires étrangères un groupe de suivi commun du processus d'adhésion de la Turquie à l'Union européenne.*

Si c'est le cas :

a) *quel est le rôle des commissions suivantes : la commission des affaires européennes, la commission des affaires étrangères, les autres commissions dont le domaine d'intervention correspond à un chapitre de négociation ?*

*Il n'existe pas de procédure formalisée du contrôle des négociations chapitre par chapitre. Chaque Délégation ou Commission peut se saisir, sous la forme de rapport d'information ou de groupe de travail ad hoc, du suivi de ces négociations selon les modalités qu'elle juge utiles. En pratique, ce sont les Délégations pour l'Union européenne et les Commissions des Affaires étrangères qui suivent ces dossiers.*

b) *Quelle forme juridique prend la décision de votre Parlement/Chambre et dans quelle mesure cette décision influence-t-elle la position de votre pays ?*

c) *Quel est le rôle de l'assemblée plénière ?*

*Le Parlement français ne peut s'exprimer, par le biais de résolution, que sur les documents communautaires qui lui sont transmis par le Gouvernement, la Constitution ne l'obligeant à transmettre que les projets d'actes intervenant dans le domaine législatif français. Dès lors, l'intervention de l'assemblée plénière, qui n'intervient que pour adopter les résolutions, est subordonnée à la transmission par le Gouvernement d'un document européen portant sur les négociations d'adhésion.*



*L'approbation du traité d'adhésion :*

2. *Votre Parlement/Chambre participe-t-il/elle à la phase d'approbation du traité d'adhésion par le Conseil européen ?*

*Le Parlement ne participe pas formellement à la phase d'approbation du traité d'adhésion par le Conseil européen. Il peut cependant exercer un pouvoir d'influence grâce, par exemple, à la publication de rapports d'information voire à l'adoption de résolutions dès lors qu'un document européen transmis par le Gouvernement lui permet de s'exprimer. Par ailleurs, un débat au Parlement, sans vote, précède traditionnellement chaque Conseil européen, permettant aux parlementaires de faire connaître leur position personnelle.*

*Si c'est le cas, quel est :*

- a) *le rôle des commissions suivantes : la commission des affaires européennes et la commission des affaires étrangères ?*
- b) *le rôle de l'assemblée plénière ?*

*La ratification :*

3. *Quel est le rôle des commissions dans le cadre de la ratification d'un traité d'adhésion ?*
4. *Votre système constitutionnel prévoit-il des dispositions particulières concernant la procédure de ratification d'un traité d'adhésion (par exemple, vote à la majorité absolue/relative, ordinaire/qualifiée) ? Merci de préciser !*
5. *Votre système constitutionnel prévoit-il une procédure de ratification différente selon la forme que revêt le droit communautaire primaire (traités fondateurs et traités d'adhésion) ? Merci de préciser !*

**Réponse aux questions 3, 4 et 5.**

*Les traités d'adhésion sont ratifiés par le biais de l'adoption d'un projet de loi ordinaire. Jusqu'en 2005, ils étaient examinés selon la procédure législative ordinaire (adoption à la majorité des suffrages exprimés, dernier mot de l'Assemblée nationale, examen préalable par la Commission permanente concernée sauf constitution d'une commission spéciale, en l'occurrence la Commission des Affaires étrangères), le Président de la République ayant la faculté de les soumettre, en application de l'article 11 de la Constitution, à référendum (ce fut le cas pour le traité d'adhésion du Royaume-Uni et de l'Irlande à la CEE adopté par le peuple français par référendum le 28 avril 1972).*

*La loi constitutionnelle du 1<sup>er</sup> mars 2005 a cependant disposé que tout projet de loi autorisant la ratification d'un traité d'adhésion doit désormais être soumis au référendum (sauf dans le cas de la Croatie).*

*Il faut cependant remarquer le comité de modernisation et de rééquilibrage des institutions de la Ve République, présidé par M. Edouard Balladur, a proposé de revenir sur cette disposition en alignant la procédure de ratification des adhésions sur celle régissant les révisions de la Constitution, qui implique, à la différence de la procédure législative ordinaire :*

- que le projet de loi de ratification soit adopté par les deux chambres, en terme identique ;*
- qu'il soit ensuite soit soumis à référendum, soit, lorsque le Président de la République le décide, soumis à l'approbation du Congrès qui réunit l'Assemblée nationale et le Sénat, s'il réunit la majorité des trois cinquièmes des suffrages exprimés.*

## **France: Sénat**

### Chapitre 1: Participation des parlements nationaux au processus de ratification du traité de Lisbonne

Ce chapitre dresse un état des lieux des procédures en cours dans les États membres afin de ratifier le Traité de Lisbonne d'ici fin 2008. Un tableau présentera le calendrier d'adoption, ainsi que les exigences législatives et institutionnelles de chaque pays. Ce tableau sera disponible sur le site Internet de la COSAC et sera mis à jour tout au long du processus de ratification.

*La plupart des États membres vont ratifier le traité par voie parlementaire ; pour le moment, seule l'Irlande doit organiser un référendum. Les parlements nationaux se trouvent donc placés au centre du processus de ratification. Dans ce contexte, ce chapitre décrira également les initiatives parlementaires qui ont été prises en vue d'informer les citoyens sur le Traité de Lisbonne. Il présentera les moyens par lesquels les parlements nationaux ont choisi d'informer sur le traité (par exemple, lors de débats publics, grâce à la publication et la diffusion de documents de synthèse, l'organisation d'événements et des partenariats avec d'autres institutions européennes et nationales) et examinera le contenu de leur stratégie de communication.*

#### **Questions :**

Avant de répondre aux questions, nous vous serions reconnaissants de bien vouloir consulter le lien suivant sur le site Internet de la COSAC afin de vérifier l'exactitude des informations concernant le processus de ratification (procédure et calendrier) dans votre pays/Parlement :

<http://www.cosac.eu/en/info/Treaty/>

En cas d'erreur ou d'omission, merci d'en avertir le Secrétariat.

Il sera tenu compte de vos remarques dans le 9<sup>e</sup> rapport biennuel mais également après sa publication, puisque le tableau, disponible sur le site de la COSAC, sera actualisé.

- 4. Une version consolidée du traité de Lisbonne est-elle nécessaire dans le cadre de la procédure de ratification au sein de votre Parlement/Chambre ? Si c'est le cas, quand doit-elle être mise à disposition et par qui ?**

*La procédure de ratification parlementaire du traité de Lisbonne n'impose pas d'établir une version « consolidée » du traité. Cependant, pour la bonne compréhension du texte, la commission des affaires étrangères de l'Assemblée nationale a publié une version consolidée des traités et la délégation pour l'Union européenne de l'Assemblée nationale a publié un rapport comprenant un tableau comparant les dispositions actuelles des traités fondateurs à leur nouvelle rédaction issue du traité de Lisbonne.*

- 5. Votre Parlement/Chambre a-t-il/elle développé des initiatives visant à informer les citoyens sur le contenu du traité de Lisbonne ? Si c'est le cas, pourquoi et par quels moyens (à travers l'organisation de débats publics, la publication et la diffusion de documents de synthèse, l'organisation d'événements, des partenariats avec d'autres institutions européennes ou nationales, etc) ? Votre commission des affaires européennes joue-t-elle un rôle dans ce cadre ?**

*Le Sénat a informé les citoyens français de manière traditionnelle, par la publication de rapports, de comptes-rendus des réunions de commission et de comptes-rendus de débats en séance publique. La délégation pour l'Union européenne a publié le 8 novembre 2007 un rapport d'information n° 76 intitulé « Le traité de Lisbonne ». La commission des affaires étrangères a également publié le 30 janvier 2008 un rapport d'information n°188 sur le traité de Lisbonne puis un rapport législatif n° 201 le 7 février 2008. Le projet de loi autorisant la ratification du traité de Lisbonne a fait l'objet de débats en séance publique le 7 février 2008 publiés au Journal officiel de la République française.*

- 6. Votre communication en direction des citoyens porte-t-elle sur le traité de Lisbonne dans son ensemble ou se concentre-t-elle sur certains aspects ? Avez-vous mis l'accent sur le rôle des parlements nationaux dans le traité de Lisbonne ?**

*Les travaux du Sénat français sur le traité de Lisbonne ont porté sur l'ensemble de ses dispositions, en mettant l'accent, d'une part, sur les différences entre le traité de Lisbonne et le traité établissant une Constitution pour l'Europe et, d'autre part, sur les différences entre le traité de Lisbonne et les traités en vigueur. Dans ce cadre, les rapports d'information rendus publics par la délégation pour l'Union européenne et la commission des affaires étrangères du Sénat ont accordé une attention particulière, au sein des nouveautés institutionnelles, au rôle des parlements nationaux et aux dispositions relatives à la politique étrangère et de sécurité commune..*

### Chapitre 2: Traité de Lisbonne - la mise en œuvre et ses conséquences pour les parlements nationaux européens

Ce chapitre examinera les dispositions du Traité de Lisbonne qui concernent le rôle des parlements nationaux dans l'UE. Il ne se focalisera pas seulement sur les mécanismes prévus dans le Protocole sur le rôle des parlements nationaux dans l'Union européenne et dans le Protocole sur l'application des principes de subsidiarité et de proportionnalité, mais aussi sur les autres éléments figurant dans le Traité de Lisbonne qui concernent l'influence des parlements nationaux dans l'UE.

Parallèlement, un aperçu du rôle renforcé du Parlement européen sera présenté.

Une attention particulière sera accordée à la façon dont les parlements se préparent à relever les défis posés par le Traité de Lisbonne. Une attention particulière sera portée sur la coopération et l'échange d'informations et les meilleures pratiques parmi tous les acteurs concernés. En outre, ce chapitre examinera de manière stratégique la question des moyens par lesquels les parlements peuvent exercer l'influence qui leur a été attribuée par le Traité.

#### **Questions :**

- 4. Votre Parlement/Chambre considère-t-il/elle que le Traité de Lisbonne renforcera sa capacité d'influence dans le traitement des questions relatives à l'Union européenne ? Si oui, comment ?**

*Le traité de Lisbonne consacre pour la première fois un article spécifique à la contribution des Parlements nationaux au « bon fonctionnement » de l'Union. Leur droit à l'information est étendu, le protocole sur l'application des principes de subsidiarité et de proportionnalité comprend une nouvelle disposition (« carton orange ») et un allongement du délai de réaction à 8 semaines, l'association des parlements nationaux à l'espace de liberté, de sécurité et de justice est confirmée. Le Sénat français considère que les dispositions du traité de Lisbonne sont de nature à renforcer sa capacité d'influence mais qu'il s'agit avant tout d'une influence collective des parlements nationaux qui nécessite un accroissement de la coordination entre eux. Une seule chambre d'un Parlement d'un Etat membre ne peut peser sur le mécanisme institutionnel complexe de l'Union européenne.*

- 5. Au vu des dispositions contenues dans le Traité de Lisbonne, votre Parlement/Chambre envisage-t-il/elle de modifier ou d'adapter ses procédures internes ? (p. ex., modification de la procédure de contrôle, modification des relations avec votre gouvernement ?)**

*Préalablement à la ratification du traité de Lisbonne, la Constitution française a été modifiée, ce qui permettra au Parlement français d'utiliser les nouvelles compétences inscrites dans le traité de Lisbonne. L'étape suivante sera une modification du règlement du Sénat afin de préciser notamment la manière dont le Sénat organisera son contrôle du principe de subsidiarité. Les relations avec le gouvernement ne sont pas modifiées par le Traité de Lisbonne.*

- 6. Votre Parlement/Chambre considère-t-il/elle que l'entrée en vigueur du Traité de Lisbonne impliquera d'approfondir plus encore la coopération, l'échange d'informations et de bonnes pratiques entre les parlements ? Si oui, quels sont les mécanismes que vous pensez nécessaires pour accroître la coopération, notamment pendant la période des 8 semaines prévue au Protocole sur l'application des principes de subsidiarité et de proportionnalité ?**

*L'entrée en vigueur du Traité de Lisbonne rend indispensable une coopération plus étroite entre les parlements nationaux puisque certains seuils doivent être obtenus pour qu'une proposition législative de la Commission européenne puisse être reconsidérée. Les modalités de cette coopération doivent être débattues*

*collectivement ; le Sénat français considère que la COSAC devra mener une réflexion à ce sujet et définir notamment la meilleure utilisation d'IPEX et des représentants des parlements nationaux à Bruxelles.*

### Chapitre 3: Stratégie de Lisbonne

Ce chapitre suivra et complètera le sommaire du 8ème rapport bisannuel (octobre 2007) qui a analysé le rôle des parlements nationaux et du Parlement européen dans la stratégie de Lisbonne.

Son objectif consiste à (a) fournir l'information factuelle sur le progrès de la stratégie en tenant compte du début du nouveau cycle (2008-2010), (b) présenter les résultats du prochain Conseil européen du Printemps, et (c) souligner les tendances générales dans les positions parlementaires qui se manifestent lors du dialogue interparlementaire annuel entre les parlements nationaux et le Parlement européen à l'approche du Conseil du Printemps.

**Il n'y a pas de questionnaire sur ce chapitre.**

### Chapitre 4: - Elargissement de l'espace Schengen

Ce chapitre examinera le degré d'engagement des parlements nationaux de l'Union européenne dans le processus Schengen. Il déterminera comment les parlements nationaux cherchent à exercer le contrôle.

Pour que la création d'un espace de libre circulation de personnes ait du succès, il est nécessaire de définir les règles de sécurité qui s'appliquent aux nouvelles frontières extérieures. Par conséquent, ce chapitre soulignera les moyens par lesquels les parlements nationaux envisagent la délimitation de l'espace Schengen (critères d'adhésion), ainsi que le rôle qu'ils entendent jouer dans la détermination des règles de sécurité visant à maintenir l'ordre public à l'intérieur de cet espace (échange de données, mesures relatives aux sujets de migration ou la lutte contre le terrorisme).

Cependant, de telles mesures de sécurité peuvent également affaiblir des libertés individuelles (par exemple le respect de la vie privée). Ce chapitre rassemblera les points de vue des parlements nationaux sur cette question en vue de donner un aperçu des débats nationaux sur ces sujets.

### Questions :

- 1. Votre Parlement/Chambre est-il/elle impliqué(e) dans le processus décisionnel concernant l'élargissement de l'espace Schengen ? Si oui, quelle procédure de contrôle utilisez-vous ? Comment votre Parlement/Chambre coopère-t-il/elle avec votre gouvernement sur ce sujet ?**

*Comme pour les autres propositions d'actes de l'Union européenne comportant des dispositions de nature législative, le Sénat est consulté par le*

*Gouvernement français sur l'élargissement de l'espace Schengen au titre de l'article 88-4 de la Constitution. La délégation pour l'Union européenne du Sénat a nommé deux de ses membres pour suivre le processus d'élargissement de l'espace Schengen, M. Robert Del Picchia et Mme Alima Boumediene-Thiery. En octobre 2006, ils ont présenté une communication sur la préparation de la Pologne et de Malte à leur adhésion à l'espace Schengen et en décembre 2007, M. Robert Del Picchia a fait une communication sur l'intégration de neuf nouveaux Etats-membres à l'espace Schengen.*

- 2. Quel est le point de vue de votre Parlement/Chambre concernant les critères et l'avenir de l'évaluation Schengen ? Quel rôle votre Parlement/Chambre entend-t-il/elle jouer dans la détermination des règles de sécurité à mettre en place pour définir une politique commune sur Schengen?**

*Cette question n'a pas été abordée par le Sénat français.*

- 3. Au vu de l'expérience du Traité de Prüm, quel rôle votre Parlement/Chambre entend-t-il/elle jouer dans l'élaboration d'un "accord PNR européen"? Quel est le point de vue de votre Parlement/Chambre concernant les manières de défendre les libertés individuelles dans l'espace Schengen ? Avez-vous l'intention d'utiliser - si elles sont ratifiées - les dispositions du Traité de Lisbonne relatives à l'évaluation et au contrôle des activités d'Europol et d'Eurojust ? Si oui, comment ?**

*Le projet de « PNR européen » n'a pas encore été discuté au Sénat français ni le thème de « la défense des libertés individuelles dans l'espace Schengen ». Le Sénat français a l'intention d'utiliser les dispositions du traité de Lisbonne relatives à l'évaluation et au contrôle des activités d'Europol et d'Eurojust, qui devront faire l'objet d'un règlement communautaire en vertu du traité. Une réflexion des parlements nationaux sur le contenu de ce futur règlement sera nécessaire.*

#### Chapitre 5: Participation des parlements nationaux aux négociations d'adhésion à l'UE

***L'article 49 du Traité sur l'Union européenne dispose que tout État européen qui respecte les principes énoncés à l'article 6, paragraphe 1, peut demander à devenir membre de l'Union. Il adresse sa demande au Conseil, lequel se prononce à l'unanimité après avoir consulté la Commission et après avis conforme du Parlement européen qui se prononce à la majorité absolue des membres qui le composent.***

***En outre, le Traité énonce que les conditions d'admission et les adaptations que cette admission entraîne en ce qui concerne les traités sur lesquels est fondée l'Union, font l'objet d'un accord entre les États membres et l'État demandeur. Ledit accord est soumis à ratification par tous les États parties, conformément à leurs règles constitutionnelles respectives.***

*Du point de vue des parlements de l'UE, le processus d'adhésion peut être envisagé comme un déroulement en trois étapes comprenant : une étape d'ouverture, une étape de « monitoring » du progrès des négociations, chapitre par chapitre, et une étape finale, la ratification du traité d'adhésion.*

*L'objectif de ce chapitre est de déterminer si les parlements nationaux sont impliqués dans les négociations d'adhésion avec les pays candidats à chacune de ces étapes et comment. En outre, ce chapitre tâchera d'identifier les éventuelles règles particulières des constitutions nationales pour la ratification d'un traité d'adhésion.*

Questions :

*Les questions portent uniquement sur les deuxième et troisième phases décrites ci-dessus, en prenant en compte le rôle des parlements de l'Union européenne. La dernière phase est présentée en deux parties. On cherchera également à identifier les éventuelles particularités liées à la ratification d'un traité d'adhésion dans les systèmes constitutionnels des États membres.*

*Les négociations chapitre par chapitre :*

6. *Votre Parlement/Chambre exerce-t-il/elle un contrôle sur les négociations, chapitre par chapitre ?*

*Si c'est le cas :*

a) *quel est le rôle des commissions suivantes : la commission des affaires européennes, la commission des affaires étrangères, les autres commissions dont le domaine d'intervention correspond à un chapitre de négociation ?*

b) *Quelle forme juridique prend la décision de votre Parlement/Chambre et dans quelle mesure cette décision influence-t-elle la position de votre pays ?*

c) *Quel est le rôle de l'assemblée plénière ?*

**Le Sénat français ne fait pas de contrôle sur les négociations d'adhésion chapitre par chapitre.**

*L'approbation du traité d'adhésion :*

7. *Votre Parlement/Chambre participe-t-il/elle à la phase d'approbation du traité d'adhésion par le Conseil européen ?*

*Si c'est le cas, quel est :*

c) *le rôle des commissions suivantes : la commission des affaires européennes et la commission des affaires étrangères ?*

d) *le rôle de l'assemblée plénière ?*

**Le Sénat français participe au contrôle de la politique extérieure menée par le gouvernement français sous forme d'auditions ministérielles et de débats en**



**séance publique, sans procédure particulière concernant l'approbation des traités d'adhésion.**

*La ratification :*

8. *Quel est le rôle des commissions dans le cadre de la ratification d'un traité d'adhésion ?*

**La commission des affaires étrangères et de la défense du Sénat français est la commission permanente compétente pour instruire les projets de loi de ratification des traités d'adhésion.**

9. *Votre système constitutionnel prévoit-il des dispositions particulières concernant la procédure de ratification d'un traité d'adhésion (par exemple, vote à la majorité absolue/relative, ordinaire/qualifiée) ? Merci de préciser !*

**Oui. Aux termes de l'article 88-5 de la Constitution française, après l'adhésion de la Croatie, tout projet de loi autorisant la ratification d'un traité relatif à l'adhésion d'un État à l'Union européenne devra être soumis au référendum par le Président de la République.**

10. *Votre système constitutionnel prévoit-il une procédure de ratification différente selon la forme que revêt le droit communautaire primaire (traités fondateurs et traités d'adhésion) ? Merci de préciser !*

**Oui, en application de l'article 88-5 de la Constitution française, tout projet de loi autorisant la ratification d'un traité relatif à l'adhésion d'un État à l'Union européenne est soumis obligatoirement au référendum par le Président de la République. Pour un traité « fondateur », la procédure ordinaire est une ratification par voie parlementaire (loi ordinaire) ; toutefois, le président de la République a la possibilité de recourir à un référendum (ce fut le cas pour le traité de Maastricht et pour le traité constitutionnel). Un projet de loi de révision de la Constitution française doit être présenté au Parlement français prochainement ; une de ses dispositions vise à rendre facultatif le recours au référendum pour la ratification des traités d'adhésion.**

## **Germany: Bundestag**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

The ratification act prepared by the Federal Government contains the entire Treaty of Lisbon in the form in which it was signed by the representatives of the Member States, including all protocols and declarations. The act also contains an explanatory memorandum which describes the history, basic structure and contents of the Treaty and provides tables listing changes and new provisions for the decision making procedures. Nevertheless, the Committee on the Affairs of the European Union expects the Federal Government make sure that the German Bundestag is provided with a consolidated version of the Treaty without further delay. This has recently been emphasized in letter by the Chairman of the Committee to the Minister of Foreign Affairs.

**2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

**The Committee on the Affairs of the European Union of the German Bundestag has held three special hearings on the Lisbon Treaty with experts devoted to the developments in the following areas:**

- **Common Foreign and Security Policy/European Security and Defence Policy**
- **Area of Freedom, Security and Justice**
- **Basic structure of the Lisbon Treaty and institutional reform**

**These hearings are open to the public and have been announced on the website of the Bundestag. In addition, several NGOs, think tanks, universities and other institutions involved in European affairs as well as the media have been invited to attend the hearings.**

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

**Please refer to the reply to question No. 2. The hearing on the basic structure of the Lisbon Treaty and institutional reform has put a focus on the future role of national parliaments in the EU.**

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

**This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.**

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

**The German Bundestag has not issued a written statement yet, but from the discussions within the EU Affairs Committee and the hearings with experts (cf. question 2), it can be concluded that the increased influence provided for national parliaments in the Treaty of Lisbon is largely appreciated. The future participation in subsidiarity checks has been highlighted by many Members of the Committee as an important contribution to bringing legislation closer to the citizen and thereby enhancing acceptance of the European integration process. The same is true for the envisaged jurisdiction of the Court of Justice for actions brought by national parliaments on grounds of infringement of the principle of subsidiarity. The enhanced involvement of national parliaments in future Treaty amendments and in the implementation of passerelle clauses have also been stressed by several Members.**

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

**The German Bundestag is currently reviewing legislation to increase and strengthen the rights of the Bundestag and the Bundesrat in affairs of the European Union ("Gesetz über die Ausweitung und Stärkung der Rechte des Bundestages und des Bundesrates in Angelegenheiten der Europäischen Union"). This legislation has already been adopted in conjunction with the Constitutional Treaty but did not enter into force due to the rejection of the Treaty. It will contain detailed provisions on the implementation of new competences conferred upon national parliaments in EU matters by the Lisbon Treaty (subsidiarity, passerelle etc.), increase the information of the Bundestag in EU matters and enhance its participation in decisions such as the nomination of Judges and Attorneys General to the European Court of Justice.**

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

**The Treaty of Lisbon contains a number of competences – not only with regard to the subsidiarity principle – which are new for national parliaments. The implementation of these new rights will certainly require an increased exchange of information and best practices. The**

appropriate forum for the exchange of best practises regarding procedures in general is COSAC. Regarding subsidiarity checks on legislative proposals within the eight weeks time frame, more effective use could be made of IPEX and/or the informal network of national parliament representatives in Brussels.

### **CHAPTER 3: The Lisbon Strategy**

This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

There is no questionnaire for this Chapter

### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

#### **Questions:**

1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?

The Bundestag is regularly involved in the decision-making process concerning the Schengen area. EU-documents relating to the Schengen area are scrutinized primarily in the Internal Affairs Committee, but also in the EU-Affairs Committee, before being dealt with in plenary. The Federal Government reports on a regular basis to the Internal Affairs Committee before and after the meetings of the Justice and Home Affairs Council. Moreover, the Government has been asked to report on various aspects of the “Schengen-aquis” and on the enlargement of the

Schengen area in meetings of Internal Affairs Committee. In addition, delegations of the Internal Affairs Committee and individual Members have made a number of visits to the external borders of the Schengen area in order to obtain relevant information about the situation on site. Finally, the enlargement of the Schengen area was the subject of numerous questions by individual members and political groups which have been answered by the Government in writing or orally during question time in plenary.

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

The Bundestag will follow the Schengen-evaluation process as closely as possible and intends to support the Federal Government and the European institutions in their efforts to establish common Schengen policies.

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>9</sup>?

The German Bundestag is currently discussing the plans to establish a European PNR-System and intends to play an active role in the process. The Bundestag will cooperate with the Federal Government in establishing a German position for the coming deliberations. First discussions of the subject in the Internal Affairs Committee have shown, however, that the various political groups' assessment of the project differ considerably. The Proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes [COM(2007) 654 final] is provisionally scheduled to be debated in the Internal Affairs Committee on 23 April 2008.

What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area?

The Bundestag attaches great importance to the defence of individual freedoms in the Schengen area. There is, admittedly, no uniform position concerning the assessment of individual restrictive provisions. All groups have their own line of argument, some placing more emphasis on privacy or data protection, others on the efficiency of surveillance or the exchange of data. Some arguments can be found in the recent Report of the Committee on Internal Affairs on the motion "Creating a transparent and citizen-friendly Schengen Information System in the European Area of Freedom, Security and Justice"

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<sup>9</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

(See **Doc.** <http://dip21.bundestag.de/dip21/btd/16/081/1608164.pdf>).

**16/8164,**

**Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

**The German Parliament supports all efforts to improve the evaluation and scrutiny of the activities of Europol and Eurojust, but in view of the ongoing ratification process no detailed procedure has been established to date.**

#### **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

**Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.**

**When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.**

#### **Questions:**

**The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.**

**Negotiations chapter-by-chapter phase:**

- 1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

No. The EU Affairs Committee monitors the negotiation process in a general manner, e.g. by reviewing the regular progress reports, inviting representatives of the Federal Government to its sessions or by holding hearings with Members or representatives of the European Commission responsible for enlargement. In addition, the Committee often receives representatives of individual applicant countries and sends delegations to travel to them.

According to a general agreement between the EU Affairs Committee and the Foreign Affairs Committee of the German Bundestag, the EU Affairs Committee is the one responsible for monitoring the accession process from the moments negotiations have begun. Therefore, the Foreign Affairs Committee will not deal with issues relating directly to the negotiation process.

It may also be of interest to note that according to the Agreement between the German Bundestag and the Federal Government of 28 September 2006 on cooperation in matters concerning the European Union, the Federal Government is obliged to inform the German Bundestag of intentions of the Council to enter into accession negotiations and to brief the Bundestag of its own deliberations. The Government is also obliged to try to reach agreement with the German Bundestag before the council takes its final decision. The full text of the agreement can be found at: [http://www.bundestag.de/htdocs\\_e/europe/vereinb\\_zus\\_bt\\_breg\\_en.pdf](http://www.bundestag.de/htdocs_e/europe/vereinb_zus_bt_breg_en.pdf).

If so, what is:

- a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?
- b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?
- c) the role of the plenary?

Approval of the Accession Treaty phase:

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

Please refer to the reply to question 1

If so, what is:

- a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?
- b) the role of the plenary?

Ratification phase:



**3. What is the role of committees in ratification of an Accession Treaty?**

**Once an accession treaty has been signed, the Federal Government will prepare a ratification bill which is forwarded to the Bundesrat and the German Bundestag. In the Bundestag, the EU Affairs Committee will usually be the committee responsible for reviewing the bill and the Accession Treaty. However, a number of other sectoral committees will take part in the scrutiny process in an advisory capacity. For example, the parliamentary scrutiny of the Accession Treaty with ten new Member States of 16th April 2003 involved the EU Affairs Committee as well as the Foreign Affairs Committee, the Internal Affairs Committee, the Legal Affairs Committee, the Committee for Economics and Labour and the Budget Committee. Together, the committees will prepare a report and a recommendation for the final decision of the plenary.**

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**No. As a rule, the procedure for the ratification of international agreements is applied.**

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**Article 23 of the German Basic Law stipulates that the ratification of a treaty amending the Founding Treaties of the EU requires the same quorum as foreseen for constitutional amendments, i.e. two thirds of the Members of both the German Bundestag and the Bundesrat. As stated above, this procedure is not applied for accession treaties.**

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## **Germany: Bundesrat**

### **Chapter 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

#### **Question 1**

**A consolidated version of the Treaty of Lisbon is not necessary for the ratification process in the Bundesrat.**

#### **Question 2**

**The Bundesrat has stated its opinion on both the results of the Intergovernmental Conference and the draft bill to ratify the Treaty of Lisbon. The content of the Treaty of Lisbon and the results of the Intergovernmental Conference were discussed in detail in the plenary sessions.**

**In addition, the Treaty of Lisbon will be a central theme of Europe Week 2008, which will take place from 2 to 11 May 2008. Within the framework of Europe Week, numerous discussion and information events for citizens on European themes are held each year in all 16 federal states.**

#### **Question 3**

**In its opinion on the draft bill to ratify the Treaty of Lisbon, the Bundesrat acknowledged the progress that has been achieved with the Treaty. In particular, it emphasised the strengthening of the national parliaments through the subsidiarity early-warning system and the right of the national parliaments to bring actions before the European Court of Justice in the event of infringements of the subsidiarity principle.**

**Through the activities of the federal states, especially in the context of Europe Week, citizens are being acquainted with specific content of the Treaty as well as general aspects. The aim is to enable citizens to understand what an impact Europe has on their personal lives and what tangible benefits it brings them.**

### **Chapter 2: The Treaty of Lisbon – Implementation and its Consequences for the National Parliaments of the EU**

#### **Question 1**

**Through the creation – for the first time – of direct legal relations between the European institutions and the national parliaments, the Treaty of Lisbon has significantly strengthened the Bundesrat's rights of participation in the formulation of European policy. This is also true of the possibility of bringing an action on grounds of infringement of the subsidiarity principle.**

**In contrast to the procedure for direct transmission of documents by the Commission, which has been implemented since September 2006 and which, incidentally, the Bundesrat favours retaining, the Treaty of Lisbon foresees certain binding responses by the EU institutions when specific conditions are met. This lends a new quality to the role of the national parliaments in the process of European policy formulation.**

#### **Question 2**

**The Bundesrat is presently examining whether and to what extent the review procedure must be adjusted in line with the procedures envisaged in the Treaty of Lisbon. The goal is to integrate the new procedural arrangements into the existing review procedure if at all possible.**

#### **Question 3**

**In the opinion of the Bundesrat, the entry into force of the Treaty of Lisbon will require enhanced cooperation and coordination between the national parliaments in order to enable them to effectively and efficiently exercise their new rights. The Bundesrat is presently examining the possibilities for improving cooperation.**

#### **Chapter 3: The Lisbon Strategy**

**There is no questionnaire for this Chapter.**

#### **Chapter 4: Enlargement of the Schengen area**

##### **Question 1**

**EU proposals connected with the Schengen Agreement or the Convention Implementing the Schengen Agreement are scrutinized within the framework of the normal review procedure. The Bundesrat has thus far stated its opinion on individual aspects of the enlargement of the Schengen area, such as the Schengen Information System and the Community Code on the rules governing the movement of persons across borders.**

##### **Question 2**

**The Bundesrat has not yet taken positions on the criteria and the future of the Schengen-Evaluation.**

##### **Question 3**

**On 15 February 2008 the Bundesrat stated its critical opinion of the Proposal for a Council Framework Decision on the use of Passenger Name**

**Record (PNR) for law enforcement purposes, especially in the light of the aspect of data protection.**

**No decision has thus far been taken on the extent to which the Bundesrat will use the provisions in the Treaty of Lisbon concerning the evaluation and scrutiny of the activities of Europol and Eurojust.**

## **Chapter 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

### **Questions 1 and 2**

**Pursuant to an agreement with the Federal Government, the Bundesrat is briefed on the status of negotiations on accessions insofar as the interests of the federal states could be affected. The Bundesrat may submit opinions, but the Federal Government is not bound by these in the negotiations.**

**The federal states furthermore have the right to participate, through a representative, in the Government's internal rounds of talks to coordinate the German negotiating position and – to the extent possible – in the Council's ad hoc Group "Enlargement" if the specific areas for discussion fall within the exclusive legislative competence of the federal states or affect their material interests.**

**Within the framework described above, the general review procedures are followed. Opinions of the Bundesrat are prepared by the Committee on Questions of the European Union as lead committee and adopted by the Plenary.**

### **Question 3**

**The specialist committees are not involved in the review of bills to ratify accession treaties. Opinions of the Bundesrat are prepared by the Committee on Questions of the European Union as lead committee.**

### **Questions 4 and 5**

**In derogation from the customary procedure for the ratification of international treaties, pursuant to Article 23 (1), third sentence, of the Basic Law the consent of the Bundesrat with two thirds of its votes is required for changes in the treaty foundations of the EU and comparable regulations that amend or supplement the Basic Law or make such amendments or supplements possible.**

## **Greece: Chamber of Deputies**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

*The Bill on the ratification of the Lisbon Treaty has not yet been submitted to the Hellenic Parliament. It should be noted that (as in practice in all Bills ratifying international treaties) the Bill will include the entire text of the Treaty as this was signed by the EU member-states in December 2007.*

*As concerns a consolidated version of the Treaty, the Hellenic Parliament is not considering such a publication, which, in any case, would be more appropriate for the European Council, rather than the member states individually.*

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?

*The Chairperson of the Committee for European Affairs Mrs Elsa Papademetriou, was in charge for the organisation of a round table entitled: “The Reform Treaty and the Role of National Parliaments”. The round table was open to the public and attended by MPs and MEPs. The Speaker of the Hellenic Parliament Mr Dimitrios Sioufas intervened in the discussion which followed the initial presentations. Various interesting questions were asked from the participants and received detailed answers from the parliamentarians.*

*Mrs Papademetriou arranged for the publication and distribution to MPs and to any one concerned of a booklet containing a series of documents on the Subsidiarity check to the “Proposal for a Framework Decision amending decision 2002/475/JHA on combating terrorism” (reports, opinion of the Committees engaged in the check, minutes etc).*

*The Speaker of the Hellenic Parliament as well as several MPs have expressed views or have published articles in the press or in specialized reviews regarding the coming into force of the Lisbon Treaty and on the way it will affect National Parliaments.*

3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?

*The communication of the Hellenic Parliament with citizens has primarily focused on the improvement of the democratic functioning of the EU and on the enhanced role of National Parliaments and the European Parliament.*

*Among other aspects that have been highlighted are the improvement of the effectiveness at the decision making process with the adoption of qualified majority voting, the European Citizens’ Initiative and, finally, the incorporation of the Charter of Fundamental Rights.*

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### **Questions:**

1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?

*The Hellenic Parliament's influence in dealing with EU affairs has been enhanced in the last years, especially ever since the European Commission began to inform directly the national Parliaments on its legislative initiatives - thus all Parliaments were able to conduct scrutiny regardless of any other support from their respective governments.*

*Furthermore, very decisive in the same direction, has also been the contribution of interparliamentary cooperation - as for example, the coordinated subsidiarity checks conducted by COSAC, the frequent exchange of views with the European Parliament on major legislative initiatives through joint meetings, the coordinated debates on Commission's annual legislative and work programmes etc.*

*We believe that this tendency will be continuously evolving and may be further institutionalized when Lisbon Treaty comes into effect.*

2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)

*This question has been raised many times in the Hellenic Parliament as from the moment the Constitutional Treaty was signed. The Speaker of the Parliament and the Chairperson of*

*the Committee for European Affairs have publicly expressed their commitment to carry out amendments in the Standing Orders of the House and to this end they have assigned a working group consisting of MPs, parliamentary officials and other academics, to present its proposals.*

3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?

If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?

*Each Parliament should decide on its own how to make better use of the new provisions.*

*It is very useful, however, to have full knowledge of the findings of other Parliaments, regarding compliance with the principle of subsidiarity, as well as to be informed of the various views exchanged directly with the European Commission. Should this process be made public it would assist national Parliaments to acquire support from other Parliaments and strengthen any expressed arguments.*

*The IPEX website provides many opportunities in this direction and we should take full advantage of it and expand its use.*

*We consider extremely useful that each parliament when scrutinizing a proposal and encountering possible subsidiarity infringements, communicates to the other Parliaments a brief summary on the issue - in English or French.*

*Moreover, the information exchange should not only be limited to the subsidiarity check but should, instead, cover any other aspect worth notifying to the Commission.*

*National Parliaments' representatives in Brussels (liaison officers) also play a significant role in the exchange of information and close co-operation between them would add to the quality of the work they provide to national parliaments.*

### **CHAPTER 3: The Lisbon Strategy**

This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b)



present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

There is no questionnaire for this Chapter

#### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

#### **Questions:**

1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?

*The Hellenic Parliament was not directly involved in this process. In several occasions, however, (as for example in the context of a discussion on the Hague Programme by the Committee for European Affairs) many MPs expressed views in favour of the enlargement of the Schengen area, underlining the need to establish free movement of persons within the EU territory as well as the need to harmonize the requirements concerning border crossing between all member states on one hand and third countries on the other.*

*With reference to the agreement on the accession of Switzerland to the Schengen area, this was ratified by the Hellenic Parliament in December 2007.*

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

*The future of the Schengen Evaluation has not been examined as such by the Hellenic Parliament.*

*As concerns the common Schengen policy, it is considered positive to adopt minimum common standards in the domain of cross border police cooperation. The inclusion of common practices and principles in a single legislative framework responds to the need for more transparency. Moreover, border security should be envisaged on the European level rather than individually by each member state.*

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>10</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

*The proposal for a Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes (COM 92007)654) is pending for debate at Committee level. (Actually, it was postponed when we were advised that debate in Council will delay.)*

*The balance between the need for tight security measures in order to adapt to new challenges of terrorism and organised crime on one hand and the protection of human rights, on the other, is becoming delicate nowadays. That is why the Hellenic Parliament considers very important the fact that the Charter of Fundamental Rights will become legally binding, when the Treaty of Lisbon comes into effect. Also positive is the fact that EU becomes a signatory member of ECHR. Moreover our Constitution and national legislation are guaranteeing the respect of individual freedoms.*

*The problem lies mostly within the implementation of legal acts and the risk of abuses by the executive power and administrative bodies. That is why our societies have established both at national level and at EU level Independent Authorities (such as the Ombudsman, data protection authority and so on) that supervise the protection of human rights at this stage.*

*Both the European Parliament and the National Parliaments have the power to act at an early stage, when scrutinizing or elaborating*

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<sup>10</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

*legislative proposals, and also are responsible for monitoring closely the functioning of Independent Authorities.*

*The Treaty of Lisbon opens up new perspectives for National Parliaments in the area of Freedom, Justice and Home Affairs. Among the amendments envisaged in our internal procedures is the new context of cooperation with our Government. Besides, we believe that COSAC should deal once more with this matter, in the light of these developments and formulate recommendations to this end.*

*Also important is the development of interparliamentary cooperation in this field and especially consultations with the European Parliament, when monitoring Europol or the activities of Eurojust.*

#### **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

#### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

Negotiations chapter-by-chapter phase:

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?

*The Hellenic Parliament is monitoring the negotiations by means of parliamentary control. In precise, the Hellenic Parliament is monitoring the negotiations at parliamentary Committee's level either through the scrutiny of documents published by the European Commission (such as Progress Reports, Accession Partnership -or European Partnership- Agreements), or through the briefings of competent Ministers, prior or after the Council meetings, or even briefings by competent Commissioners .*

*This kind of involvement should not be considered to be "stricto sensus" monitoring on a chapter by chapter basis, as the approach is more general and is usually focused on the chapters which are of specific interest to the country.*

*The Committee for European Affairs as well as the Standing Committee for National Defence and Foreign Affairs are involved in this kind of scrutiny either individually or jointly. The plenary is not involved at this stage.*

If so, what is:

a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

c) the role of the plenary?

**Approval of the Accession Treaty phase:**

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

If so, what is:

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

b) the role of the plenary?

*As stated above, this kind of debate (at Committee level) might coincide with a briefing on the results of a European Council.*

**Ratification phase:**

3. What is the role of committees in ratification of an Accession Treaty?

*The Accession Treat, once duly signed and approved, is incorporated in the text of a Bill which is submitted by the*

*Government to the Parliament. The next stage is the elaboration of the Bill by the competent Committee (in this case it is the Standing Committee for National Defence and Foreign Affairs) and then by the plenary, where the Treaty is finally passed and thus ratified by Statute law.*

4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.

*The participation of Greece in the EU (European Communities at the time of accession in 1981) was based on article 28 of the Greek Constitution which reads as follows:*

*“Article 28*

*1. The generally recognised rules of international law, as well as international conventions as of the time they are ratified by statute and become operative according to their respective conditions, shall be an integral part of domestic Greek law and shall prevail over any contrary provision of the law. The rules of international law and of international conventions shall be applicable to aliens only under the condition of reciprocity.*

*2. Authorities provided by the Constitution may by treaty or agreement be vested in agencies of international organizations, when this serves an important national interest and promotes cooperation with other States. A majority of three-fifths of the total number of Members of Parliament shall be necessary to vote the law ratifying the treaty or agreement.*

*3. Greece shall freely proceed by law passed by an absolute majority of the total number of Members of Parliament to limit the exercise of national sovereignty, insofar as this is dictated by an important national interest, does not infringe upon the rights of man and the foundations of democratic government and is effected on the basis of the principles of equality and under the condition of reciprocity.*

*\*\* Interpretative clause:*

*Article 28 constitutes the foundation for the participation of the Country in the European integration process.”*

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

*The ratification of EU primary legislation – either Founding Treaties or Accession Treaties - has always been founded on the provisions of article 28 of the 1975/1986/2001 Constitution. Despite the fact that different majorities (i.e. 180 MPs in par. 2 and 151 MPs in par.3) are required for different types of international treaties, it should be noted that all Founding and all Accession treaties have been passed by the Hellenic Parliament by increased majorities as two or more of the main parliamentary parties have always voted in favour.*

## **Hungary: National Assembly**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

**1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

*No legal provision requires a consolidated version for the ratification process, but the Ministry of Foreign Affairs provided an unofficial consolidated version on its homepage, prior to the publication of the official translation, already on the 13<sup>th</sup> December 2007 to accelerate the ratification process in the parliament.*

**2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

*Although no formal event has been initiated by the Committee on European affairs, the deputies have been closely following the process of negotiations. The Committee held hearings of the “focal points” appointed by the prime minister and was briefed by the Minister for Foreign Affairs several times about the IGC. Minutes of each committee meeting and a short memo summarizing the main discussion points are regularly published on the website of the committee, thus providing valuable source of information for anyone interested.*

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

*No specific areas have been emphasised.*

### **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

*The Protocols attached to the Treaty of Lisbon on the role of the national parliaments and subsidiarity certainly provide tools for enhancing the influence of parliaments. At the moment however, the effectiveness of these measures can not be evaluated yet. As the source of the influence is the coordinated effort of several chambers, the extent of successful application depends on a wide range of practical matters from the issue of translations to the compatibility of schedules and timing in all the parliaments.*

*On national level, subsidiarity checks conducted in an early stage of the legislative process bear the added value of raising awareness of the deputies that might result in a more thorough scrutiny of significant proposals for Hungary. Furthermore the considerable impact a “yellow card” procedure might have on the decision-making process, can raise the level of focus on the European questions among MPs.*

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

*The procedure of the subsidiarity check mechanism is regulated by the law on the cooperation of the Parliament and the Government in European Union affairs (Act LIII. of 2004) and the Standing Orders of the Parliament. As the regulation was prepared with regard to the draft Constitutional Treaty and the Treaty of Lisbon does not entail significant changes regarding the Protocol on National Parliaments, apart from the extended timeframe of 8 weeks, no adaptation of the relevant rules is necessary at this point. Some changes in practice, however, are to be expected, to comply with the prospective increase in the number of checks. These developments will most likely effect the way of selecting proposals, or the moment of a scrutiny process considered most significant (earlier stages of scrutiny procedure and subsidiarity issues might influence each other).*

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

*Cooperation among national parliaments is essential to ensure the effective exercise of parliamentary competences in monitoring the principle of subsidiarity and proportionality and to promote exchange of information and best practices. Interparliamentary cooperation should be performed in the already existing framework, i. e. the Conference of Speakers, COSAC, joint parliamentary meetings, meetings of sectoral Committees and the Permanent Representatives of the national parliaments to the EU. A functioning IPEX homepage where even stages of scrutiny procedure are published can be an effective tool for each parliament. In practical terms, due to the short period of time available for action in a case of a subsidiarity check, informal cooperation among secretariats seems to be significant element of any mechanism. Experiences about the number of proposals addressed, the level of eagerness of parliaments to engage in process are necessary to develop any procedure in the matter, and will be rather possible after the treaty have entered into force.*

#### **CHAPTER 4: Enlargement of the Schengen area**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure**



do you use? How is your Parliament/Chamber cooperating with your government on this?

*The enlargement of the Schengen area has been a priority of the Hungarian governments since the beginning of the accession negotiations. As one of the greatest European projects regarding the free movement of persons, the issue has always enjoyed strong consensus between the parliamentary factions. The positive message, the abolition of the border control, conveys to the new citizens of the Schengen area, can only be entirely understood in its historical context.*

*After the EU-Accession, the Parliament first launched a scrutiny procedure by virtue of the Act LIII of 2004 on the cooperation of the Parliament and the Government in European Union affairs on the so-called SIS II package of the European Commission (proposals COM (2005) 230, 236, 237).*

*The next phase for the Schengen question began in autumn 2006, when the so-called Portuguese plan on the SISI4all was approved in the Council. Formally, the draft Council decision on the enlargement of the Schengen area was not scrutinised in the meaning of Act LIII of 2004, but both the Minister for Justice and Law Enforcement and the Minister for Foreign Affairs appeared regularly before the Committee on European Affairs and informed the MPs about the actual stages of preparations and negotiations within the JHA Council. (Dates of the relevant Committee sittings: 10.10.2006, 26.10.2006, 14.02.2007, 12.03.2007, 23.04.2007, 08.05.2007, 18.09.2007 and 30.10.2007.) The issue was also debated in plenary in form of questions and interpellations both from the governing and the opposition parties, f. e. on 09.10.2006, 18.12.2006, 24.09.2007 and 19.11.2007. The significance of the Council decision of 7.12.2007 on the Schengen enlargement was discussed in the plenary on 11.12.2007.*

*In this issue there is a strong cooperation between the Government and the Parliament, which is necessary for its success taken into account all the aspects of security and mobility.*

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

*Concerning the criteria of the Schengen-Evaluation, the first method is a general parliamentary tool in the hand of the MPs - especially who come from regions directly affected by the Schengen enlargement - namely the questions and interpellations both on parliamentary and committee levels. (F. e. The sitting of the European Affairs Committee of 12.02.2008 and the interpellation in the plenary of 25.02.2008)*

*The Committee on European Affairs is also preparing for the next Schengen-Evaluation sitting scheduled for this spring.*

*Regarding the security rules and the experiences of the Schengen enlargement, the Committee on Foreign Affairs and Hungarian Minorities Abroad and the Defence and Internal Security Committee cooperate with the Committee on European Affairs. (Note: The 137km border between Hungary and Serbia, the 176km between Hungary and Ukraine and also - temporarily - the 448km between Hungary and Romania, the 345km between Hungary and Croatia became external Schengen-borders of the EU.)*

*The establishment of a common Schengen policy is preferable; however the security rules should be formulated in a framework norm in order to avoid fragmentary and piecemeal legislations.*

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

*The Treaty of Prüm was promulgated by the Hungarian National Assembly in the Act CXII of 2007.*

*The proposal on the so-called Prüm decision (CNS/2007/804) has been scrutinized by the National Assembly on the basis of the abovementioned Act LIII of 2004. The scrutiny procedure started on 27 March 2007 and the standpoint of the National Assembly was adopted on 5 June 2007, following numerous Committee sittings and hearings and the opinion of the Defence and Internal Security Committee of 9 May 2007.*

*The Commission's proposal on the PNR (COM/2007/654) falls also under scrutiny procedure, which has started recently.*

*There is generally one thing which makes the work of the Hungarian National Assembly rather difficult in the area of justice and home affairs: the different proposals (SIS II, VIS, Eurodac, Prüm, PNR etc.) deal with similar issues, namely the control/monitor of persons crossing the EU external borders and the more efficient cooperation of national authorities, but with very different scopes. One guarantee for the defence of individual freedoms would be the adoption of the framework decision on data-protection (COM/2005/475). However, in this issue two legitimate interests compete with each other: the right to privacy and the maintenance of the public order of the state. The Hungarian Parliament finds it essential to insert all the necessary safeguard elements to the proposals regulating the Schengen area. These safeguard clauses are inevitable to have a proportional and effective legislation.*

*The paragraph c) of Article 12 of the Treaty on the European Union, and paragraph c) of Article 85 and paragraph b) of Article 88 of the Treaty on the Functioning of the European Union confer special control functions on the European Parliament and the national parliaments with regard to the Eurojust and Europol. In the National Assembly there has not been any debate on the future possible application of these provisions yet. First evaluation is expected following the successful ratification of the Lisbon Treaty.*

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

**Negotiations chapter-by-chapter phase:**

**1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

*The Hungarian Parliament is following the accession negotiations to the EU, but not a chapter by chapter basis. Until the point of the actual signing of an Accession*

*treaty, specialized parliamentary committees (mainly the Committee on European Affairs) are monitoring the process. The Ministry on Foreign Affairs regularly briefs the Committee on the progress and status of the negotiations. As the accession of Croatia is of utmost importance for Hungary, the Committee held a hearing of the Croatian ambassador to Budapest, where he informed the deputies about the negotiations with special attention to the “ZERP issue” (fishing rights in a sensitive zone of the Adriatic Sea, particular concern of Slovenia).*

**Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

**b) the role of the plenary?**

*A parliamentary resolution (subject to a simple majority vote in the plenary) authorises the government to sign the Accession Treaty, what is being prepared by the Committee on European affairs and the Committee on Foreign Affairs. The committees shall make a recommendation to the motion for decision submitted to Parliament.*

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

*The Committee on European affairs and the Committee on Foreign relations prepare recommendations for the promulgating law of the Accession Treaty.*

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

*Ratification of an Accession Treaty has to be conducted according to the Law on procedures concerning international treaties (Act L. of 2005), requiring no specific provisions, but an absolute majority vote.*

*(Ratification of the Hungarian Accession Treaty by the Hungarian National Assembly fell under the scope of Article 2/A of the Constitution, that requires a two-thirds majority vote (of all deputies))*

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

*In case of modifications of the Founding Treaties the Hungarian constitution requires a two-thirds majority vote (of all deputies) in the National Assembly on ratification and promulgation of the treaty, an Accession Treaty however is subject to an absolute majority vote, as other international treaties.*

## **Ireland: Houses of the Oireachtas**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

*[Please add the following to the COSAC website concerning the ratification process for Ireland:*

**Timetable:** The Bill to ratify the Treaty (*Twenty-eight Amendment of the Constitution Bill*) was presented to Dáil Éireann on 6 March 2008. It is currently being debated at Second Stage in Dáil Éireann. Following its passage through the legislative process in both Houses of the Oireachtas it will be submitted to a referendum.

The referendum is scheduled to take place on 12 June 2008.]

- 1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

**Reply:**

Under the rules and procedures of the Houses of the Oireachtas (Parliament of Ireland), a consolidated version of the Treaty is not necessary for the parliamentary phase of the ratification process.

A consolidated version of the Treaty, produced by the Institute of International and European Affairs in Ireland, was available to the Joint Committee on European Affairs to assist it in its deliberations in relation to the Treaty.

- 2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

- 3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

**Reply:**

The Joint Committee on European Affairs (whose membership is drawn from both Houses of the Oireachtas) undertook a series of meetings with a number of the Social Partners to obtain their views on the Treaty of Lisbon. Following these meetings, the Committee presented an interim report on the outcome of these meetings to the Houses of the Oireachtas and the Government.

As a follow-up to this interim report, the Committee has begun a series of regional public sittings at various venues throughout the country to inform people about the contents of the Treaty, including the role of national parliaments, and to encourage and stimulate debate in public fora and in the media on its implications both for Ireland and for the future of Europe as a whole. At the conclusion of this exercise the Committee will present a final

report, including its own opinion on the Treaty, to the Houses of the Oireachtas and the Government.

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

### **Reply:**

The Oireachtas Joint Committee on European Scrutiny currently has a robust scrutiny system under the European Union (Scrutiny) Act 2002. The Houses of the Oireachtas will be implementing the new provisions within the Lisbon Treaty to further enhance that scrutiny system.

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

### **Reply:**

The Oireachtas Joint Committee on European Scrutiny is entering discussions with the Irish Government on how the provisions in the Lisbon Treaty will be implemented.

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the**

**cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

**Reply:**

Enhanced cooperation between parliaments will be necessary to effectively implement the new provisions. Continued improvement and development of the IPEX website and the role of the Oireachtas Permanent Representative in Brussels will play a key role in improving that cooperation.

**CHAPTER 3: The Lisbon Strategy**

This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

**There is no questionnaire for this Chapter**

**CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

**Questions:**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny**

**procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>11</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

**Reply:**

Ireland is not party to and has not signed the Schengen *acquis*. However, in accordance with Article 4 of Protocol 2 to the Treaty of Amsterdam, Ireland may at any time request to take part in some or all the provisions of the Schengen *acquis*. If the Irish Government were to decide to take part in some or all the provisions of the Schengen *acquis*, it is obliged to seek the prior approval of both Houses of the Oireachtas or the Irish Parliament. Article 29.4.6 of the Irish Constitution provides that "The State may exercise the options or discretions provided by or under Articles 1.11, 2.5 and 2.15 of the [Treaty of Amsterdam] and the second and fourth Protocols set out in the said Treaty but **any such exercise shall be subject to the prior approval of both Houses of the Oireachtas.**"

With regard to the proposed Council Framework Decision for the use of Passenger Name Record (PNR) for law enforcement purposes, Article 29.4.6 of the Irish Constitution would apply. If the Government wishes to take part in this Framework Decision and therefore allow Ireland to agree to its adoption within the Council, it will need to obtain the prior approval of both Houses of the Oireachtas. In this context, the Oireachtas Joint Committee on Justice, Equality, Defence and Women's Rights would consider the draft Framework Decision and the Government's request for Oireachtas approval to participate in its adoption. It would subsequently report to

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<sup>11</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>



the Houses of the Oireachtas where the final decision is made. As with all other draft EU legislative acts, the Oireachtas Joint Committee on European Scrutiny would have an opportunity to examine the proposed Framework Decision in accordance with the European Union (Scrutiny) Act 2002.

The Oireachtas intends to use the provisions of the Lisbon Reform Treaty relating to the enhanced role of national parliaments to the fullest extent possible, including the provisions concerning the evaluation and scrutiny of the activities of Eurojust and Europol. The modalities of using these provisions within the Oireachtas has still be fully considered and decided upon.

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

### **Negotiations chapter-by-chapter phase:**

- 1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**If so, what is:**

**Reply:**

The Houses of the Oireachtas is not directly involved in monitoring EU accession negotiations on a chapter by chapter basis.

- a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

**Reply:**

In accordance with its Orders of Reference, the Joint Committee on European Affairs may consider any matter concerning accession to the European Union.

- b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

- c) the role of the plenary?**

**Reply:**

The Taoiseach reports to Dáil Éireann after each European Council meeting, including in relation to EU accession negotiations.

**Approval of the Accession Treaty phase:**

- 2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**If so, what is:**

- a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

- b) the role of the plenary?**

**Reply:**

See reply to 1(c)

**Ratification phase:**

- 1. What is the role of committees in ratification of an Accession Treaty?**

**Reply:**

The Joint Committee on European Affairs is involved in debating and passing the committee stage of the domestic legislation to ratify the Accession Treaty.

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**Reply:**

A simple majority is required in both Houses of the Oireachtas.

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**Reply:**

In Ireland, ratification of Founding Treaties is by way of a referendum in accordance with the constitutional system in Ireland.

Ratification of Accession Treaties takes place through the Parliament and consists of three steps - the adoption of a motion, the passage of a Bill amending the European Communities Act 1972 followed by the signature and deposition of the formal instrument of ratification.

## **Italy: Chamber of Deputies and Senato**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

**1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

No.

**2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

Yes. In order to inform parliamentarians and citizens about the changes brought in by the Treaty of Lisbon the Chambers very closely followed the reform process, publishing reports on the various stages since the launch of the period of reflection.

In December 2007 the Senate European Affairs Department published a consolidated version of the current treaties accompanied by a detailed explanatory note. The consolidated version is accessible on the Senate's website, making it available to all citizens.

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

One of the most radical innovations in the Treaty of Lisbon is the enhanced empowerment of the national parliaments in the EU law-making process. This aspect has been clearly highlighted in all the Senate and the Chamber of Deputies publications. Informing citizens on this important innovation in particular has been one of the Parliament's priorities.

### **CHAPTER 2: The Treaty of Lisbon – Implementation and its Consequences for the National Parliaments of the EU**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

Since the Italian Parliament was dissolved in January no official position has yet been adopted by the parliamentary organs regarding the impact of the Lisbon Treaty on the Parliament's role in EU affairs.

**2. Is your Parliament/Chamber considering any change or adaptation of its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

A reflection at the administrative level has begun on possible changes to the Senate and the Chamber of Deputies Rules of Procedure and practices, and on amendments to the relevant legislation.

For the political changes see answer (1).

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

In principle, both Houses of the Italian Parliament consider that the implementation of the Lisbon Treaty will require enhanced cooperation between the EU Parliaments, and between them and the EU Institutions.

To this end, the outgoing parliamentary bodies consider it useful to explore the idea of organising a joint reflection by all the EU parliaments and the EU institutions to set down criteria and procedures for implementing the Lisbon Treaty provisions on NP by the European institutions. This requires a broader exchange of information, notably through the IPEX web site.

#### **CHAPTER 4: Enlargement of the Schengen area**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

No. The Italian Parliament has not been involved in the normal scrutiny procedures. Nevertheless, the *ad hoc* Schengen and Europol Committee very closely monitored the whole enlargement process. In particular, the Committee conducted a specific fact-finding investigation (in 2005-2006) into the Schengen Area, to gather information on the actual establishment of an area of freedom, security and justice in the Europe with enlarged borders.

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

The Italian Parliament played no formal part in the Schengen evaluation of new member States. In any case, each enlargement of the Schengen area should reflect full compliance with the *acquis* in relation to external border checks and surveillance, visas, the Schengen information system, police cooperation, and data protection. However, the Schengen Committee may follow up the future of the Schengen-Evaluation by carrying out a fact-finding investigation to gather information and documents deemed useful for parliamentary business (Rule 144 Chamber Rules and 48 Senate Rules.)

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions – if they are ratified – of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

The Italian Parliament, consistently with the Government's position, attributes great importance to issues relating to citizens' security, such of those envisaged by the Treaty of Prüm and in the PNR agreements at the international and European level. Indeed, the *ad hoc* Schengen and Europol Committee approved a resolution (18/7/2007) setting out guidelines for the Italian Government to follow the Treaty of Prüm ratification process.

However, the Parliament considers it necessary to protect the citizens' fundamental rights which are potentially affected by the implementation of the above-mentioned measures.

No official parliamentary position has been adopted, however, with regard to evaluating the Europol and Eurojust activities under the Lisbon Treaty. At an administrative level, the Italian Parliament considers the joint interparliamentary meetings on the Area of Freedom, Security and Justice to have been very useful.

#### **CHAPTER 5: Involvement of the Parliaments of the European Union in negotiations on Accessions to the EU**

##### **Negotiations chapter-by-chapter phase:**

**1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

The Italian Parliament does not have any specific powers to monitor accession negotiations. The Foreign Affairs and EU Policies Committees of both Houses can nevertheless conduct fact-finding investigations – and this is usually done jointly – to enable them at all events to monitor progress with the negotiations. This can be done, for example, through hearings to gather evidence from the Ministers having competence, under Rule 126-*bis* of the Rules of Procedure of the Chamber of Deputies and Rule 142 of the Rules of Procedure of the Senate, or from European Commissioners, under Rule 127-*ter* C.D. Rules and Rule 144-*quater*, Senate Rules. It is also possible to resolve to hold fact-finding investigations to acquire news and information of use to the work of the Chamber in this regard. The investigation ends with the adoption of a document setting out the results of the investigation (Rule 144 of the Rules of Procedure of the Chamber of Deputies and 48 of the Senate).

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

**b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

**c) the role of the plenary?**

##### **Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

No. The same applies to the involvement of Parliament in the Accession Treaty approval phase.

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

**b) the role of the plenary?**

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

In both Houses, the Accession Treaties Ratification Bill is considered, as are all international treaties, by the Foreign Affairs Committees, taking into account the opinion of the EU Affairs and all the other relevant Committees. The Foreign Affairs Committee then reports to the plenary.

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

An Accession Treaty is ratified through the same procedure used for ratifying any other international treaty. The Constitution requires all international treaties of a political nature or which call for arbitration or legal settlements, or entail changes to the national territory or financial burdens or changes to legislation to be ratified by Law (art. 80 Const.). Ratification is one of the tasks of the President of the Republic (following authorisation by the two Houses of parliament as already indicated, when this is necessary) under article 87 of the Constitution.

It is normally the government which tables Bills before Parliament authorising the ratification and implementation of international treaties. Once they have been laid before Parliament they are assigned to the Foreign Affairs Committee which examines them following the ordinary legislative procedure, with the Committee competent by subject matter sitting in a reporting capacity, and with the final approval by the whole House. The Constitution prohibits such treaties being directly approved by a Parliamentary Committee sitting in a legislative capacity (art. 72(iv) Const.).

Treaty Ratification Bills relating to the European Union are also submitted to the European Union Policies Committee, sitting in an advisory capacity, which is required to express its opinion on them, for submission to the Foreign Affairs Committee which must take it into account when deliberating on the Bills.

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

No. The Italian Constitutional system considers all types of EU primary legislation as treaties having political implications.

## **Latvia: Saeima**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct: <http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

*In order to ratify the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, there is no need for its consolidation version because only amendments introduced by the Treaty of Lisbon are ratified. Furthermore, it is not clear when the translation of consolidated version of the Treaty will be available in the Latvian language.*

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc.)? Does your Committee on European Affairs play a role within this?

*During the drafting of the Treaty, the European Affairs Committee of the Saeima tried to involve and inform society on the process by inviting representatives from the Ministry of Foreign Affairs and NGOs to participate in the joint meetings of the*



*European Affairs Committee and the Foreign Affairs Committee of the Saeima, where the Ministry of Foreign Affairs presented reports on developments regarding the Treaty of Lisbon/Reform Treaty.*

*Concurrently with the joint meetings of the European Affairs Committee and the Foreign Affairs Committee of the Saeima, the Saeima EU Information Centre prepared fact sheets on the Intergovernmental Conference and Treaty of Lisbon, which were included in the weekly informative bulletin „Eiroziņas” (Euronews) and also posted on the webpage in the section specially devoted to the Treaty of Lisbon and containing expert opinions as well.*

*The Saeima EU Information Centre’s weekly bulletin „Eiroziņas” has a column which contains comments of the members of the European Affairs Committee of the Saeima on the Treaty of Lisbon.*

*On 15 February 2008, Mrs. Vaira Paegle, Chairperson of the European Affairs Committee of the Saeima, gave a speech on “The Treaty of Lisbon – How Will It Affect Us?” in a conference which was organised by the Ministry of Foreign Affairs of the Republic of Latvia in cooperation with the European Commission’s Representation in Latvia.*

**3. Does your communication with citizens deal with the Treaty of Lisbon in general, or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

*Informative materials prepared by the Saeima EU Information Centre present general information on the Treaty of Lisbon. However, presentations and publications of the Chairperson of the European Affairs Committee of the Saeima mainly focus on the role of national parliaments and the way national parliaments of the EU member states will be able to influence the EU legislation process with the instruments offered by the Treaty of Lisbon.*

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

**This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.**

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

*In general, the European Affairs Committee of the Saeima believes that the Treaty of Lisbon will offer more opportunities for national parliaments, including the Saeima, to influence the EU legislation process through a subsidiarity and proportionality check.*

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g., changes in the scrutiny procedure, changes in the relationship with your government?)**

*Discussions are being held in the parliament on the need to introduce amendments in the Saeima's Rules of Procedure in order to ensure an efficient subsidiarity and proportionality check.*

*The European Affairs Committee of the Saeima has also initiated discussions with government – namely, the Ministry of Foreign Affairs and the Ministry of Justice – on the need to draft legislation which would set forth governmental and parliamentary procedures for ensuring Latvia's activities in the EU. It will depend on the course of discussions whether, as a result of a complex changes, amendments related to a subsidiarity and proportionality check will be introduced in the Saeima's Rules of Procedure.*

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments? If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

*Undoubtedly, in order to ensure an efficient subsidiarity and proportionality check for new EU legislative initiatives, as well as to jointly influence the EU legislation process, there will be a need for further deepening of activity coordination and cooperation among national parliaments.*

*The coordination of national parliaments' activities could be improved in the following ways:*

*1) After the annual presentation of the European Commissions' Legislative and Work Programme, national parliaments could identify not only Commission's legislative initiatives to be jointly checked by COSAC but also initiatives which they will check independently apart from the actions of other national parliaments. The responses of national parliaments would reveal activities planned by other parliaments. Thus parliaments would also have an opportunity to review their own priorities related to the checked initiatives;*

*2) During the regular meetings of Permanent Representatives of the national parliaments in the EU, the Representatives could inform each other about changes introduced to the list of EU initiatives with regard to which the relevant parliament is planning to apply a subsidiarity and proportionality check;*

*3) Use of the IPEX database to the fullest extent. When a legislative initiative is posted in the IPEX, it should be possible to indicate if a country is interested in carrying out a subsidiarity and proportionality check for the relevant document, as*

*well as to show the progress in the process of parliamentary oversight of the relevant document.*

### **CHAPTER 3: The Lisbon Strategy**

This chapter will follow up and build on the 8th Biannual Report (October 2007), which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

There is no questionnaire for this Chapter

### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore

this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

#### **Questions:**

1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?

*The decision on Latvia's joining the Schengen area was made during the process of negotiations on Latvia's accession to the EU. Before Latvia joined the Schengen area, the Saeima European Affairs Committee requested the Ministry of the Interior to regularly submit status reports on developments regarding the enlargement of the Schengen area. The Ministry of the Interior also periodically submitted reports to the Saeima Defence, Internal Affairs and Corruption Prevention Committee.*

*Since Latvia has joined the Schengen area, the Saeima European Affairs Committee continues to keep track of the developments and trends caused by the new situation and frequently invites to its meetings representatives from the State Police, the State Border Guard and the Office of Citizenship and Migration Affairs.*

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

*Taking into account the current demographic trends and recognizing the impact of migration on EU economic processes, Latvia has to formulate a well-considered economic migration policy. Currently, the effective attraction of a highly qualified labour force that meets the demands of member states' labour markets is regarded as a priority when drafting legal migration policy. At the same time, it is necessary to take into consideration the division of competencies between the Community and the member states and to preserve each member state's ability to flexibly and effectively respond to the needs and particular requirements of its own labour market.*

*While developing the EU economic migration policy, it is necessary to bear in mind that illegal employment is one of the factors that encourages illegal migration. Imposing uniform sanctions against employers for employing illegal immigrants and thus applying a uniform regulatory framework throughout the Community would significantly contribute to combating illegal migration.*

*Taking into account the significance of the migration issue, the Saeima European Affairs Committee plans to keep paying attention to this issue and to regularly invite responsible government authorities to report at committee meetings on encountered problems and their possible solutions.*

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>1</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

*Both the Saeima European Affairs Committee and the Saeima Defence, Internal Affairs and Corruption Prevention Committee have discussed the Treaty of Prüm at their meetings.*

*The Saeima European Affairs Committee plans to put on its agenda a discussion of the Council Framework Decision on the Use of the Passenger Name Record (PNR).*

*With regard to the issues of defending individual freedoms in the Schengen area, the Saeima European Affairs Committee plans to continue paying attention to the problems related to the free movement of persons that might be caused by the abolishing of EU internal border controls.*

*The Saeima European Affairs Committee welcomes the provisions of the Lisbon Treaty concerning the involvement of the European Parliament and national parliaments in the evaluation and scrutiny of the activities of Europol and Eurojust. This reflects the unanimous position of the member states regarding the need for transparency of the activities of Europol and Eurojust. However, at present it is difficult to define a specific model of cooperation between the European Parliament and national parliaments in ensuring the supervision of both above-mentioned organisations. To a great extent, the methodology of supervision depends on the*

*mission, tasks and structure of both organisations. When the reforms of the structure and tasks of Europol and Eurojust are finalised, an agreement on the potential model of supervision will be reached.*

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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. When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

Negotiations chapter-by-chapter phase:

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter-by-chapter basis?

*Yes, it is; the Cabinet of Ministers (Ministry of Foreign Affairs) is obliged to harmonise its position on opening or not opening a particular negotiation chapter.*

If so, what is:

- a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector

committees, who deal with issues which correspond to a particular negotiation chapter?

*The Cabinet of Ministers needs to obtain a mandate from the Saeima European Affairs Committee to express on the European level its position on opening a particular negotiation chapter.*

*The Saeima Foreign Affairs Committee and other sector committees do not deal with particular negotiation chapters; however, the Foreign Affairs Committee requests the Ministry of Foreign Affairs to report on a regular basis on the progress in EU accession negotiations.*

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

*The legal framework for the participation of the European Affairs Committee in the accession negotiations is set forth in the Saeima's Rules of Procedure according to which this Committee examines the official positions prepared by the Cabinet of Ministers and rules on them before they are communicated to EU institutions. Thus, the Saeima has established a standard procedure for approving, changing or rejecting positions of the Cabinet of Ministers regarding the accession negotiations.*

c) the role of the plenary?

*Issues regarding opening or closing of negotiation chapters are not considered at Saeima plenary sittings.*

**Approval of the Accession Treaty phase:**

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

*Yes, it is.*

**If so, what is:**

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

*The Saeima European Affairs Committee has set a regular procedure for approving the position of the Cabinet of Ministers to be presented at the European Council. In order for the Prime Minister to be able to express the government's opinion at the European Council, including the opinion on the Accession Treaty, a mandate has to be received from the European Affairs Committee.*

b) the role of the plenary?

*The position of the Cabinet of Ministers to be presented at the European Council is not considered at Saeima plenary sittings because the Saeima has assigned this task to its European Affairs Committee.*

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

*The Cabinet of Ministers submits a draft law on a relevant Accession Treaty to the Saeima. The draft law is then forwarded by the Saeima Presidium to the Foreign Affairs Committee, which may request opinion of the European Affairs Committee regarding the relevant draft law. When the Foreign Affairs Committee has considered this opinion at its meeting, it puts the draft law on the agenda of the Saeima plenary sitting to be considered in the first reading.*

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

*Like all other international agreements, Accession Treaties are considered by the Saeima in two readings. The Constitution of the Republic of Latvia sets forth no special procedures for ratification of Accession Treaties. In accordance with Article 68 of the Constitution, all international agreements which settle matters that may be decided by the legislative process require ratification by the Saeima. Upon entering into international agreements, Latvia, with the purpose of strengthening democracy, may delegate a part of its State institution competencies to international institutions. The Saeima may ratify international agreements in which a part of State institution competencies are delegated to international institutions in sittings in which at least two-thirds of the members of the Saeima participate, and a two-thirds majority vote of the members present is necessary for ratification. Substantial changes in the terms regarding the membership of Latvia in the European Union shall be decided by a national referendum if such referendum is requested by at least one-half of the members of the Saeima.*

*This means that according to the Latvian Constitution, Saeima Members theoretically have the power to request a referendum on the enlargement of the EU or on the changes to EU primary legislation.*

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

*The Latvian constitutional system does not distinguish between the procedures for ratification of different types of EU Founding Treaties and Accession Treaties. They are ratified according to the same procedure by which international instruments are ratified.*

## **Lithuania: Seimas**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

**<http://www.cosac.eu/en/info/Treaty/>**

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

*In accordance with the prescribed ratification procedures the consolidated version of the Lisbon Treaty is not necessary for the ratification. However, the consolidated version was produced in the national language with the view to making it readable and was made available on the website of the Ministry of Foreign Affairs in the middle of March 2008. A lot of other websites provide direct links to the appropriate page on the website of MFA.*

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of



summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?

*The Parliament (Seimas) through its European Information Office participates in the public information campaign initiated and developed together with the Ministry of Foreign Affairs and the Government Office in cooperation with the European Commission Representation in Lithuania. The initiative is aimed at informing the people on the content of the Lisbon Treaty and consists of different kinds of activities such as public debates in different places throughout the country, seminars and presentations for target groups (social partners, NGO's, media, academic community), publication and distribution of various printed material, etc. Other institutions are also involved including the Ministry of Education and Science, Information Bureau of the European Parliament in Lithuania and Europe Direct centres. The joint initiative with the specified plan has to be implemented within the period since the beginning of the year to May of 2008. In December 2007, the plan was presented to and welcomed by the Committee on European Affairs of the Seimas. The Treaty of Lisbon will be one of the most important topics on the traditional annual "European Week" organised at the Seimas in cooperation with the standing committees and taking place in the European Information Office of the Seimas. It usually lasts from the beginning of April to the Europe Day. The ratification procedures of the Lisbon Treaty are expected to be finalised at the Parliament around this date.*

3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?

*Both, depending on the communication event and target group. One of the discussions at the European Information Office of the Seimas will be designated for the role of parliaments provided for in the Treaty of Lisbon.*

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### Questions:

1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?

*The Lithuanian Parliament has not adopted any formal document expressing an official opinion regarding the enhancement of the role of national parliaments under the Treaty of Lisbon. The greater role for national parliaments in dealing with EU affairs has been underlined on many occasions and such an opinion received widespread support, including parliamentary debates during submission of the Lisbon Treaty for ratification at the plenary sitting of the Seimas.*

2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)

*For the time being, the Lithuanian Seimas is not considering any changes in its procedures in the light of the provisions contained in the Treaty of Lisbon. The relationship with the government and the scrutiny procedures at the Seimas have been developed with regard to the provisions of the Constitutional Treaty.*

3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?

If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?

*It is premature to make any specific predictions in this respect. Regarding methods for information exchange, the growing importance of the existing tools such as IPEX should be emphasised. Publication of Commission responses to the reasoned opinions from national parliaments is very much welcomed. It is reasonable to think that after the entry into force of the Lisbon Treaty, the national parliaments will be issuing their reasoned opinions more often. In this connection, it is expected that the need for cooperation and exchange of information between parliaments will grow. However, in a longer perspective, the willingness of national parliaments to make use of the instrument provided for in the Protocol on the Application of the Principles of Subsidiarity and Proportionality might depend on the outcome of the first cases.*

### CHAPTER 3: The Lisbon Strategy

This chapter will follow up and build on the 8th Biannual Report (October 2007), which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they

become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

There is no questionnaire for this Chapter

#### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

#### **Questions:**

1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?

Yes.

1. The Subcommittee on Supervision of the Preparation of the Republic of Lithuania for the Implementation of the Schengen *acquis* was established in the Committee on European Affairs of the Seimas in June 2006. The setting up of the Subcommittee aimed at:

- a. Deliberation and drafting of conclusions and proposals in relation to the implementation of the provisions of the Schengen Treaty, the National Action Plan for the Adoption of the Schengen *acquis*, and effective and timely absorption of investment and financial and human resources, as well as protection of external borders;
- b. Debates on the administration, financing, and implementation of Schengen measures with representatives from competent authorities and respective national and foreign experts;
- c. Efforts to get acquainted with and assess the practical points of the implementation and functioning of the National Action Plan for the Adoption of the Schengen *acquis*;
- d. Continuous cooperation between the Seimas of the Republic of Lithuania and the authorities responsible for the readiness of the Republic of Lithuania for and integration into the European Union Schengen area;

- e. Treatment of other issues in relation to the fulfilment by the Republic of Lithuania of its commitments to the European Union in the framework of the Schengen Treaty.

*2. In addition, the Committee on European Affairs of the Seimas of the Republic of Lithuania, within the framework of deliberation and approval of the Lithuanian national position for the EU Council, regularly debated the aforementioned issue.*

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

The Subcommittee on Supervision of the Preparation of the Republic of Lithuania for the Implementation of the Schengen *acquis* debated the Schengen evaluation process on a regular basis and considered it to be fair and transparent.

The future parliamentary role regarding the Schengen policy is still under the deliberation at the Seimas of the Republic of Lithuania.

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>12</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

The Committee on European Affairs of the Seimas of the Republic of Lithuania debated the specific aspects of the Treaty of Prüm, as well as PNR agreement, on a regular basis, during the deliberation of the national position for the EU Council.

Lithuanian parliamentary EU scrutiny system provides for MPs possibility to have diversified sources of information regarding EU matters. From the procedural point of view, Europol and Eurojust activities could be evaluated within the framework of the regular European affairs scrutiny procedures.

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that the conditions of admission and

<sup>12</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### Questions:

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

#### Negotiations chapter-by-chapter phase:

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?

If so, what is:

a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

The Committee on Foreign Affairs is a principal committee monitoring the process of enlargement negotiations. The Committee on European Affairs is briefed occasionally by the Ministry of Foreign Affairs, and a more detailed presentation is normally done following the announcement of the Progress Reports.

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

Usually it takes the form of the political approval of the government position at the Committee on Foreign Affairs and/or the Committee on European Affairs expressed by the Committee Chairman and entered in the Committee records. The government is bound to take into account the opinion of the Committee on Foreign Affairs regarding EU matters falling under the pillar II (including external relations) as well as the opinion of the Committee on European Affairs regarding the rest of EU matters.

c) the role of the plenary?

No particular role of the plenary unless it considers itself necessary to get involved. The Committee on European Affairs or the Committee on Foreign Affairs may submit an issue in question to the plenary.

Approval of the Accession Treaty phase:

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

If so, what is:

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

The usual procedure of the approval of the government position (in particular before the European Council meetings) regarding the Accession Treaty is applied.

b) the role of the plenary?

See answer 1.c.

Ratification phase:

3. What is the role of committees in ratification of an Accession Treaty? The Committee on European Affairs and the Committee on Foreign Affairs

The matters relating to the ratification of an Accession Treaty fall within the remit of the Committee on Foreign Affairs, which stands as a principal committee in providing conclusions for the plenary regarding the draft ratification law. The Committee on European Affairs is acting as a supplementary committee.

4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.

*The same procedure prescribed as for the ratification of any other international treaty. A law concerning the ratification of such treaty shall be adopted by a majority vote of the Seimas Members present at the sitting, but not less than by 2/5 of all the Seimas Members.*

5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.

*No.*

## **Luxembourg: Chambre des Députés**

### **Chapitre 1: Participation des parlements nationaux au processus de ratification du traité de Lisbonne**

Ce chapitre dresse un état des lieux des procédures en cours dans les États membres afin de ratifier le Traité de Lisbonne d'ici fin 2008. Un tableau présentera le calendrier d'adoption, ainsi que les exigences législatives et institutionnelles de chaque pays. Ce tableau sera disponible sur le site Internet de la COSAC et sera mis à jour tout au long du processus de ratification.

*La plupart des États membres vont ratifier le traité par voie parlementaire ; pour le moment, seule l'Irlande doit organiser un référendum. Les parlements nationaux se trouvent donc placés au centre du processus de ratification. Dans ce contexte, ce chapitre décrira également les initiatives parlementaires qui ont été prises en vue d'informer les citoyens sur le Traité de Lisbonne. Il présentera les moyens par lesquels les parlements nationaux ont choisi d'informer sur le traité (par exemple, lors de débats publics, grâce à la publication et la diffusion de documents de synthèse, l'organisation d'événements et des partenariats avec d'autres institutions européennes et nationales) et examinera le contenu de leur stratégie de communication.*

#### **Questions :**

Avant de répondre aux questions, nous vous serions reconnaissants de bien vouloir consulter le lien suivant sur le site Internet de la COSAC afin de vérifier l'exactitude des informations concernant le processus de ratification (procédure et calendrier) dans votre pays/Parlement :

<http://www.cosac.eu/en/info/Treaty/>

En cas d'erreur ou d'omission, merci d'en avvertir le Secrétariat.

Il sera tenu compte de vos remarques dans le 9<sup>e</sup> rapport biennuel mais également après sa publication, puisque le tableau, disponible sur le site de la COSAC, sera actualisé.

7. Une version consolidée du traité de Lisbonne est-elle nécessaire dans le cadre de la procédure de ratification au sein de votre Parlement/Chambre ? Si c'est le cas, quand doit-elle être mise à disposition et par qui ?

**Réponse : Le Gouvernement a déposé un projet de loi accompagné d'une version non consolidée du Traité de Lisbonne. Une version consolidée n'est pas requise. Le Luxembourg ayant ratifié en 2005 le Traité établissant une Constitution pour l'Europe, il est cependant intéressant de mettre l'accent sur les points qui sont différents par rapport au traité constitutionnel.**

8. Votre Parlement/Chambre a-t-il/elle développé des initiatives visant à informer les citoyens sur le contenu du traité de Lisbonne ? Si c'est le cas, pourquoi et par quels moyens (à travers l'organisation de débats publics, la publication et la diffusion de documents de synthèse, l'organisation d'événements, des partenariats avec d'autres institutions européennes ou nationales, etc) ? Votre commission des affaires européennes joue-t-elle un rôle dans ce cadre ?

Réponse : En préparation du référendum du 10 juillet 2005 sur le Traité établissant une Constitution pour l'Europe, la Chambre des Députés a organisé entre avril et mai 2005 trois auditions publiques transmises par la chaîne télévisée parlementaire (« Chamber TV ») consacrées aux sujets suivants : 1. la démocratie dans l'Union européenne (démocratie participative, droits de l'homme, droits démocratiques des citoyens et rôle des Parlements nationaux) ; 2. l'Europe sociale et écologique et 3. l'engagement de l'Union européenne pour la paix (PESC, PESD, lutte contre la pauvreté, coopération au développement). La Chambre des Députés avait par ailleurs organisé quatorze tables rondes dans toutes les régions du pays.

Le Parlement a décidé d'organiser aussi des auditions publiques dans le cadre de la ratification du Traité de Lisbonne. L'accent est mis plus particulièrement sur la communication avec la jeunesse, au vu du résultat du référendum de 2005 qui a montré des déficits à ce niveau.

Ainsi, plusieurs classes de lycées et de lycées techniques ont été invitées en novembre 2007 et en janvier 2008 à discuter avec les membres de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration et avec les membres luxembourgeois du Parlement européen. En février 2008, des étudiants de l'Université du Luxembourg ont participé à une troisième audition. Toutes ces auditions étaient retransmises en direct par la chaîne télévisée parlementaire et étaient ouvertes aux médias.

9. Votre communication en direction des citoyens porte-t-elle sur le Traité de Lisbonne dans son ensemble ou se concentre-t-elle sur certains aspects ? Avez-vous mis l'accent sur le rôle des parlements nationaux dans le traité de Lisbonne ?

Réponse : La communication porte sur le Traité de Lisbonne dans son ensemble et sur les défis de l'Europe du 21<sup>ème</sup> siècle. La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a néanmoins aussi l'intention d'organiser une audition avec une association d'étudiants, la discussion se concentrant sur des sujets qui intéressent particulièrement les étudiants, comme le processus de Bologne.

## Chapitre 2: Traité de Lisbonne - la mise en œuvre et ses conséquences pour les parlements nationaux européens

Ce chapitre examinera les dispositions du Traité de Lisbonne qui concernent le rôle des parlements nationaux dans l'UE. Il ne se focalisera pas seulement sur les mécanismes prévus dans le Protocole sur le rôle des parlements nationaux



dans l'Union européenne et dans le Protocole sur l'application des principes de subsidiarité et de proportionnalité, mais aussi sur les autres éléments figurant dans le Traité de Lisbonne qui concernent l'influence des parlements nationaux dans l'UE.

Parallèlement, un aperçu du rôle renforcé du Parlement européen sera présenté.

Une attention particulière sera accordée à la façon dont les parlements se préparent à relever les défis posés par le Traité de Lisbonne. Une attention particulière sera portée sur la coopération et l'échange d'informations et les meilleures pratiques parmi tous les acteurs concernés. En outre, ce chapitre examinera de manière stratégique la question des moyens par lesquels les parlements peuvent exercer l'influence qui leur a été attribuée par le Traité.

#### Questions :

7. Votre Parlement/Chambre considère-t-il/elle que le Traité de Lisbonne renforcera sa capacité d'influence dans le traitement des questions relatives à l'Union européenne ? Si oui, comment ?

Réponse : Le Traité de Lisbonne augmente l'influence des Parlements nationaux en général, et en particulier en ce qui concerne le contrôle du principe de subsidiarité. L'augmentation du délai réservé aux Parlements nationaux de six à huit semaines permet un examen plus approfondi des propositions législatives.

8. Au vu des dispositions contenues dans le Traité de Lisbonne, votre Parlement/Chambre envisage-t-il/elle de modifier ou d'adapter ses procédures internes ? (p. ex., modification de la procédure de contrôle, modification des relations avec votre gouvernement ?)

Réponse : Les relations entre le Gouvernement et la Chambre des Députés sont en cours de formalisation sur initiative du Parlement, et ce indépendamment du Traité de Lisbonne. Un « aide-mémoire sur la coopération entre la Chambre des Députés et le Gouvernement du Grand-Duché de Luxembourg en matière de politique européenne » est en cours d'élaboration. Cet accord interinstitutionnel prévoit entre autres la mise à disposition de notes de synthèse permettant à la Chambre des Députés d'apprécier l'impact de la proposition d'acte législatif européen sur la législation luxembourgeoise et des documents d'analyse nécessaires à la prise de décision du Parlement.

9. Votre Parlement/Chambre considère-t-il/elle que l'entrée en vigueur du Traité de Lisbonne impliquera d'approfondir plus encore la coopération, l'échange d'informations et de bonnes pratiques entre les parlements ? Si oui, quels sont les mécanismes que vous pensez nécessaires pour accroître la coopération, notamment pendant la période des 8 mois prévue au Protocole sur l'application des principes de subsidiarité et de proportionnalité ?

**Réponse : La coopération et l'échange d'informations doivent se faire par le biais d'IPEX et entre les représentants permanents des Parlements nationaux auprès des institutions européennes.**

### **Chapitre 3: Stratégie de Lisbonne**

Ce chapitre suivra et complètera le sommaire du 8ème rapport bisannuel (octobre 2007) qui a analysé le rôle des parlements nationaux et du Parlement européen dans la stratégie de Lisbonne.

Son objectif consiste à (a) fournir l'information factuelle sur le progrès de la stratégie en tenant compte du début du nouveau cycle (2008-2010), (b) présenter les résultats du prochain Conseil européen du Printemps, et (c) souligner les tendances générales dans les positions parlementaires qui se manifestent lors du dialogue interparlementaire annuel entre les parlements nationaux et le Parlement européen à l'approche du Conseil du Printemps.

Il n'y a pas de questionnaire sur ce chapitre.

### **Chapitre 4: - Elargissement de l'espace Schengen**

Ce chapitre examinera le degré d'engagement des parlements nationaux de l'Union européenne dans le processus Schengen. Il déterminera comment les parlements nationaux cherchent à exercer le contrôle.

Pour que la création d'un espace de libre circulation de personnes ait du succès, il est nécessaire de définir les règles de sécurité qui s'appliquent aux nouvelles frontières extérieures. Par conséquent, ce chapitre soulignera les moyens par lesquels les parlements nationaux envisagent la délimitation de l'espace Schengen (critères d'adhésion), ainsi que le rôle qu'ils entendent jouer dans la détermination des règles de sécurité visant à maintenir l'ordre public à l'intérieur de cet espace (échange de données, mesures relatives aux sujets de migration ou la lutte contre le terrorisme).

Cependant, de telles mesures de sécurité peuvent également affaiblir des libertés individuelles (par exemple le respect de la vie privée). Ce chapitre rassemblera les points de vue des parlements nationaux sur cette question en vue de donner un aperçu des débats nationaux sur ces sujets.

#### **Questions :**

- 4. Votre Parlement/Chambre est-il/elle impliqué(e) dans le processus décisionnel concernant l'élargissement de l'espace Schengen ? Si oui, quelle procédure de contrôle utilisez-vous ? Comment votre Parlement/Chambre coopère-t-il/elle avec votre gouvernement sur ce sujet ?**

Réponse : La Chambre des Députés n'est pas directement impliquée dans le processus décisionnel, mais est informée par le Gouvernement, et ce tant au niveau de la Commission juridique qu'en séance publique.

5. Quel est le point de vue de votre Parlement/Chambre concernant les critères et l'avenir de l'évaluation Schengen ? Quel rôle votre Parlement/Chambre entend-t-il/elle jouer dans la détermination des règles de sécurité à mettre en place pour définir une politique commune sur Schengen?

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6. Au vu de l'expérience du Traité de Prüm, quel rôle votre Parlement/Chambre entend-t-il/elle jouer dans l'élaboration d'un "accord PNR européen"? Quel est le point de vue de votre Parlement/Chambre concernant les manières de défendre les libertés individuelles dans l'espace Schengen ? Avez-vous l'intention d'utiliser - si elles sont ratifiées - les dispositions du Traité de Lisbonne relatives à l'évaluation et au contrôle des activités d'Europol et d'Eurojust ? Si oui, comment ?

Réponse : La Commission juridique analyse ces dossiers dans le cadre de l'examen des dossiers européens qui sont dans sa compétence.

#### Chapitre 5: Participation des parlements nationaux aux négociations d'adhésion à l'UE

*L'article 49 du Traité sur l'Union européenne dispose que tout État européen qui respecte les principes énoncés à l'article 6, paragraphe 1, peut demander à devenir membre de l'Union. Il adresse sa demande au Conseil, lequel se prononce à l'unanimité après avoir consulté la Commission et après avis conforme du Parlement européen qui se prononce à la majorité absolue des membres qui le composent.*

*En outre, le Traité énonce que les conditions d'admission et les adaptations que cette admission entraîne en ce qui concerne les traités sur lesquels est fondée l'Union, font l'objet d'un accord entre les États membres et l'État demandeur. Ledit accord est soumis à ratification par tous les États parties, conformément à leurs règles constitutionnelles respectives.*

*Du point de vue des parlements de l'UE, le processus d'adhésion peut être envisagé comme un déroulement en trois étapes comprenant : une étape d'ouverture, une étape de « monitoring » du progrès des négociations, chapitre par chapitre, et une étape finale, la ratification du traité d'adhésion.*

*L'objectif de ce chapitre est de déterminer si les parlements nationaux sont impliqués dans les négociations d'adhésion avec les pays candidats à chacune de ces étapes et comment. En outre, ce chapitre tâchera d'identifier les éventuelles règles particulières des constitutions nationales pour la ratification d'un traité d'adhésion.*

**Questions :**

*Les questions portent uniquement sur les deuxième et troisième phases décrites ci-dessus, en prenant en compte le rôle des parlements de l'Union européenne. La dernière phase est présentée en deux parties. On cherchera également à identifier les éventuelles particularités liées à la ratification d'un traité d'adhésion dans les systèmes constitutionnels des États membres.*

*Les négociations chapitre par chapitre :*

**11. Votre Parlement/Chambre exerce-t-il/elle un contrôle sur les négociations, chapitre par chapitre ?**

*Si c'est le cas :*

*a) quel est le rôle des commissions suivantes : la commission des affaires européennes, la commission des affaires étrangères, les autres commissions dont le domaine d'intervention correspond à un chapitre de négociation ?*

**Réponse : Les discussions sur les adhésions à l'Union européenne sont dans la compétence de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration, sans intervention d'autres commissions parlementaires. La commission ne suit cependant pas les négociations chapitre par chapitre, mais analyse plutôt les rapports de la Commission européenne sur les progrès réalisés.**

*b) Quelle forme juridique prend la décision de votre Parlement/Chambre et dans quelle mesure cette décision influence-t-elle la position de votre pays ?*

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*c) Quel est le rôle de l'assemblée plénière ?*

**Réponse : Les négociations sont le cas échéant analysées en séance publique lors d'une heure d'actualité ou d'une heure de questions.**

**A titre d'exemple, en date du 18 novembre 2004, la Chambre des Députés a organisé une heure d'actualité sur la décision de la Commission européenne de recommander l'ouverture de négociations d'adhésion de la Turquie.**

**Le 29 juin 2006, le Parlement a procédé à une question avec débat relative aux négociations d'adhésion de la Turquie à l'Union européenne.**

*L'approbation du traité d'adhésion :*

**12. Votre Parlement/Chambre participe-t-il/elle à la phase d'approbation du traité d'adhésion par le Conseil européen ?**

*Si c'est le cas, quel est :*

*e) le rôle des commissions suivantes : la commission des affaires européennes et la commission des affaires étrangères ?*

**Réponse : La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration est informée systématiquement en commission par le Ministre des Affaires étrangères et de l'Immigration sur le résultat des réunions du Conseil européen, dont l'éventuelle approbation de traités d'adhésions.**

*f) le rôle de l'assemblée plénière ?*

**Réponse : La Chambre des Députés peut organiser notamment une heure d'actualité ou une heure de questions sur le sujet.**

*13. Quel est le rôle des commissions dans le cadre de la ratification d'un traité d'adhésion ?*

**Réponse : Le projet de loi portant approbation d'un traité d'adhésion est renvoyé par la Conférence des Présidents à la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration. Cette commission désigne un rapporteur qui prépare un rapport. Ce rapport est présenté en séance publique.**

*14. Votre système constitutionnel prévoit-il des dispositions particulières concernant la procédure de ratification d'un traité d'adhésion (par exemple, vote à la majorité absolue/relative, ordinaire/qualifiée) ? Merci de préciser !*

**Réponse : Il n'existe pas de règles particulières pour la ratification d'un traité d'adhésion.**

*15. Votre système constitutionnel prévoit-il une procédure de ratification différente selon la forme que revêt le droit communautaire primaire (traités fondateurs et traités d'adhésion) ? Merci de préciser !*

**Réponse : La procédure de ratification est toujours la même, qu'il s'agisse de traités fondateurs ou de traités d'adhésion. La seule différence est qu'une majorité qualifiée est requise au Parlement (deux tiers des suffrages) en cas de dévolution d'un élément de souveraineté à une institution de droit international.**

# **Netherlands: House of Representatives**

## **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

### **1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

Strictly spoken, a consolidated version is not necessary for the ratification process, but it does make the text more comprehensible. A consolidated version was made available and was provided by the Ministry of Foreign Affairs on 22 February.

### **2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

The Committee on European Affairs has asked government to produce a concise version of the Treaty, which will be made available to the public. In mid-June, the committee on European Affairs will organise a series of town hall meetings about the new Treaty in the north, east, south and west of the country (following-up on similar public debates that were held in June next year and giving account to positions since taken on the new Treaty).

### **3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

The House of Representatives indeed puts a 'general' emphasis on the role of national parliaments. Specific communication on this issue depends on the progress that will be made in making the yellow-orange card procedure operational.

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

Like the other national Parliaments, our Parliament will be formally enabled to gain more influence because of the entry into force of the provisions on the subsidiarity check and the other provisions in the Treaty (specifically article 12 TEU)

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

No, not specifically in the light of the provisions contained in the Treaty of Lisbon. Dutch Parliament already has a specific procedure on subsidiarity, which was installed in the context of the discussion on the Constitutional Treaty.

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

These mechanisms were already discussed during several Cosac-meetings. First and foremost, there is a need for intensifying the exchange of information. The Cosac-secretariat could play a useful role in this, but an intensified use of IPEX could be also an useful instrument. In addition, we need to explore the possibilities for coordinating (the execution of) the yellow-orange card procedure between the parliaments of Member States, preferably in the context of Cosac.

## **CHAPTER 3: The Lisbon Strategy**

This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

**There is no questionnaire for this Chapter**

## **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

### **Questions:**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

The enlargement of the Schengen-area requires a Council-decision. The House of Representatives is involved during the process of monitoring and influencing the position taking of the government prior to the Council. Parliament will also be informed by the government separately in case of significant developments in this area. Of course, parliament can also inform itself on its own initiative on the development of the enlargement of the Schengen-area.

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

The House of Representatives doesn't have a specific opinion concerning those criteria. These opinions are formulated by the political factions.

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>1</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

Materially, this is also a matter for the individual factions. The House of Representatives, specifically the standing committee on Justice, will consider these matters i.a. in the context of the discussion of the agenda of the JHA-Council.

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

#### **Negotiations chapter-by-chapter phase:**

##### **1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

**b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

**c) the role of the plenary?**

##### **Answers to questions 1, 1a, 1b and 1c**

The House of Representatives is involved in monitoring the negotiations on a chapter-by-chapter basis via the standing committee on European affairs. Where relevant or necessary, a standing sector committee could be invited. The committee decides by giving consent to government to agree to the closing of the negotiations of the respective chapters in Council (GAERC). There is no role for the plenary at the level of chapter-by-chapter negotiations, unless solicited by a Member of the standing committee.

#### **Approval of the Accession Treaty phase:**

##### **2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

**b) the role of the plenary?**

##### **Answers to questions 2, 2a and 2b**

The House of Representatives is involved in the phase of approval at the level of the European Council via the standing committee on European affairs. The committee decides by giving consent to government to agree to the closing of the negotiations at the European Council. There is no role for the plenary at this stage, unless solicited by a Member of the standing committee.

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

Ratification of an Accession Treaty is prepared by the standing committee on European affairs, after which the act of ratification is sent to the plenary for adoption.

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

There are no special provisions foreseen for the process of ratification of an Accession Treaty. Therefore the ratification of Accession Treaties takes place by simple majority.

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

No

## **Netherlands: Senate**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

- 1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

A consolidated version of the Lisbon Treaty is indeed necessary for the ratification process in the Senate. The Dutch government will put forward to the States-General of the Netherlands (House of Representatives and Senate) an official law for the approval of the Treaty of Lisbon. This law needs first to be adopted by the House of representatives and following by the Senate. In January 2008 a consolidated version of the Treaty was presented by a Dutch Professor. The Dutch Government made a consolidated version available by the end of February 2008.

- 2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

The Dutch Senate has her own special European website. On this website we created a special page for the Treaty of Lisbon (from the negotiations phase until ratification). We publish every news-item about the Treaty on this website, and

make available all possible documents. The website is open to the public and we use the website to communicate interactively with third parties (ranging from institutions to citizens). The Senate furthermore will hold a special debate about the new Treaty. Members of the Senate participate on different occasions in different fora where the new Treaty is being discussed.

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

We mostly communicate and discuss the new Treaty in general, however, as there is a specific article about the role of national parliaments of course we also focus on finding the right way and procedures to implement these new competences and responsibilities.

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

The Dutch Senate is in the process of re-thinking the way she deals with European draft-legislation. Within that process we specifically pay attention to the new procedures laid down in the Treaty of Lisbon. The new method of dealing with European legislation will be implemented with the goal of realising more parliamentary influence on the European legislative process, vis-à-vis the national government (and the European legislators).

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

As stated in the answer to question 1, yes, we are considering adaptations in our working system in light of the provisions contained in the Treaty of Lisbon.

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

For the scrutiny procedure within a 8-week time period for all national parliaments to become a success, it is absolutely necessary to further deepen the cooperation, the exchange of information and best practices between the national parliaments. First of all, it would be advisable for all parliaments to make full use of the mechanisms of IPEX. Unfortunately, not all parliaments keep the IPEX-website up to date. Furthermore, the (informal) exchange of information by a simple e-mail to other parliaments might be helpful in finding out what other parliaments think of a certain proposal. It could be proposed that parliaments will inform each other (perhaps through the means of COSAC-secretariat) if a letter is/will be send to the European institutions about the content of a certain proposal.

### **CHAPTER 3: The Lisbon Strategy**

This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy.

Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

There is no questionnaire for this Chapter

### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

#### **Questions:**

- 1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

The enlargement of the Schengen area was decided by the Justice and Home Affairs (JHA) Council. The Senate has a special committee dealing with all the information regarding this Council. In the run up to the JHA Council's meeting of November 2007, the Senate did receive full information on the enlargement. For example, all the progress reports of the in 2004 acceded member states were received. The Senate's standing committees chose however to not actively debate the enlargement of the Schengen area.

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

The Senate has not yet taken an official position regarding the criteria and the future of the Schengen-Evaluation. However, it is deemed important that the recent enlargement will be thoroughly evaluated, to see whether the newly acceded member states are sufficiently equipped to guarantee an effective border control. The Senate's committee for the JHA Council will in due course discuss, if deemed necessary, the documents regarding the evaluation submitted to the Senate by the Dutch government.

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>1</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area?

<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

In a recent debate on the ratification of the Prüm Treaty, the Senate made clear that he was in principle not happy with the chosen *modus operandi*. The states party to the Treaty should have considered to use the method of enhanced cooperation, as is provided for by the European Treaties.

Regarding the European PNR proposal, the Senate's committee for the JHA Council has already entered into contact with the Dutch government. The current discussions center around the purpose of the Framework Decision, and the reasons why passenger name records should indeed be handed over to the European authorities. At this time, before the entry into force of the Treaty of Lisbon, the Senate enjoys a parliamentary right of approval on all JHA-matters that are decided by unanimity. The Senate's consent won't be given until the negotiations are (satisfyingly) concluded.

The defense of individual freedoms in the Schengen area is an important issue to the Senate. Main concerns are voiced on the automated data processing and the lack of protection for the European citizen's rights. The Senate therefore advocates an extensive pillar three data protection framework decision, which was also discussed with the Minister of Justice.

As regards the application of the provisions of the Treaty of Lisbon, no decisions have been taken as yet. However, looking at the long standing involvement of the Senate with Europol (and in a lesser way Eurojust), it is probable the Senate will indeed be applying these provisions in the future.

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

### **Negotiations chapter-by-chapter phase:**

#### **1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

The Senate is not officially involved in the monitoring of the negotiations on a chapter by chapter basis. The Dutch government however does inform the Senate (by request of pro-active) on the stance of negotiations.

#### **If so, what is:**

- a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?
- b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?
- c) the role of the plenary?

### **Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**If so, what is:**

- a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**
- b) the role of the plenary?**

**The Senate is not formally involved in the approval of the Accession Treaty, but can use her national instruments to assert influence on the position taken by the Dutch government during the European Council. The States-General in this context has no formal competences, but only the option of control. The Senate could inform the government of her own considerations and views. The government is not obliged to adopt that view.**

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

**The treaty for accession of a new EU member state needs to be formally ratified by the Senate. For that purpose the Dutch government puts forward a specific piece of legislation. That law will be dealt with first in the House of representatives and after that, in the Dutch Senate. If the law passed the House of Representatives, the law is submitted to the Senate and will be first dealt with by the Committee of European Cooperation Affairs. That committee decides which way the law is being dealt with and in the end decides if a plenary debate with the government will be held.**

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**AND**

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**Every treaty of an international organisation needs the approval of both Houses of Parliament of the Netherlands. The Dutch constitution stipulates that these treaties must be adopted by 2/3 of the members of each of the two houses if an element in the treaty deviates from the Dutch Constitution. Otherwise these treaties can be adopted by a simple majority.**



## **Malta: House of Representatives**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

**The final text of the Treaty of Lisbon was requested from government so that it could be considered together with the parliamentary motion. Malta's Permanent Representative to the European Union provided the House of Representatives with the link to the published Treaty in the Official Journal on the internet as well as a number of soft copies of the Treaty. Hard copies of the Treaty were provided by the European Parliament Office in Malta.**

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of

summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?

**The House of Representatives did not take any specific initiatives targeted at informing citizens on the content of the Lisbon Treaty. However, in terms of Article 2 (2) of the European Act (Cap. 460), the Treaty was debated during a meeting of the Foreign and European Affairs Committee. This meeting was a public meeting, also streamed on the Parliament's website. Following this debate, the Chairman of the Foreign and European Affairs Committee reported to the House, which after a full debate in the plenary proceeded to vote unanimously on the motion.**

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

**No particular initiative targeting the citizens was undertaken by the Maltese Parliament (see previous question). In the debate of the Foreign and European Affairs Committee, specific reference was made to the importance given in the Lisbon Treaty to the role of national parliaments.**

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

**This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.**

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

**The Lisbon Treaty is seen as bringing added value to the role of national parliaments, especially the possibility of using the yellow/orange cards to influence the Commission in respect of proposed**

**EU legislation. This confirms and strengthens the role of national parliaments in the application of subsidiarity.**

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

**No changes are envisaged at this stage.**

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

**The added powers given to national parliaments would benefit from better communication and exchange of information between national parliaments, particularly in respect of the provisions relating to the yellow/orange cards. IPEX is considered to be the best platform for this cooperation.**

**This cooperation should also be encouraged at officials level, e.g. the advisors to the EU committees of the various Member States could make use of chatrooms or similar inexpensive tools, whereby they would be able to discuss and exchange ideas. Such tools would ideally be supported by IPEX.**

**Enhanced cooperation at all levels is considered to be essential particularly for small parliaments and those which are relatively new in the European Union.**

### **CHAPTER 3: The Lisbon Strategy**

**This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.**

**There is no questionnaire for this Chapter**

### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

**Questions:**

1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?

**No**

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

**No opinion has been given as yet.**

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>13</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

**No opinion has been given as yet.**

**CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall

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<sup>13</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

#### Questions:

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

#### Negotiations chapter-by-chapter phase:

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?

If so, what is:

a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

c) the role of the plenary?

**No**

#### Approval of the Accession Treaty phase:

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

If so, what is:

- a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?
- b) the role of the plenary?

**Yes. The Treaty is first debated by the Foreign and European Affairs Committee. A report on this debate is made to the House, which holds a debate and proceeds to take a vote on the motion.**

#### **Ratification phase:**

- 3. What is the role of committees in ratification of an Accession Treaty?**

**The Foreign and European Affairs Committee has a central role in the ratification of Treaties as provided for in Article 2 (2) of the European Act (Cap. 460):**

*... a resolution for the approval of any such draft shall be submitted for examination by the Standing Committee on Foreign Affairs (or any such Standing Committee from time to time substituting the same) which shall meet on such motion within fifteen days of the tabling of the said motion within which term a report shall be made to the House on such motion and the debate thereon in the Committee by the chairman and the House shall, upon the presentation of the report of the Standing Committee proceed immediately to vote on the motion without debate.*

- 4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**A simple majority in the House is required.**

- 5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**No.**

## **Poland: Sejm**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

*On 20<sup>th</sup> February 2008 the Prime Minister sent to the Sejm of the Republic of Poland the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community along with protocols and the Final Act of the Inter-governmental Conference as well as the Charter of Fundamental Rights signed in Lisbon. On 21st February 2008 the Speaker of the Sejm was asked to distribute this document to all deputies.*

*The Centre for European Information and Documentation of the Chancellery of the Sejm put on its website the consolidated version of the Treaty of Lisbon in English and in French prepared by the United Kingdom and France.*

*Deputies who expressed their interest in reading the consolidated version of the Treaty, could have obtained both English and French version.*

*The Polish consolidated version of the Treaty of Lisbon was prepared by Mr Jan Barcz, professor of international law, employee of the private university. The Treaty along with comments was published by the publisher "LexisNexis"*

**2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

*Yes, the conference on the Treaty of Lisbon under the auspices of the Speaker of the Sejm of the Republic of Poland and the Speaker of the Senate of the republic of Poland took place in March 12, 2008 in the Sejm of the Republic of Poland. There were representatives of NGOs, Europe Direct information network, regional Centres of European Information, think-tank, media as well as representatives of the public administration. An idea of the host to organise this conference was to discuss it directly before the plenary debate on ratification of the Treaty of Lisbon. The members of the European Union Affairs Committee participated in the conference as the keynote speakers in the discussion.*

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

*The programme of the above mentioned conference contained the following subjects: discussion on the shape of the European Union after entering into force the Treaty of Lisbon; competences of national parliaments predicted in the Treaty of Lisbon and the role of the civil society organisations in the future, reformed Union.*

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**



This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### Questions:

1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?

*The provisions of the Treaty of Lisbon made for strengthening the role of national parliaments, in our opinion, will cause for decreasing of deficit of democracy in the European Union and improving legitimacy of Union's actions at the same time. The new provisions demand from parliaments to an increased commitment to the European matters as well as will cause an increased presence of the European matters into national debates, which unquestionably will enlarge the European awareness of citizens.*

2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)

*So far, the parliamentary control of the government resulting from the provisions of the Act of 11 March 2004 on Cooperation of the Council of Ministers with the Sejm and the Senate in Matters Related to the Republic of Poland's Membership in the European Union (Journal of Laws, No. 52, item 515, as amended). In accordance with the Rules of Procedure of the Sejm, the European Union Affairs Committee is an appropriate committee for this matter. However, the above mentioned acts do not contain the provisions defining the competences of the Sejm of the Republic of Poland in issuing opinions referred to the compliance with the principle of subsidiarity. In absence of the necessary provision, there is a need to create a legal basis enabling of implementation of the provisions of the Protocol*

*on the application of the principle of subsidiarity and proportionality by the Sejm of the Republic of Poland.*

*At the moment, a discussion on the scope of the necessary changes in the legal basis is ongoing. This discussion gives us an opportunity to assess the current system of parliamentary control in the European matters as well as to consider a possibility to an increased commitment of the sector committees in the European issues.*

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

*In accordance with the Protocol no 2 to the Treaty, the new mechanism of monitoring the respect of the principle of subsidiary at the European Union level was introduced. The Mechanism of the early warning enable national parliaments to direct influence on the shape of adopting legislative act of the European Union under the circumstances that national parliaments will utilize the admitted prerogatives skilfully.*

*During the subsidiarity check the national parliaments should inform each other on the presumptive reservations to the given document. This consultations in the further steps of the legislative process will enable to outline the positions as well as to gather the number of the national parliaments required to launch the procedures described in the Protocol. Information on the position of the other parliaments is an added value in the scrutiny process in the Polish Sejm, taking into account that according to the above-mentioned Act opinion of the European Union Affairs Committee should constitute the basis for the Council of Ministers' position.*

*The cooperation among the national parliaments should take place also on the regional level. The EAC of Sejm and Senat meet regularly and hold a consultation with respective committees from Lithuania, Latvia and Estonia as well as with Czech republic, Slovakia and Hungary. Except those meetings and consultations it is necessary to strength the cooperation between the representatives of national*

*parliaments to the EU and to take advantage of existing an IPEX platform in an effective way.*

### **CHAPTER 3: The Lisbon Strategy**

**This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.**

**There is no questionnaire for this Chapter**

### **CHAPTER 4: Enlargement of the Schengen area**

**This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.**

#### **Questions:**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

*Ad. 1 The European Union Affairs Committee of the Sejm cooperates with the government under the conditions defined in the Act of 11 March 2004 on Cooperation of the Council of Ministers with the Sejm and the Senate in Matters Related to the Republic of Poland's Membership in the European Union (Journal of Laws, No. 52, item 515) in particular the Committee becomes familiar with the Council of Ministers' draft position related to the draft legislative acts of the European Union constituted by the Council and expresses its draft position.*

*In December 19, 2007, The European Union Affairs Committee of the Sejm issued the opinion no 5 about Poland's accession into the Schengen area addressed to the Prime Minister. After informative hearing of the government, the Committee expressed its approval of current efforts in its opinion which enabled Poland to achieve the full membership in the Schengen area. The Committee underlined that the Committee expects from the Council of Ministers to present the prediction of economic and social consequences resulting from the membership of Poland into the Schengen area.*

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

*According to the Rules of procedure of the Sejm, which are being assessed and discussed right now, the commitment of the Sejm to issues of the Schengen area will be held under the parliamentary control in the matters related to Poland's membership in the European Union.*

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>14</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

*According to the Rules of procedure of the Sejm, which are being assessed and discussed right now, the commitment of the Sejm to issues of the Schengen area will be held under the parliamentary control in the matters related to Poland's membership in the European Union.*

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

**Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its**

<sup>14</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

**Negotiations chapter-by-chapter phase:**

**1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

**b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

**c) the role of the plenary?**

*ad. 1 a, b and c) The Sejm, in particular the European Union Affairs Committee, cooperates with the Council of Ministers under the conditions defined in the Act of 11 March 2004 on Cooperation of the Council of Ministers with the Sejm and the Senate in Matters Related to the Republic of Poland's Membership in the European Union (Journal of Laws, No. 52, item 515). So far, the Sejm has obtained the general information about the Republic of Poland participation in the activities of the European Union including remarks on the progress of negotiation*

*with the candidates countries to the EU memberships prepared by the Council of Ministers.*

*The above mentioned information is presented to the Sejm at least once every six months (Article 3, par. 1 of the Act). This information is delivered to the European Union Affairs Committee (Article 148b, par. 1, subpar. 1 of the Rules of procedure of the Sejm). The Committee issues a statement on the document presented by the Council of Ministers, and than a issue is recognized/considered by the whole Chamber, which could decide to accept it or reject the information of the Council of Ministers. The voting result has merely political significance.*

**Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

**b) the role of the plenary?**

*ad. 2 a and b) The European Union Affairs Committee cooperates with the Council of Ministers under the conditions defined in the Act of 11 March 2004 on Cooperation of the Council of Ministers with the Sejm and the Senate in Matters Related to the Republic of Poland's Membership in the European Union (Journal of Laws, No. 52, item 515) in particular, the Committee considers the Council of Ministers' position on draft legislative act of the European Union constituted by the Council and expresses its opinion.*

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

*ad. 3) Since the accession of Poland into the European Union, the Sejm has ratified the EU accession treaty – the Treaty of Accession of the Republic of Bulgaria and the Republic of Romania (hereinafter: Treaty of Accession). On 21<sup>st</sup> February 2006 the Speaker of the Sejm sent a draft act on ratification of the Treaty of Accession to the European Union Affairs Committee and Foreign Affairs Committee to the first reading. After the first reading and considering the draft act at the Committees' sitting in February 24, 2006, the European Union Affairs Committee and Foreign Affairs Committee presented a statement and a motion to ratify the draft act without any amendments by the Sejm (parliamentary paper no 350).*

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

*ad. 4) The accession treaties relating to countries' accessions (other than Poland) into the European Union fall within a category of international agreements, which ratification – according to the Article 89, par. 1 of the Constitution of the Republic of Poland – requires prior consent granted by the act. According to the Article 133, par. 1, subpar. 1 of the Constitution of the Republic of Poland, the President of the Republic of Poland ratifies the Treaty of Accession.*

*In regard with the Treaty of Accession of the Republic of Bulgaria and Republic of Romania into the European Union the procedure defined in the Article 89, par. 1 of the Constitution of the Republic of Poland was applied.*

*In February 16, 2006, the Council of Ministers sent a draft act on ratification of this Treaty. The subject of the proposed act was to express consent by the Sejm to ratify the Treaty of Accession by the President of the Republic of Poland.*

*The first reading of a draft act was at the sitting of the European Union Affairs Committee and the Foreign Affairs Committee, which presented a statement including a motion on ratification of a draft act without any amendments in February 24, 2006.*

*The second and third reading of the draft act was at the plenary session of the Sejm on 10 March 2006. The act was passed by the Sejm by the required majority vote and at the same day was sent to the President of the Republic of Poland and to the Speaker of the Senat. The Senat didn't introduce any amendments. The President signed the act on ratification of the Treaty of Accession on 24 April 2006.*

*A simple majority vote in the presence of at least of the statutory number of deputies is required (Article 120 of the Constitution of the Republic of Poland) to pass the act on ratification of the Treaty of Accession – within the Treaty of Accession of the Republic of Bulgaria and Republic of Romania into the European Union.*

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

*ad. 5) The ratification procedure of the accession treaty was presented above, in the framework of the answer to the question no 4.*

*In case of procedure of ratification regarded to the other kind of primitive law (establishing treaty), it is worth emphasising the Article 90 of the Constitution of the Republic of Poland. This provision defines the special procedure in case of ratification of an international agreement on which basis the Republic of Poland delegates to an international organization or international institution the competence of organs of State authority in relation to certain matters.*

*An act granting consent for ratification of his kind of an agreement is admissible under 1 of 2 circumstances defined in the Constitution of the Republic of Poland: an act is passed by the Sejm by a two-thirds majority vote or passed by a nationwide referendum.*

*According to the Article 90 par. 2 of the Constitution, the act granting consent for ratification of an international agreement is passed by the Sejm by a two-third majority in the presence of at least half of the statutory number of deputies, and by the Senate by a two-thirds majority vote in the presence of at least half of the statutory number of Senators. Granting of consent for ratification of such agreement may also be passed by a nationwide referendum, which may be ordered by the Sejm by an absolute majority of votes in the presence of at least half of the statutory number of deputies (in accordance with the provisions of Article 125 and Article 90 par. 3 of the Constitution of the republic of Poland).*

*A result of a nationwide referendum shall be binding, if more than half of the number of those having the right to vote have participated in it. The validity of a nationwide referendum shall be determined by the Supreme Court (Article 125 par. 3 and 4).*

*Any resolution in respect of the choice of procedure for granting consent to ratification shall be taken by the Sejm (Article 90 par 4 of the Constitution of the Republic of Poland) .*

*The procedure defined in the Article 90 par. 3 of the Constitution of the Republic of Poland (a nationwide referendum) was applied in regard with ratification of the Treaty of Accession in 2003 (it regarded the accession of Poland into the EU).*

*In case of ratification of the Treaty of Lisbon, we expect to ratify the Treaty under the Article 90 par. 2 of the Constitution of the Republic of Poland granting*



*consent to ratify the Treaty by the President of the Republic of Poland. On 20<sup>th</sup> February 2008 the Prime Minister sent a draft act on ratification of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community signed in Lisbon, 13 December 2007 (parliamentary paper no 280).*

*In the process of submitting the COSAC questionnaire, the procedure of ratification has not been finished yet. The draft act of ratification has been delivered to the European Union Affairs Committee and the Foreign Affairs Committee to prepare the report.*

## **Poland: Senate**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

- 1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

*NO. Government has forwarded to the parliament the Treaty of Lisbon in the version signed on December 13 2007.*

- 2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

*This March a conference on the Lisbon treaty was organised in the parliament by Government in the co-operation with the Sejm and Senate. The conference was attended by parliamentarians, academics, and egos representatives. One of the discussed subjects was the role of national parliament. The panellists – chairmen of the Sejm and Senate EU committees – pointed out an ever increasing role of national parliaments in the EU decision-making process, especially with regard to subsidiarity and proportionality check. This entails – the chairmen also stressed - amendments to be made in national legislation regulating the Government’s co-operation with the Sejm and the Senate in EU matters.*

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

*The public debate covered general issues rather than specific ones, with the stress being put on explaining the significance of the Lisbon treaty for the integration process. Doubts have been voiced regarding the scope and consequences of the Charter of Fundamental Rights and the British Protocol. On most occasions the strengthened role of national parliaments is clearly emphasised.*

**CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

**Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

*YES. The article 8c in the TEU, as well as the protocols on the role of national parliaments and on the application of principles of subsidiarity and proportionality give the national parliaments new powers. In addition to the right of getting information and legislative proposals directly from the EU institutions, the national parliaments have been given a powerful instrument of early warning mechanism which will enable them to exert a direct influence on the legislative process.*

*An important novelty as regards national parliaments' remit is their right to monitor activities in the area of freedom, security and justice. Due to all these changes national parliaments may have real clout in decision making in the EU.*

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

*Coming into force of the Lisbon treaty means that amendments will have to be made into the so called co-operative act – which regulates the Government's co-operation with the Sejm and the Senate in EU matters – and the rules of procedure of both chambers. It will be necessary to establish a legal basis to allow the Sejm and the Senate to make use of their powers conferred by the Protocol on the Application of the Principles of Subsidiarity and Proportionality. Changes to be introduced to the internal rules of procedure of the Sejm and the Senate will have to determine whether opinions on the compliance with the subsidiarity principle – because of their specific status – should be formulated by the plenary of each chamber or at the level of their*

*competent organs, i.e. EU Affairs committees. Legal expert analyses providing most suitable arrangements in this context are being currently worked upon.*

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

*The national parliaments' newly acquired powers with regard to the legislative procedure will require smooth, precise and efficient information exchange. IPEX may prove a highly valuable tool in this respect, providing that the input is made not exclusively in national languages but also in English or French. One of important forms of interparliamentary co-operation are meetings of members of the Sejm and the Senate EU Affairs committees with their counterparts from Lithuania, Latvia, Estonia, Czech Republic, Slovakia and Hungary. Besides meetings, frequent consultations on various current issues are carried out.*

### **CHAPTER 3: The Lisbon Strategy**

This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

**There is no questionnaire for this Chapter**

### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of

persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

### **Questions:**

- 1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**
  
- 2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**
  
- 3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>15</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

*Poland joined the Schengen area in December 2007. The Senate EU Affairs Committee had been closely following a few years' preparation of the public administration, with regular government updates and follow-ups on progress being made in implementing EU legislation, on necessary adjustments in infrastructure, staffing and IT systems. In 2006 EU Affairs Committee made an on-the-spot study visit to Poland's eastern border, now the EU's external border.*

*Decisions on enlargements of the Schengen area are taken by Government, while the Senate is to monitor government activities with an on-demand access to information on potential new entrants. Government is obliged to seek the Senate's opinion on EU legislative proposals. The EU Affairs Committee pays a great attention to all legislative measures that might curtail civil liberties and freedoms. In March this year*

*the committee dealt with the Council's Proposal for a Council Framework Decision on the use of Passenger Name Record (PNR) for law enforcement purposes. The ensuing discussion has proved how challenging it will be to keep balance between respecting civil liberties and pursuing strengthened security.*

*After the Treaty of Lisbon has entered into force, the Senate EU Affairs Committee is going to intensify its monitoring of government's positions in the area of freedom, security and justice. Although no decision has been taken so far regarding evaluation and scrutiny measures of Europol and Eurojust, adjustments are being made in order to provide the committee with in-house expertise in this area.*

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

### **Negotiations chapter-by-chapter phase:**

#### **1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

**b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

**c) the role of the plenary?**

*The Senate has no power to control the government activities throughout the negotiations phase. Government is obliged to present the Sejm and the Senate, at least every six months, with information about Poland's participation in the activities of the European Union. Hitherto, practice has proved that the government biannual information covers the course of negotiations. This document is discussed both by the EU Affairs committee and at the plenary.*

*The European Affairs Committee and sectoral committees may ask government to be briefed on the state of the play of negotiations.*

#### **Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

**b) the role of the plenary?**

*The Senate is not involved in this phase.*

#### **Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**



**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

*Under the Polish constitution, ratification of an international agreement (i.e. accession treaty) requires prior consent granted by statute. The Sejm votes a ratification bill by a simple majority in the presence of at least half of the statutory number of deputies, and refers it to the Senate. The bill is considered by the Senate EU Affairs Committee and recommended to the plenary either for adoption or rejection. Then the Senate adopts - by a simple majority in the presence of at least half of the statutory number of senators - a resolution on the ratification bill and refers it to the Sejm. The Marshal of the Sejm submits the adopted bill granting a consent for ratification to the President for signature.*

*The Polish constitution provides a different ratification procedure for international agreements which delegate to an international organisation the competence of organs of State authority in relation to certain matters. Granting of consent for ratification of such agreement may be passed either as a statute by Parliament or by a nation-wide referendum, the choice of procedure being made by the Sejm resolution. The statute is passed by the Sejm by a two-thirds majority vote in the presence of at least half of the statutory number of deputies, and by the Senate by a two-thirds majority vote in the presence of at least half of the statutory number of senators. The statute granting consent for ratification is signed by the President.*

*A referendum result is binding if more than half of the number of eligible voters have participated in it.*

## **Portugal: Assembleia da República**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

Although it is not essential to have the consolidated version of the Treaty for the process of parliamentary approval of the Treaty of Lisbon, the fact is that, by a proposal from the European Affairs Committee, at present the Parliament is about to produce a consolidated version of the Treaty of Lisbon, prepared by the Directorate General for EU Affairs of the Ministry for Foreign Affairs.

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or

**national institutions, etc)? Does your Committee on European Affairs play a role within this?**

**Within the scope of the process towards the Parliamentary approval of the Treaty of Lisbon, the European Affairs Committee of the Assembly of the Republic has approved a programme in order to provide information and also general disclosure of facts about the Treaty of Lisbon, including:**

- A triad of conferences, held with the aim of promoting a decentralised, open and plural debate about the content of the Treaty of Lisbon, with as many participants as possible, reflecting a policy of greater closeness to citizens. The first conference was held on 17 March in the city of Oporto in the North of the country, and this is to be followed by a second conference in Faro (in the South of the country) on 2 April, and then finally a conference at the Assembly of the Republic, in Lisbon, on 9 April, which shall be chaired by the President of Parliament. The organisation of decentralised conferences is made in partnership with Civil Governments, Regional Development Co-ordination Committees and Municipal Chambers, as well as the Portuguese MEPs and representatives of the European Commission, specifically through their Europe Direct Centres. The speakers at these conferences have been chosen out of a selection of national and international personalities, politicians from a range of parties, academics, journalists and opinion makers;**
- A consultation to the organisations that represent several segments within civil society, the Legislative Assemblies of the Autonomous Regions of Madeira and the Azores, and the Association of Local Autarchies, with the aim of collecting their contribution with regard to the innovative and/or most relevant parts of the Treaty;**
- A request for an opinion statement, made to the permanent specialised committees within the Assembly of the Republic;**
- The issue of a version of the consolidated text of the Treaty, to be handed out at the conferences mentioned above, in order to make the text available in an intelligible manner;**
- In addition to these activities promoted by the EAC, the Members of this Committee have made themselves available to take part in debates about the Treaty of Lisbon promoted by Universities, the media and so on.**

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

**The conferences address the Treaty as a whole.**

**In relation to the guide prepared for the public consultation as mentioned in the previous question, there was particularly special focus on the following innovations made to the Treaty: 1. The democratic foundations of the Union,**

based on principles of democratic equality; representative democracy and participative democracy and the introduction of the right to popular initiative in the Treaty; 2. The attribution of competences between the European Union and the Member States, returning to the essential principle of conferral of competences together with a strengthening of control to ensure respect to the limits of competences, especially the principle of subsidiarity, thanks to the control of National Parliaments; 3. The early warning mechanism, through which 1/3 of National Parliaments issue a reasoned opinion stating why it considers that the draft in question does not comply with the principle of subsidiarity. The European Commission have to review the proposed legislative initiative; 4. The new Article 6 included in the Treaty sets out that the Union does recognise the rights, freedom and the principles given in the Charter of Fundamental Rights of the European Union; 5. The elimination of the pillar structure that had been in place since the Maastricht Treaty; 6. The possibility of a Member State deciding to withdraw from the Union; 7. The respect for values of human dignity, equality and the rights of the minority groups as a prior condition for any Member State to join the Union; 8. The assignment of exclusive competence to the Union for the management of sea resources, under the Common Fisheries Policy; 9. The creation of the post of President of the European Council, elected by the Council itself, by majority vote, for a term of two and a half years, with the responsibilities traditionally assigned to the rotating presidencies, as a way to impart visibility and stability to the Presidency of this Council, and also of a new system for the exercise the Presidencies of the Council, based on an egalitarian rotation system between the Member States, and the establishment of the post of High Representative of the Union for Foreign Affairs and Security Policies, with the aim of strengthening the efficiency and the coherence of external actions taken by the European Union; 10. The new system of voting, by qualified majority, applied to most European decisions, known as “double majority”, meaning a need to reach out to most Member States and the population of the Union, as well as the setting of rules that ensure the possibility of forming blocking minorities; 11. The limit of 2/3 of the number of Member States, for the number of Commissioners of the European Commission, with an egalitarian rotation system between the National States; 12. The new system for distribution of the places in the European Parliament between the Member States, that sets a maximum number of 751 MEPs (compared with the 736 foreseen in the Treaty of Nice), also setting out that Portugal shall have two MEPs less; 13. The changes in the rules governing revision procedures of the Treaties, with the advent of an ordinary revision procedure and a simplified revision procedure.

The respondents were also required to make a statement about the types of initiatives that the European Affairs Committee of the Assembly of the Republic should carry out with regard to the Treaty of Lisbon (Conferences, Consultations, Website or others).

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in

the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### Questions:

1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?

The Treaty of Lisbon makes 46 separate references to the «National Parliaments», including them in the body of the Treaty for the first time, as institutions that *contribute to the good functioning of the Union*.

The Parliamentary scrutiny on European affairs shall benefit from the following four significant innovations within the Treaty with regard of national parliaments:

1. Broader access to information (EU legislative and non-legislative procedure);
2. Notification of a series of procedures (proposals for the amendment of the Treaties (ordinary revision proposals / participation at the Convention) (n.º 2 and 3 art 48.º TEU); adoption, by the Council, of a *passerelle clause* (communication of the shift from the special decision-making process - unanimity – to the ordinary decision-making process – qualified majority (n.º 7 art 48.º TEU). If a NP makes known its opposition within six months, the decision shall not be adopted); adoption by the Council of a *flexibility clause* (current article 308.º TCE applicable only to the 1st Pillar and new art 352.º TFE applicable to the EU (with no Pillar division), exception made to the CFSP); application for EU accession (art 49.º TEU); content and results of the implementation's evaluation of the Union policies referred to the AFSJ (full application of the principle of mutual recognition (art 70.º TFEU)); proceedings of the Council standing committee to ensure that operational cooperation on internal security is promoted and strengthened within the Union (art 70.º, 71.º TFEU); proposal made to the Council by the Commission, in order to adopt a decision determining those aspects of family law with cross-border implications which may be the subject of acts adopted by the ordinary legislative procedure (if a NP makes known its opposition within six months, the decision shall not be adopted (n.º 3 do art 81.º TFEU));
3. Participation in several processes (Eurojust activities (art 85.º TFEU); Europol activities (art 88.º TFEU). ;

4. The power to issue reasoned opinion statements on the compliance with the principle of subsidiarity (“early warning mechanism”, within a time frame of eight weeks);
5. Interparliamentary co-operation (between NP and with the EP (i.e. joint meetings and IPEX); COSAC meetings (may submit any contribution to the EP, the Council and the Commission); exchange of information and best practice between NP (i.e. Permanent Representative’s network); EAC and special committees relationship; interparliamentary conferences on specific topics (i.e. CFSP and CSDP).

The Treaty of Lisbon does indeed lay down a set of new provisions concerning the role of the National Parliaments, not only in the body of the Treaty itself, but also in the Protocol regarding the role of the National Parliaments in the EU and in the Protocol regarding the application of the principles of subsidiarity and proportionality, thus widening the Parliaments’ possibilities for intervention.

In spite of the facts mentioned above, the establishment of a cause/effect relationship with regard to the proportional increase of the real influence exerted by National Parliaments in EU affairs:

1. On the practice followed by each Parliament when applying the new possibilities mentioned in the Treaty ;
2. On the capacity of co-operation and exchange of information between the different Parliaments;
3. On the management that the European Commission shall develop, in relation to dialogue with NPs and the results thereof.

2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)

On 25 August 2006, the Assembly of the Republic passed [Law No. 43/2006, on the monitoring, assessment and pronouncement by the Assembly of the Republic within the scope of the process of constructing the European Union](#), which is already adapting the Portuguese Parliament to the new requirements and new possibilities opened up by the new Treaty, including an article exclusively dedicated to the control of the principle of subsidiarity:

*“Article 3*

*Formal written opinion on compliance with the principle of subsidiarity*

*1 – By resolution the Assembly of the Republic may 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 under the terms of Article 5 below, or any subsequent draft alteration thereto, fails to comply with the principle of subsidiarity.*

*2 — In cases in which there are grounds for urgency, a formal written opinion issued by the European Affairs Committee shall suffice.*

*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”.*

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

**This is one of the areas where evidently the Assembly of the Republic considers that there shall be a greater need to adjust, with regard to the present scrutiny procedure: an interparliamentary co-operation, capable of creating an efficient and quick (in due time) information network, shall be a greater need, as the mechanisms of participation in National Parliaments are applied. It is predicted that the most appropriate mechanisms for this effect shall be, on the one hand, the network of Permanent Representatives of National Parliaments in Brussels and, on the other hand, the IPEX information platform.**

### **CHAPTER 3: The Lisbon Strategy**

**This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.**

**There is no questionnaire for this Chapter**

### **CHAPTER 4: Enlargement of the Schengen area**

**This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only**

the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

**Questions:**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

Even though there has been no formal intervention on the part of the Parliament, neither through EAC, or through other methods such as the Committee on Constitutional Affairs, Rights, Liberty and Guarantees, in the decision-making process for the enlargement of the Schengen area this issue has already been brought up at Interparliamentary Conferences, held either by the mentioned Committee (as the case of the Conference of Justice and Home Affairs Committee Chairmen of the National Parliaments of Member States, Candidates and the European Parliament, between 9 and 10 September at the AR), or by the LIBE Committee of the European Parliament (the last of which was held in Brussels on 26 and 27 November). Similarly, there is no formal co-operation with the Government concerning this matter, even though information exchanges are recorded (especially in the sequence of JHA Councils and also at the aforementioned Conferences which included members of the Portuguese Government among its speakers).

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

Due to the fact that this could be a matter of exclusive legislative power by the Assembly of the Republic, the AR shall issue an opinion about the issue, either through a scrutiny process for European legislative initiatives or through the domestic legislative parliamentary procedure.

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>16</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

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<sup>16</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>



Even though this matter has been widely discussed, especially at the aforementioned Conferences and for the scrutiny of European legislative initiatives, as yet there is no formal position taken up by the AR with regard to the object matter of this question.

#### **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

#### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

Negotiations chapter-by-chapter phase:

**1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

c) the role of the plenary?

There is the possibility that the Parliament shall monitor all phases of negotiation of the terms of the Treaties, carried out by the Government. Indeed, in addition to the power granted by the Constitution, of Parliament's scrutiny of the Government, it is established by Law No. 43/2006, on the monitoring, assessment and pronouncement by the Assembly of the Republic within the scope of the process of constructing the European Union (hereinafter the Monitoring Law), in Article 5(1 a) therein, under the title *Informing the Assembly of the Republic*, that *the Government shall keep the Assembly of the Republic 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 Assembly all the relevant documentation as soon as it is presented or submitted to the Council, particularly including: draft agreements or treaties to be entered into by the European Communities or the European Union or between Member States within the context of the European Union, without prejudice to such rules governing reserved responsibility or confidentiality as may apply to the negotiation process.*

Should the Assembly wish, in the light of documents sent, to request clarification or issue a reasoned opinion or a resolution about the content of the Accession Treaty or any of its specific chapters, then the European Affairs Committee, on its own initiative or together with the specialised permanent committees that have competence over the area of some specific chapter, may promote auditions with the members of the Government and/or other entities.

The process can lead to a resolution voted on in plenary session and reported to the Government.

Even though this procedure is legally possible, there has been no parliamentary practice of systematic monitoring of the EU Accession Treaties.

Traditionally, the intervention of Parliament usually occurs during the phase of approval of the Treaty, along the lines described in the following question.

Approval of the Accession Treaty phase:

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

If so, what is:

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

b) the role of the plenary?

There is no specific forecast as to the monitoring of the Accession Treaties during this phase. However, being a matter in the agenda of the European

**Council, the Government will have to provide information before and after the Council. This happens within the meetings planned according to Article 4(1)(c) and (d) of the Monitoring Law, where meetings are foreseen to be held in the weeks immediately before and immediately after the date of the European Council, between the European Affairs Committee and the Government. Under subparagraph (c) of the same article, the Foreign Affairs Committee, as a specialised and permanent committee, may also take part in these meetings.**

**Should the European Council Meeting at which the Accession Treaty was approved be the last of the semester, then the Government shall also report at a plenary session, within the scope of the debate planned under subparagraph (a) of the same article, according to which there shall be a plenary Debate Session, with the participation of the Government, after the closure of the last European Council Meeting of each Presidency of the European Union.**

**It is also worth mentioning that this accompaniment process has already been seen recently, when Bulgaria and Romania joined in.**

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

**The Accession Treaties (as, indeed, all other Treaties) are presented to the Assembly of the Republic by the Government, under the form of a Resolution Proposal.**

**The Resolution Proposal is then analysed at the European Affairs Committee and the Foreign Affairs Committee, who draw up a Report on the content thereof. After due approval, the Reports of these two Committees pass to the Plenary Session, together with the Resolution Proposal. In the Plenary Session, the Resolution Proposal is approved, and then the Resolution is sent to the President of the Republic, for ratification.**

**The only specificity is the fact that the European Affairs Committee is included within the process, as traditionally the Treaties fall under the remit of the Foreign Affairs Committee. However, this specificity does not occur by the fact that this is an Accession Treaty, but rather due to the fact that it is a European matter.**

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**No. The Accession Treaties follow the same approval process as all other Treaties and International Agreements, and are approved by a simple majority.**

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**No. All Treaties follow the same process of Parliamentary approval and Presidential ratification.**

## **Romania: Chamber of Deputies**

### **Chapter1**

#### **Question 1**

**Romanian Parliament already ratified the Treaty of Lisbon on 4 February 2008, with an overwhelming majority (1 abstention and 1 vote against). At the time of ratification no consolidated version of the Treaty of Lisbon was available. During the negotiation process which led to the Treaty of Lisbon, more meetings organised by the European Affairs Committee took place with the participation of the Minister of Foreign Affairs and the Head of Department for European affairs with the Romanian Government. Main clauses of the Treaty of Lisbon and the changes against the Constitutional Treaty were discussed. The European Affairs Committee<sup>17</sup>, which has the power to express opinions on behalf of the Romanian Parliament, approved the Government mandate to support the compromises negotiated by the German presidency and, respectively, by the Portuguese presidency.**

#### **Question 2**

**Since the Treaty of Lisbon has been approved by the Heads of State and Government, in December 2007, no event focused only on the Treaty of Lisbon has been organised under the aegis of the Parliament, with the exception of the debates held on the occasion of ratification process in the plenary and in the Committee on European Affairs, committees on foreign affairs and committees on judicial affairs of the two chambers. Some events were organised under the aegis of the European Affairs Committee (seminars, conferences, book presentations) during the entire constitutional process started in 2001 and during the reflection period (2005-2007). MP's also participated at events organised by other institutions, as for example the European Institute of Romania. These debates covered main changes of the Constitutional Treaty, most of which have been assumed by the Treaty of Lisbon.**

**A summary document with main innovations of the Treaty of Lisbon and a comparative analysis between The Treaty of Lisbon and the current treaties is currently being drafted within the European Affairs Committee. The document will be soon available on the Chamber of Deputies website and for the MP's to be used in their constituencies, where the upcoming local and national elections will represent an opportunity to spread the information on the Treaty of Lisbon among Romanian citizens.**

#### **Question 3**

**The communication with citizens has dealt both with general and specific aspects of the Treaty of Lisbon. A particular focus on institutional reform has been given, including mainly increasing efficiency in the decision-making process, and the accountability of the decision makers to the European citizens. In this respect, communication emphasised on the enhanced role of the national parliaments which provides an improved opportunity to root the European**

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<sup>17</sup> The Committee on European Affairs is a common committee of both the Chamber of Deputies and the Senate

policies in the national agenda and to better oversee European affairs by the national parliaments to the benefit of the citizens.

However, specialists and young people, notably students, represented the main targets for communication on the Treaty of Lisbon. Most of the citizens are more interested in concrete European policies and their effects in Romania and in the opportunities that the EU may offer them rather in the Treaty of Lisbon *per se*, a long and too technical text, not easily understandable by an average citizen.

## **Chapter 2**

### **Question 1**

**Yes, indeed, at least the Treaty of Lisbon provides the opportunity for a national parliament to enhance its scrutiny function.**

**The Treaty enhances the role of the national parliaments in three ways:**

- 1. More and timely information will be available to the national parliaments**
- 2. The procedure for subsidiarity check was considerably improved**
- 3. The scope of activity in European affairs has also be expanded by providing to the national parliaments a further role in the area of liberty, security and justice**

### **Question 2**

**The Romanian scrutiny system is still under construction. The drafts of Rules of Procedure of the European Affairs Committee and the Rules of Procedure of the Chamber of Deputies and the Senate which contain the details of the scrutiny procedure are pending for the formal approval in a joint plenary session of the two chambers. After a long consultation between representatives of the parliament and the government a draft law on the cooperation between Parliament and Government in the European affairs is closing to the final version and will be soon submitted to the Parliament to follow the formal procedure for adoption. All pieces of the legal package for the scrutiny system will be updated to align with the provisions provided by the Treaty of Lisbon.**

### **Question 3**

**A further deepening of the cooperation and exchange of best practices between parliaments would be necessary to take full advantage of enhanced role for the national parliaments provided by the Treaty of Lisbon.**

**All agree that an early involvement of the national parliaments in scrutinising European proposals is crucial to keep an effective influence over the European matters. Thus, the exchange between national parliaments should also take place at an early stage, before a final opinion on a certain European proposal was already agreed by a national parliament. The first observations, questions or doubts of a national parliament concerning a certain European proposal should be available on the IPEX platform to allow others to comment or to merely draw attention to other national parliaments. Most of the national parliaments make a selection of the European proposals of high relevance for them. The list of draft acts selected for a thorough scrutiny by a national parliament could also be made available.**

## **Chapter 4**

### **Questions 1-3**

**The EAC is not yet involved in a specific scrutiny concerning the Schengen area and the Treaty of Prüm. The EAC is, however, kept informed on the developments regarding the enlargement of the Schengen area and the Treaty of Prüm by the interior and justice ministers who, as a rule, participate at the sittings of the EAC committees before the Councils meetings.**

## **Chapter 5**

### **Question 1**

**Our Parliament has not been involved until now in monitoring the negotiations with the applicant states on chapter by chapter basis.**

### **Question 2**

**As one of the last countries to join the EU, Romania has not yet had the occasion to approve an Accession Treaty of another state.**

**The EAC committee is empowered to deal with all types of EU legislation, including EU primary legislation, according to the decision of the Chamber of Deputies and the Senate of 20 December 2006 by which the EAC was set up. The draft law on the cooperation between Parliament and Government on European matters provides a procedure by which the Prime Minister informs the EAC before the European Council meetings seeking approval for the Romanian position. The EAC is empowered to give mandate to the Government on behalf of the Parliament, but could also propose that the mandate should be approved by the plenary of the two chambers.**

### **Question 3**

**An Accession Treaty is ratified through a law on ratification. The legislative procedure provides that after the draft law is submitted to the Parliament by the Government, the Standing Bureau of the Chamber notified or the Joint Standing Bureaus in case of the constituent treaties of the European Union shall designate the committee notified on the subject matter, the endorsement committees and the time limit for submitting the report on legislative proposal in question. The report by the notified Committee shall propose the adoption, adoption with amendments, or rejection of a draft law or legislative proposal. Finally, the proposal from the Committee is approved by the plenary. The same procedure is applied for the law on ratification of an Accession Treaty. In this case, the Joint Standing Bureaus will designate the European Affairs Committee as the committee notified on the subject matter.**

### **Questions 4-5**

**According to the Romanian Constitution, Romania's accession to the constituent treaties of the European Union and the acts revising the constituent treaties of the European Union shall be carried out by means of a law adopted in the joint sitting of the Chamber of Deputies and the Senate, with a majority of two thirds of the number of deputies and senators.**

## **Slovakia: National Council**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

- 1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

A consolidated version of the Lisbon Treaty is not necessary for the ratification process itself but it was very useful in the course of the deliberations that were held in particular committees and the plenary itself which referred to it during the debate on 8 January. The consolidated version was gathered by the Ministry of Foreign Affairs that did also submit the Treaty to the Parliament.

- 2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of**

summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?

No, the Committee on European Affairs of the Slovak Parliament itself is not engaged in the process of approaching the citizens concerning the content of the Lisbon Treaty. A successful completion of the institutional reform is one of the main priorities of the Slovak Republic. Government of the Slovak Republic has marked the EU institutional reform to be the so-called “communication priority of the Government of the Slovak Republic”. Based on this main activities designed to inform the public on the Lisbon Treaty shall be performed under the auspices of the Government of the Slovak Republic. It is likely that the Government of the Slovak Republic shall be closely co-operating on this dossier with the Ministry of Foreign Affairs and some other bodies such as EC Representation in the Slovak Republic, EP Information Office in the Slovak Republic, NGOs, universities, etc. In fact, a series of events dedicated to the Lisbon Treaty have already been launched in the Slovak Republic.

3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?

Since we have referred to the role of our European Affairs Committee in the “communication process” in the question above, we find this question non applicable.

Yet we consider it important to underline that the sessions of the Committee on European Affairs of the Slovak Parliament dealing with the Lisbon Treaty substance have often to do with the (strengthened) role of the national parliament following the Lisbon Treaty enters into force. The sessions are open to the public and the media and bearing in mind the media report on the substance of the discussions in the committee, the public is informed (via media) about the role of national parliaments with regard to their (strengthened) position defined according to the Lisbon Treaty.

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways



how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

**Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

**Yes, especially through the enhanced scrutiny procedure of the principles of subsidiarity and proportionality.**

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

**The overall analysis of the impact of Lisbon Treaty on the National Council of the Slovak Republic shall be undertaken in the future.**

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

**A further cooperation and exchange of information between parliaments must be improved while using already existing tools (e.g. IPEX, COSAC). A deepened cooperation between the groups of states can also be helpful (e.g. Visegrad group countries).**

**CHAPTER 3: The Lisbon Strategy**

**This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.**

**There is no questionnaire for this Chapter**

**CHAPTER 4: Enlargement of the Schengen area**

**This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free**

movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

### **Questions:**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

The Committee on European Affairs discussed all Schengen related issues under the general EU scrutiny procedure, i.e. when deliberating and approving mandate for Minister of Interior of the Slovak Republic before the JHA Council session takes place.

The compliance of the Slovak legislation with the Schengen acquis was accomplished through a standard legislative procedure, i.e. amendments of relevant laws, e.g. law on accession to the Schengen Area, law on the residence of citizens, law on the Police corps, law on protection of personal data in the information systems of Police corps, law on the state administration in customs area etc.

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

So far there does not exist official position of the National Council of the Slovak Republic concerning the criteria and the future of the Schengen-Evaluation, nor a position of the Parliament in defining security rules to establish a common Schengen policy.

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>18</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

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<sup>18</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

So far there does not exist official position of the National Council of the Slovak Republic on the above mentioned issues. The overall analysis of the impact of Lisbon Treaty on the parliament shall be undertaken in the future.

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

#### **Negotiations chapter-by-chapter phase:**

- 1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?<sup>19</sup>**

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<sup>19</sup> *Let us first generally comment on this dossier since in the light of the Slovakia accession to the EU (in May 2004 along with 9 states) the National Council of the Slovak Republic was so far "entitled" to deal only with Bulgaria and Romania that acceded to the EU on 1 January 2007. Therefore we are capable to judge just on the basis of the experience with these two countries. (We may come back to the topical experience concerned with current candidates of Croatia and Turkey monitoring throughout this questionnaire when applicable.)*

**Details on the negotiations with Bulgaria and Romania (and after their accession also the particular problems with regard to the lack of progress of both of them in specific areas while being continually monitored under the so-called verification mechanism) were (and continue to be) discussed at the sessions of the Committee on European Affairs with the Minister of Foreign Affairs during his regular appearance in the committee before each GAERC session (as well as each European Council) in order to ask for the formal approval (mandate) by the committee. However, it needs to be added that such discussions were a kind of a package discussion focused on enlargement and were not to be considered as a monitoring on a chapter by chapter basis. (We apply this monitoring attitude also with regard to the current candidates – Croatia and Turkey, i.e. should an agenda of GAERC or European Council consist also of Enlargement Agenda, MPs are informed also on the current progress of Croatia and Turkey in their accession negotiations covering all respective chapters.)**

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

**Non applicable (please see the answer to the question 1).**

**b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

**Non applicable, but it needs further clarification on the role and competences of the Committee on European Affairs in the EU scrutiny procedures.**

**As to the legal form of the Committee resolutions concerning European Affairs, based on the Constitutional Act as of June 2004 the Government of the Slovak Republic is obliged to have its draft positions of the Slovak Republic approved by the Committee. The Committee must give their approval so that the draft position of the Slovak Republic may become an official position of the Slovak Republic. The Committee's resolutions therefore form an important part of the national position of the Slovak Republic.**

**c) the role of the plenary?**

**Non applicable.**

**Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**Yes.**

**If so, what is:**

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

The Committee on European Affairs is involved in this phase through the standard EU scrutiny procedure (approval of the mandate for a member of the Government before the respective Council/European Council meetings). (For further details please see the answer to the question 1 b dealing with the role and competences of the Committee on European Affairs.)

b) the role of the plenary?

The plenary may be involved.

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

So far the National Council of the Slovak Republic ratified only the Accession Treaties with Bulgaria and Romania (21 June 2005). On the basis of the decision of the Speaker the respective Accession Treaties were to be debated by the Constitutional and Legal Affairs Committee, Foreign Affairs Committee and Committee on European Affairs. The Coordinating Committee was designed to be the Committee on European Affairs.

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

According to the Slovak Constitution the Accession Treaty is defined as an international treaty which shall have precedence over laws (Art. 7 para. 5). In this case it is defined that for ratification of such treaty the consent of the absolute majority of all members of Parliament is required (Art. 84 para. 3).

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

Yes.

The international treaty by which the Slovak Republic acceded to the EU was considered to be an international treaty, based on which the Slovak Republic transfers the exercise of a part of its powers to the European Communities and the European Union (Art. 7 para. 2). The same shall be the case of the Lisbon Treaty. According to the Constitution of the Slovak Republic such international treaties have to be ratified with a qualified majority, that is 3/5 majority (Art. 84 para. 4).

## Slovenia: Državni zbor

### CHAPTER 1

**1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament / Chamber? If so, when was it made available and who provided it?**

**On the 29th of January 2008 the Republic of Slovenia ratified the Treaty of Lisbon in its original, non-consolidated version. Up to this date the consolidated version in Slovene language is not available. However, we expect the document to be issued shortly.**

**2. Did you Parliament / Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

**The National Assembly of the Republic of Slovenia views the informing of citizens of the content of the Treaty of Lisbon as an important aspect of fully implementing its provisions. The Committee on EU Affairs plays a significant role in this field through the engagement of the working body as a whole as well as activities of its president. Late last year a symposium titled "Lisbon Treaty - towards Better Efficiency of the EU at Home and Abroad" was held in the premises of the National Assembly to give citizens an insight into the new Treaty. Also, the president, Mr. Anton Kokalj, undertook a number of engagements to present some new aspects of the Treaty with emphasis on the enhanced role of national parliaments varying from round tables, conferences to individual interviews.**

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

**The informing of citizens generated in the national parliament has always pursued the aim of presenting the new Treaty with all its acquisitions, whereas the new article 8c of the Treaty on European Union has in particular been emphasised and the position of the national parliaments envisaged in the Protocol on the Role of National Parliaments in the European Union and the Protocol on the Application of the Principles of Subsidiarity and Proportionality greatly exposed.**

### CHAPTER 2

**1. Does your Parliament / Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

**The National Assembly acknowledges that the Treaty of Lisbon is introducing many novelties in comparison to the role that the national parliaments are endowed with according to current legislation in force. How those changes are to be addressed is yet an open question. The Treaty alone is not a sufficient means of de facto strengthening the influence that the parliament has dealing with EU Affairs. It is a matter of stating rules of executing those new powers.**

**2. Is your Parliament / Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e. g. changes in the scrutiny procedures, changes in the relationship with your government?)**

**No such proposals have yet been made known.**

**3. Does your Parliament / Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments? If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

**The entry into force of the Treaty of Lisbon will indeed require further deepening of the cooperation of parliaments. How this is to be exercised is doubtlessly a question of mutual consent of all parties involved, the COSAC meetings presenting an opportunity for the exchange of different points of view, whereat relying on disposable levers would be deeply appreciated.**

#### **CHAPTER 4**

**1. Is your Parliament / Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

**The National Assembly is only indirectly involved in the decision-making process regarding the enlargement of the Schengen area.**

**It is involved especially through the work of its working bodies - the Committee on European Union Affairs, the Committee on Domestic Policy, Public Administration and Justice and the Committee on Foreign Policy.**

The Slovene Government informs the National Assembly, namely the Committee on European Union Affairs, and reports of its decisions and actions taken in the EU Institutions on the basis of the Article 8(1) of the Act on Cooperation between the National Assembly and the Government in EU Affairs. The Committee on European Union Affairs discusses items that are currently on the agenda of EU institutions and bodies (such as Council of Ministers) on the basis of the Government's starting-points.

Through such governmental reports and information, the Committee on European Union Affairs is likewise involved in the decision-making process regarding the enlargement of the Schengen area.

In this particular matter, no special (other than usual) scrutiny procedure is provided.

Let me stress, that the Schengen acquis was incorporated in the Amsterdam Treaty 1999, therefore Slovenia was not in a position of adjusting the rules in force.

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

In general, the National Assembly is satisfied with the recent Slovene experience with the Schengen-Evaluation. The National Assembly believes that such a scrutiny and evaluation of the future Schengen area members is very important, as it demonstrates, whether a new member would be in fact capable of carrying out all the provided obligations.

For the time being, the National Assembly does not plan to play any special role in defining security rules to establish a common Schengen policy.

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

Regarding the establishment of a "European Union - United States PNR Agreement", in July 2007 the National Assembly has been informed by the Slovene Government of the text of the PNR Agreement. The competent working body -the Committee on Domestic Policy, Public Administration and Justice - did not demand a discussion on this



matter. Other activities of the National Assembly in this field were not performed.

The National Assembly supports such an Agreement in principle, but no specific role of it has been foreseen.

The National Assembly is aware that one of the main challenges of the enlargement of the Schengen is to find a proper balance between the right to security and the protection of fundamental freedoms. In order to find a balanced approach we have to overcome the traditional approach of seeing collective security and individual freedom as two opposed concepts, which exclude each other. As enacted in Article 35 of the Constitution of the Republic of Slovenia, security is a human right, and individual rights can only be effectively protected in an atmosphere of collective security.

The National Assembly intends to use the provisions of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities of the Europol and Eurojust. No specific mechanisms of scrutiny have been envisaged yet.

## **CHAPTER 5**

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?

The National Assembly of the Republic of Slovenia is actively involved in monitoring the negotiations with candidate countries on a chapter by chapter basis.

If so, what is:

a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

Pursuant to the Act on Cooperation between the National Assembly and the Government regarding EU Affairs (Art. 4, paragraph three), the Government sends to the National Assembly the position of the Republic of Slovenia on the draft common EU position concerning an individual candidate country. Based thereon and in accordance (Article 154. k) with the Rules of Procedure of the National Assembly (paragraphs 1 and 2), the President of the National Assembly refers the "position of the Republic of Slovenia on the draft common EU position concerning an individual candidate country" to the competent working body - i.e. the Committee on EU Affairs - and to the working body responsible, depending on the subject matter covered by a particular

negotiation chapter. The latter discusses the position and sends a written opinion thereon to the Committee on EU Affairs which, having learned about the position and taken it into account, holds a debate and adopts an opinion in which it indicates whether it supports the Government position on the draft common EU position. However, the Committee can not amend the Government position and merely provides a written opinion. In the field of CFSP the Foreign Affairs committee is competent.

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

The written opinion (on the Government position on the draft common EU position, first adopted by the working body responsible and thereafter by the competent Committee on EU Affairs or Foreign Affairs committee), can not change the national position.

c) the role of the plenary?

Individual negotiation chapters of the candidate countries and Slovenia's position on the draft common EU position are not discussed by the plenary, while the decision on signing an accession agreement must be adopted - based on Article 5 of the Act on Cooperation between the National Assembly and the Government regarding EU Affairs - by the plenary the majority votes of all deputies present.

Approval of the Accession Treaty phase:

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

The National Assembly is actively involved in the process of candidate countries' integration into the EU. Pursuant to the Article 5 of the Act on Cooperation between the National Assembly and the Government regarding EU Affairs, the Government sends to the National Assembly a draft position of the Republic of Slovenia on the accession of a candidate country to the EU. The Government does so after the European Council has formally concluded negotiations with such candidate country and has made known when the accession treaty would be signed. The decision on supporting a country's accession to the EU must be adopted by majority of votes cast by those deputies present. Such decision is later followed by the ratification of the act on the accession treaty.

If so, what is:

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

a) and b) Two parliamentary committees are responsible for EU affairs, namely the Committee on EU Affairs and the Committee on Foreign Policy. Pursuant to the Article 5 of the Act on Cooperation between the National Assembly and the Government regarding EU Affairs and 154. g. article of the Rules of procedure of the National Assembly of the Republic of Slovenia and according to their competences, both committees discuss the draft position of the Republic of Slovenia on the accession of a candidate country to the EU. Normally, discussions are held at joint meetings of both committees and are followed by voting upon draft position of the Republic of Slovenia. The committees then draw up a report (or separate reports) for the plenary session in which they state whether they support the draft position of the Republic of Slovenia or not. The National Assembly then decides on the draft position and adopts (by majority of votes cast by those deputies present) the position of the Republic of Slovenia on the accession of a country to the EU.

b) the role of the plenary?  
See previous answer.

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**  
In accordance with the Foreign Affairs Act (Art. 75), the Government sends the draft act ratifying the accession treaty of a candidate country to the National Assembly. The President of the National Assembly refers the draft act to the competent Committee on Foreign Policy (Art. 41 and 27 of the Rules of Procedure of the National Assembly). After discussing and adopting the draft act (by two-third majority votes of all members), the Committee on Foreign Policy prepares a written report in which it advises the National Assembly to adopt the draft act (Art. 42, 143 and 169 of the Rules of Procedure). Committee on EU Affairs is a working body concerned in this matter and usually discusses the draft act and sends a written opinion to the Foreign Affairs Committee.

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

In accordance with Article 3a of the Constitution, a two-thirds majority vote of all deputies of the National Assembly is necessary to ratify the accession treaty of individual candidate countries. Such vote is taken after the discussion of the draft act in the committee responsible (Committee on Foreign Policy) and at the plenary session.

## **Spain: Congress of Deputies**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

*The parliamentary procedure for the ratification of the Treaty of Lisbon has not yet started. The Cortes were dissolved on January 15<sup>th</sup>, and will only convene again on April 1<sup>st</sup>, after the General Elections which were held on March 9<sup>th</sup>. The new Government, which will be probably appointed some time during the month of April, will table the Bill for the Authorisation of the Ratification of the Treaty.*

*In other similar occasions (ratification of the Treaties of Maastricht, Amsterdam or Nice), the Government did not submit a consolidated version. The Bill of Authorisation includes as an annex the text of the document whose ratification is requested.*

**2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

*The Treaty was signed in December and the Cortes were dissolved in early January. Therefore, no initiatives have been taken at the time of writing.*

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

**This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.**

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

*The Joint Committee for EU Affairs of the former legislature approved a report on the early warning mechanism established by the Treaty of Lisbon. Although this report did not mention the enhancement of the Parliament's influence in dealing with EU affairs, it proposed a number of recommendations in order to adapt the internal rules of the Cortes to the new mechanisms established in the Treaty.*

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

*The Joint Committee recommended a series of measures to be able to scrutinise the documents forwarded by the EU Institutions. These recommendations included the following points:*

- Changes in the obligations of the government towards Parliament;*
- Introduction of a scrutiny procedure within the Joint Committee, through a special and permanent Subcommittee in charge of recommending the in-depth scrutiny of the most relevant initiatives.*

*These recommendations were approved by a Committee of the former Cortes. The new Cortes are not bound by them, although it may decide to take into consideration some or all of its recommendations.*

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

*The issue was not discussed by the former Cortes, which was more focused on the need to improve the national scrutiny procedure.*

### **CHAPTER 3: The Lisbon Strategy**

**This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.**

**There is no questionnaire for this Chapter**

### **CHAPTER 4: Enlargement of the Schengen area**

**This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security**

rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

### **Questions:**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

*The former Cortes were not involved in the decision making process regarding the enlargement of the Schengen area.*

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

*The former Cortes did not produce an opinion concerning the criteria and the future of the Schengen-Evaluation.*

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>20</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

*The Cortes did not produce an opinion regarding its role in the establishment of a PNR agreement, nor in the ways of defending individual freedoms in the Schengen area. No decision has been taken regarding the provisions of the Treaty of Lisbon concerning the evaluation and scrutiny of Europol and Eurojust.*

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that the conditions of admission and the adjustments to the Treaties on which the Union is founded, which such

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<sup>20</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

#### **Negotiations chapter-by-chapter phase:**

- 1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

*The Cortes are not involved in monitoring the negotiations.*

**If so, what is:**

a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

c) the role of the plenary?

#### **Approval of the Accession Treaty phase:**

- 2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

*The Cortes are not involved in this phase.*

**If so, what is:**



- a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?
- b) the role of the plenary?

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

*The role of committees depends on the type of legislative procedure that each Chamber applies to the Bill authorising the ratification of the Treaty.*

*In accordance with the ordinary legislative procedure, the Foreign Affairs Committee will be involved in a first reading of the Bill, and a report will be forwarded to the Plenary with the amendments that have been incorporated.*

*Nevertheless, in practice, the ordinary legislative procedure is seldom applied for these Bills authorising the ratification of Treaties. In the past, similar Bills undergo a fast-track procedure, whereby the Bill is considered by the Plenary in a single reading and is put to a single vote, and the committee phase is excluded.*

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

*Accession treaties must be authorised by an Organic Act which require the overall majority of the Members of Congress (i.e., 176 votes in favour at least) in a final vote on the bill as a whole.*

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

*Founding treaties and accession treaties have the same ratification procedure.*

## **Sweden: Riksdag**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct: <http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat. Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

In the field timetable it should be Autumn 2008 instead of November 2008.

- 1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

**No.** However a consolidated version of the Treaty of Lisbon was made available in February by the Government offices in cooperation with the Swedish Institute for European Policy Studies (SIEPS) and SNS Publishing.

- 2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

**Not the Riksdag as such.** However, MPs have raised questions about the Lisbon Treaty in:

- a. written questions with written answers - published on the Riksdag website**
- b. interpellations, written questions with oral answers - also published on the Riksdag website**

- c. oral questions during Question Time - published on the Riksdag website

Furthermore has the Joint Committee on the Constitution and on Foreign Affairs held deliberations with the Government. Shorthandnotes were published on the Riksdag website.

A public debate with MP:s and MEP:s was held in May 2007 on "Parliaments and the Constitutional Treaty.

The EU Information Centre is entrusted by the Riksdag to provide the public with politically impartial information about the EU and Swedish membership of the EU (this includes the content of the Treaty of Lisbon).

Our committee on European Affairs does not have a role in informing citizens. However, the committee on EU Affairs has consequently been informed and consulted by the Government before GAERC. Records from these meetings are made public after they have been approved and published on the Riksdag website.

3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?

See above.

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### **Questions:**

1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?

The Treaty of Lisbon has not yet been discussed/analyzed by the Riksdag as such. Therefore it is not possible to talk about an opinion of the Riksdag.

The Swedish Government has referred the Lisbon Treaty to authorities and organizations for consideration. A government bill will be presented to the Riksdag 19<sup>th</sup> of September and referred to the relevant sectoral committee for scrutiny. Debate and decision by the Riksdag is expected in

late 2008. See also above under chapter 1.

2. **Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

See also above, question 1. Possible changes will be dealt with this autumn when the Lisbon Treaty will be prepared.

3. **Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments? If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

See above, question 1.

### **CHAPTER 3: The Lisbon Strategy**

This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

There is no questionnaire for this Chapter

### **CHAPTER 4: Enlargement of the Schengen area**

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

Questions:

1. **Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

**The Committee on Justice has prior to the Council meetings on Justice and Home affairs been informed about the Government's standpoint on the enlargement of the Schengen area.**

The Committee on EU Affairs has prior to the Council meetings on Justice and Home affairs been informed by and scrutinised the Government's standpoint on the enlargement of the Schengen area. When the question of a European PNR agreement is on the agenda of the Justice and Home Council, the Committee on EU Affairs will deal with this question giving a mandate to the Government, taking into account the opinion of the Committee on Justice.

2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?

This has not yet been discussed by the Riksdag as such. Therefore it is not possible to talk about an opinion of the Riksdag.

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>21</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

The Committee on Justice has been informed about the Government's standpoint on the European PNR agreement. The Committee has also held deliberations concerning the European PNR agreement. It was noted that the representatives of the Social Democratic Party, the Moderate Party, the Centre Party, the Liberal Party and the Christian Democrats support the Government position ahead of the continued negotiations. It was further noted that the representatives of the Left Party and the Green Party are opposed to the Government entering into an agreement on the framework decision.

Because the Treaty of Lisbon has not been discussed by the Riksdag as such, it is not possible to talk about an opinion of the Riksdag regarding Europol and Eurojust.

## CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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

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<sup>21</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

ratification by all the contracting States in accordance with their respective constitutional requirements. When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

**Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

**Negotiations chapter-by-chapter phase:**

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis? If so, what is:

- a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?

The reports from the Commission on how negotiations proceed are passed on to the committee on Foreign Affairs, who monitors the process in the parliament. The Government informs the committee about the ongoing process in the form of an explanatory memorandum or oral information. Regularly, the committee on Foreign Affairs is informed by the State Secretary for Foreign Affairs before meetings in the council of General Affairs and External Relations. The enlargement is an important issue for Sweden. The Committee on Foreign Affairs has also met with Commissioners and representatives from the Committee on Foreign Affairs in accession countries.

The Committee on EU Affairs deals with the enlargement questions as soon as they are put on the agenda of the Council. The Committee doesn't normally go into details and discuss chapter -by chapter unless in special circumstances. These chapter-questions are often decided by the Council as A-points on the Council agenda and in order to give the mandate to the Government also in such cases, a list of possible A-items with clarification notes are sent out to the members of the Committee and enlargement A-points can of course also be discussed at the meetings with the Minister for Foreign Affairs. Moreover the EU Committee, like the Committee on Foreign Affairs meet with Commissioners and representatives from accession and candidate countries and also travel to those countries.

- b) **the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**  
See above. The Committee on Foreign Affairs is informed by the State Secretary for Foreign Affairs before meetings in the council of General Affairs and External Relations. The committee on European Union Affairs gives the Government a formal mandate before decisions in the Council of Ministers.
- c) **the role of the plenary?**  
The plenary has no role in this phase.

**Approval of the Accession Treaty phase:**

- 2. **Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council? If so, what is:**
  - a) **the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**  
The Government confer with the Committee on EU Affairs ahead of the meetings of the European Council and of Intergovernmental Conferences.
  - b) **the role of the plenary?**  
The Prime Minister gives information from the meeting of the European Council in the Chamber. All MPs have the possibility to follow up the information with questions.

**Ratification phase:**

- 3. **What is the role of committees in ratification of an Accession Treaty?**  
The government ratifies the Accession Treaty after approval of the Riksdag. A government bill is presented to the Riksdag and is referred to the committee on Foreign Affairs for scrutiny. The committee report is debated and decided upon in plenary.
- 4. **Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**  
No.
- 5. **Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**  
If the Riksdag is about to transfer a right of decision-making which does not affect the principles of the form of government within the framework of European Union cooperation the Riksdag approves such transfer by means of a decision in which at least three fourths of those voting concur. The Riksdag's decision may also be taken in accordance with the procedure prescribed for the enactment of fundamental law ( two identical decisions with simple majority with an election in between). This could be the case with new Founding Treaties. Otherwise simple majority.

## **United Kingdom: House of Commons**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

#### **Questions:**

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biannual Report as well as after its publication, since the table is available on the COSAC website and will be updated.

1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?

A consolidated text was published by the UK FCO in January 2008, the "Consolidated texts of the EU Treaties as amended by the Treaty of Lisbon" can be found at:

[http://www.fco.gov.uk/Files/kfile/FCO\\_PDF\\_CM7310\\_ConsolidatedTreaties.pdf](http://www.fco.gov.uk/Files/kfile/FCO_PDF_CM7310_ConsolidatedTreaties.pdf)

The availability of a consolidated text was not a formal requirement for the ratification process.

2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or



national institutions, etc)? Does your Committee on European Affairs play a role within this?

No.

3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?

Not Applicable.

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

### **Questions:**

1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?

Please see European Scrutiny Committee 35th Report of 2006-07 Session. Found at:

<http://www.publications.parliament.uk/pa/cm200607/cmselect/cmeuleg/1014/1014.pdf>

In paragraph 68 the Committee says:

" 68. Whilst we welcome in principle the provisions in the Reform Treaty on the role of national parliaments, we consider that their effect can easily be exaggerated. The mechanism proposed in the Constitutional Treaty required only the review of a proposal which had been objected to on subsidiarity grounds by one third of the national parliaments in the EU, with the Commission or other relevant institution remaining free to proceed. A number of small improvements to that position are proposed in the Reform Treaty. First, the period within which a national parliament may submit a reasoned opinion why a proposal does not comply with the principle of subsidiarity is increased from six to eight weeks. Secondly, it is proposed that where a majority of national parliaments object to a proposal on subsidiarity grounds, the Commission is to be obliged to re-examine the proposal, but to remain free to maintain it. If the proposal is maintained, the

**Commission must produce a reasoned opinion. The opinion would then be considered by the Council and the European Parliament. If at that stage 55% of the members of the Council or a majority of the European Parliament agree with the objections, the proposal is not to be given further consideration. However, since this degree of opposition would in any event be sufficient to prevent adoption of a measure by co-decision, we consider that the procedure adds very little by way of democratic control over the Commission and the EU institutions. In our view, the required thresholds for preventing further consideration of a proposal must be much lower if the procedure is to have any real utility."**

**The Committee is also currently carrying out an inquiry into subsidiarity and the role of national parliaments under the Lisbon Treaty, the conclusions of which are likely to provide a more detailed view from the Committee on this matter.**

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

**The European Scrutiny Committee considers subsidiarity and proportionality in relation to each document it scrutinises. However, the role of the Committee is to report to the House, not to speak for it. A procedure for the provision of a "reasoned opinion" to the Commission on whether a draft legislative act complies with the principle of subsidiarity is a matter for consideration by the House. The European Scrutiny Committee intends to consider this question in the context of a report into subsidiarity and the role of national parliaments under the Lisbon Treaty.**

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

**COSAC, IPEX and the informal network of national parliament representatives in Brussels will permit the exchange of information regarding subsidiarity concerns. If IPEX is to be an effective source of information on the status of activity in national parliaments then IPEX national coordinators will need to update the website regularly. COSAC is the obvious forum for the exchange of information and best practice in the field of European Scrutiny and European Affairs.**

### **CHAPTER 3: The Lisbon Strategy**

**This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.**

**There is no questionnaire for this Chapter**

#### **CHAPTER 4: Enlargement of the Schengen area**

**This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.**

#### **Questions:**

- 1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

**The United Kingdom is not party to the asylum and immigration provisions of the Schengen acquis.**

- 2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

**The United Kingdom is not party to the asylum and immigration provisions of the Schengen acquis. Nonetheless, any proposals for EC legislation or inter-institutional documents about the enlargement of the Schengen area would be deposited in the House of Commons and scrutinised, like any other such documents, by the European Scrutiny Committee. The Government would provide the Committee with an Explanatory Memorandum setting out its views on each document. Aided by the Committee, the House of Commons would hold**

the Government to account for its views on the documents and its actions on them.

3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>22</sup>? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?

The House of Commons has not yet decided to what extent, and by what means, it might take in the arrangements, for which the Lisbon Treaty makes provision, for the evaluation and scrutiny of Europol and Eurojust.

#### **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

#### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

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<sup>22</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

**Negotiations chapter-by-chapter phase:**

- 1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**The House of Commons is not involved in monitoring the negotiations on a chapter by chapter basis.**

**If so, what is:**

- a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**
- b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**
- c) the role of the plenary?**

**Approval of the Accession Treaty phase:**

- 2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

**The European Scrutiny Committee is “involved in the phase where the Accession Treaty is approved by the European Council” to the extent that the Committee monitors the progress of each accession country in each stage prior to actual accession via those documents from the Commission to the Council that are deposited, i.e., pre-Council scrutiny prior to approval by the Council of, e.g., all progress reports and reports on pre-accession assistance; decisions on when any given country moves from one stage to the next stage on the road to accession, including decisions to grant candidate status, open negotiations etc; right up to the decision to agree Bulgarian and Romanian accession in 2007, rather than postponement until 2008; and now including post-accession monitoring of Bulgaria and Romania, monitoring progress in the negotiations with Croatia and Turkey and monitoring the pre-accession process in the western Balkans.**

**If so, what is:**

- a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**
- b) the role of the plenary?**

**Ratification phase:**

- 3. What is the role of committees in ratification of an Accession Treaty?**

**4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**The Committee has no specific role in the ratification of an Accession Treaty. In the United Kingdom, ratification is the act of the Crown (executive) but the Crown cannot effectively ratify a treaty which changes domestic law without first enacting legislation to permit that change. Since the effect of ratification of an Accession Treaty is to change domestic law, an amendment to the European Communities Act 1972 must first be enacted before the UK may deposit its instrument of ratification. The amendment to the 1972 Act is by the normal Bill procedure with no special majorities required. There is no distinction between the procedure for enacting legislation to permit ratification of an Accession Treaty and the procedure for ‘Founding Treaties’.**

## **United Kingdom: House of Lords**

### **CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon**

**1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**

- (i) A consolidated text is not a formal requirement for the ratification process.**
- (ii) However, and partly in response to a request from the EU Committee of the House of Lords, a consolidated text was published by the UK Foreign and Commonwealth Office in January 2008. The "Consolidated texts of the EU Treaties as amended by the Treaty of Lisbon" can be found at: [http://www.fco.gov.uk/Files/kfile/FCO PDF CM7310 Consolidate dTreaties.pdf](http://www.fco.gov.uk/Files/kfile/FCO%20PDF%20CM7310%20Consolidated%20Treaties.pdf)**

**2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**

- (i) The House of Lords itself did not pursue any such initiative. However, the House of Lords EU Committee did produce a report seeking to assess the impact of the Treaty. The report was based on opinions received from experts, stakeholders and members of the public and involved a public call for evidence and a number of public hearings. It was published on 13 March 2008. Although the Report is primarily intended to assist members of the House in the debates on the Treaty it is available to members of the public both online (<http://www.publications.parliament.uk/pa/ld200708/ldselect/ldauc/ldauc62/62.pdf>) and in hard copy.**
- (ii) A press conference was held on the date that the report was published.**

**3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

- (i) The EU Committee's report is over 250 pages long and seeks to assess the impact of the Lisbon Treaty in all areas.**

- (ii) **The report considers the role of national parliaments as envisaged in the Lisbon Treaty in detail (an entire chapter is devoted to the topic). There are, however, 10 other chapters, so it would not be accurate to describe this as placing emphasis on the role of national parliaments.**

## **CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU**

### **Questions:**

**1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**

**The House has come to no view on this matter. The EU Committee's report describes the yellow and orange card procedures as "a useful innovation".**

**2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**

**The European Union Committee already assesses subsidiarity as part of the scrutiny process. However, the Committee's report makes clear that ratification of the Treaty would have consequences for the procedures both of the Committee and of the House. Should the Treaty be ratified it is expected that the Committee will consider these consequences together with other bodies of the House.**

**3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?**

**If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

- (i) **The European Union Committee's report concludes that "the success of the [yellow and orange] card procedure will depend on coordination between national parliaments" and that the intensification of day-to-day cooperation between national parliaments would be "beneficial". The House itself has come to no view in this regard.**
- (ii) **COSAC, IPEX and the informal network of national parliament representatives in Brussels already permit the exchange of information regarding subsidiarity and other concerns. Should the**



**Treaty be ratified the Committee and the House are expected to assess the effectiveness of these mechanisms.**

#### **CHAPTER 4: Enlargement of the Schengen area**

##### **Questions:**

**1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

**[See answer to question 2.]**

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

**[Answer to questions 1 and 2] The United Kingdom's interest is limited to those aspects of Schengen concerned with police and law enforcement. However all matters relating to Schengen are considered by the House of Lords European Union Committee through the Sub-Committee dealing with Home Affairs. Documents are deposited in the House of Lords with an Explanatory Memorandum giving the Government's views, and these are scrutinised by the Sub-Committee, and any issues raised with the Government.**

**In this connection the House of Lords European Union Committee conducted an inquiry into SIS II. A report was published in March 2007, and can be found at**

**<http://www.publications.parliament.uk/pa/ld200607/ldselect/ldeucom/49/4902.htm>**

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"[1][1]? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

**These are all matters of importance in which the House of Lords has shown a great interest. It is not however clear what the connection is between Prüm and PNR, apart from the fact that both raise data protection issues.**

In 2007 the House of Lords European Union Committee conducted an inquiry into the conversion of the Treaty of Prüm into an EU Decision binding on all the Member States. Its report, published in May 2007, can be found at

<http://www.publications.parliament.uk/pa/ld200607/ldselect/ldeucom/90/9002.htm>

At the same time the Committee conducted an inquiry into the EU/US PNR Agreements. The report, published in June 2007, is at

<http://www.publications.parliament.uk/pa/ld200607/ldselect/ldeucom/108/10802.htm>

Both these reports set out in detail the views of the Committee on the defence of individual freedoms. The Committee is also concerned with privacy and data protection issues under the draft Framework Decision on PNR, and has started a short inquiry into this. It is expected that a report will be published in May 2008.

The House has not yet decided what use it will make of the Lisbon Treaty provisions on Europol and Eurojust. Nevertheless, the EU Committee has already begun a major inquiry into Europol's current role and future development. It is expected that a report will be published in November 2008. Details of these inquiries and of all the House of Lords European Union Committee's work on Home Affairs can be found at

[http://www.parliament.uk/parliamentary\\_committees/lords\\_s\\_comm\\_f.cfm](http://www.parliament.uk/parliamentary_committees/lords_s_comm_f.cfm)

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

### **Questions:**

**Negotiations chapter-by-chapter phase:**

- 3. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

**The House of Lords is not involved in monitoring the negotiations on a chapter by chapter basis.**

**If so, what is:**

- a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?

c) the role of the plenary?

**Approval of the Accession Treaty phase:**

4. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

**Yes**

**If so, what is:**

a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?

**The European Union Committee is “involved in the phase where the Accession Treaty is approved by the European Council” to the extent that the Committee monitors the progress of each accession country in each stage prior to actual accession via those documents from the Commission to the Council that are deposited in Parliament (pre-Council scrutiny prior to approval by the Council.**

b) the role of the plenary?

**There is no role for the plenary at this stage.**

**Ratification phase:**

3. What is the role of committees in ratification of an Accession Treaty?

**Committees of the House have no specific role in the ratification of an Accession Treaty.**

4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.

**In the United Kingdom, ratification is the act of the Crown (executive) but the Crown cannot effectively ratify a treaty which changes domestic law without first enacting legislation to permit that change. Since the effect of ratification of an Accession Treaty is to change domestic law, an amendment to the European Communities Act 1972 must first be enacted before the UK may deposit its instrument of ratification. The amendment to the 1972 Act is by the normal Bill procedure with no special majorities required.**

**5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

**There is no distinction between the procedure for enacting legislation to permit ratification of an Accession Treaty and the procedure for 'Founding Treaties'.**

# **European Parliament**

## **CHAPTER 1: Question 1**

In its resolution of 20 February 2008 the European Parliament adopted its position on the Treaty of Lisbon without disposing of a consolidated version of the Treaties. In paragraph 9 of its resolution the European Parliament stated to be aware that an amending treaty is inevitably less clear and readable than a codified treaty; the European Parliament called therefore, for the immediate publication of the consolidated Treaties as revised by the Treaty of Lisbon, which would provide citizens with a clearer basic text of the Union.

## **CHAPTER 2: Question 1**

In its resolution of 20 February 2008 on the Treaty of Lisbon the European Parliament welcomed the fact that democratic accountability and decision-making powers will be enhanced, allowing citizens to have greater control over the Union's action, notably due to

- the ordinary legislative procedure for EU legislation and the prior scrutiny by National Parliaments;
- the election of the Commission President and the appointment of the High Representative subject to the Commission investiture procedure;
- the new budgetary procedure;
- the control of delegated legislative acts;
- requirement of consent for inter-institutional treaties and flexibility clause;
- increased involvement in the procedure for treaty revision.

## **CHAPTER 2: Question 2**

The implementation of the Treaty of Lisbon requires a full revision of the European Parliament's Rules of Procedure. A report proposing this revision will be drawn up by the competent committee for consideration by the European Parliament, probably at its session of November 2008.

## **CHAPTER 2: Question 3**

The competent Committee considers that the Treaty of Lisbon requires improvements in the field of inter-parliamentary cooperation. It is envisaged that a specific report of this Committee will deal with the full range of questions relating to the future cooperation between the European Parliament and the National Parliaments under the Treaty of Lisbon.

## **CHAPTER 4: Enlargement of the Schengen area**

### **Questions:**

- 1. Is your Parliament/Chamber involved in the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**

The Act of Accession, which bestows membership on the new EU Member States, specifies, in Article 3 (2) that the new Member States may only apply certain provisions relating to the Schengen *acquis* on condition that the Member States concerned fulfil certain criteria<sup>23</sup>.

In May 2007, the *European Parliament* was consulted on the adoption of a Council Decision aiming at allowing for real SIS data to be transferred to nine of the new Member states (new Member states apart from Cyprus, Bulgaria and Romania). By its legislative resolution of 7 June 2007<sup>24</sup>, the European Parliament approved the adoption of this Council Decision.

Schengen evaluation procedures were carried out between September and November 2007 in order to verify the correct application of the provisions of the Schengen *acquis* relating to the SIS in the new Member states concerned<sup>25</sup>. After the evaluations were concluded, the Council of the EU was to decide on the lifting of checks at the internal borders with the Member states concerned. *The European Parliament* was again consulted on this matter and on 15 November 2007 delivered his legislative resolution<sup>26</sup> approving the lifting of internal border with these 9 new Member States. In his report, the rapporteur Mr Coelho had clearly specified for each Member States what had been the result of the Schengen evaluation procedure carried out by teams of experts under the responsibility of the Schengen evaluation working party<sup>27</sup>. The rapporteur concluded that some issues still required a follow-up in the future but that they did not constitute an obstacle to full Schengen membership for these new member states.

On **21 December 2007** and, from this day, all restrictions on the use of the Schengen Information System by these 9 Member States were lifted and internal land and sea border controls between these 9 Member States and the rest of the Schengen countries (Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, the Netherlands, Austria, Portugal, Finland and Sweden as well as Iceland and Norway – countries associated with the Schengen *acquis*) were abolished.

Provisions regulating the abolition of checks on persons at internal borders applied as from **30 March 2008** to air borders.

**2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**

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<sup>23</sup> The exact Schengen provisions referred to in Article 3 (2) of the Act of Accession include, amongst others, the installation and functioning of Sisnet; the SIRENE Manual; the introduction of new functions for SIS in the fight against terrorism, and the gradual abolition of checks at common borders as regards SIS for issuing registration certificates for vehicles.

<sup>24</sup> (P6\_TA(2007)0221)

<sup>25</sup> This temporary solution was put into place in order to allow the new member states to take part in Schengen before the entry into force of the SIS II which is experiencing countless delays. The new timetable provides for SIS II to be operational by 17.12.2008.

<sup>26</sup> (P6\_TA(2007)0531)

<sup>27</sup> See Explanatory statement in [A6-0441/2007](#) adopted in LIBE Committee on 12 November 2007.

On 12 November 2007, the LIBE Committee adopted the report of Mr Coelho<sup>28</sup> approving the Council decision on the full application of the provisions of the Schengen acquis for the 9 new Member States. Nevertheless, in his explanatory statement the rapporteur had clearly stressed that *"the removal of controls at the internal borders requires the existence of mutual trust as regards effective controls at the external borders. In fact, the security of the Schengen area depends on the rigour and efficiency that each Member State applies to controls at its external borders, and, also, on the quality and rapidity of the exchange of information via the SIS. Any weakness or incorrect working of any of these elements is liable to jeopardise the security of the Union and the effectiveness of the Schengen area"*. Furthermore, in its Legislative Resolution of 15 November 2007<sup>29</sup>, the European Parliament clearly stated that ***"Each Member State concerned should inform the Council and the European Parliament in writing in the course of the next six months on the follow-up it decides to give to the recommendations contained in the report and mentioned in the follow-up which are still to be implemented."***

As regards the definition of security rules necessary to establish a common Schengen policy it is important to stress that depending on the area, the European Parliament has co-decision powers (SIS II, VIS, Asylum, Border control, Illegal immigration, Biometric passport of EU citizens) or is mainly consulted such as in legal immigration matters.

**3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"<sup>30</sup>[1]? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

As far as European PNR agreement is concerned, the European Parliament is verifying the legal base of the proposal also taking into consideration the opinion of the Council's Legal service. On the content, a working group made of Rapporteur and Shadows rapporteur is now verifying the different kind of PNR in the EU and abroad. It is very likely that the proposal will probably be finalised at the beginning of next year after the entry into force of the Treaty of Lisbon.

In the Schengen area, the data protection authorities of the Member States and internal provisions aim at guaranteeing that individual freedoms are respected.

For the time being, the European Parliament is working on the base of the current legal framework. Further improvements will be examined when the Treaty of Lisbon enters into force.

## **CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU**

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously

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<sup>28</sup> (A6-0441/2007)

<sup>29</sup> (P6\_TA(2007)0531)

after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that 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.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

### **Questions:**

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

### **Negotiations chapter-by-chapter phase:**

#### **1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?**

*Yes, the European Parliament is constantly being kept informed throughout the pre-accession period and the various stages of the enlargement negotiations by the Commission (Commissioner for Enlargement) and the acting Presidency-of-Council. Each October / November the Commission is submitting its “regular progress reports on individual candidate countries” and its “enlargement strategy report” to the EP.*

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**

*Pursuant to Annex VI (I.5} of the European Parliament’s Rules of Procedure, the Committee on Foreign Affairs is “ responsible for matters relating to opening, monitoring and concluding negotiations concerning the accession of European States to the Union without prejudice to the powers of specialist committees”.*

*On this basis the Committee on Foreign Affairs has since 1999 developed a coherent strategy for the parliamentary scrutiny and monitoring of all enlargement related matters by:*



- *preparing (at least) one major annual plenary debate on enlargement based on substantial reports (by its standing rapporteurs) on each candidate country and on the state of negotiations overall;*
- *assuring consistency between its own monitoring actions and the activities of the sectoral (specialist) committees (inviting them to deliver opinions;*
- *keeping a close link with the Joint Parliamentary Committees of the EP with the candidate countries by involving the committee rapporteurs in their activities.*

*The Committee on Foreign Affairs is receiving regularly the chief negotiators and/or (Foreign) Ministers of the candidate + applicant countries; likewise the Commissioner for Enlargement is coming at least 4 times a year to the committee to report back on progress in the negotiations. In addition the acting President-in-office of Council is debriefing the committee after the monthly meetings of the General Affairs and External Relations Council (GAERC) and, if appropriate, answering questions concerning accession negotiations.*

*The Committee has also set up a Working Group on the parliamentary scrutiny of the Instrument for Pre-Accession (IPA), which exercises Parliament's "droit de regard" (as in comitology).*

*In addition, all sectoral committees (such Environment, Agriculture, Regional Affairs etc) are either giving opinions to the Committee on Foreign Affairs or, if appropriate, table themselves initiative-reports on sectoral aspects of the negotiations. Each committee has the right to send delegations into the candidate countries to monitor individual issues (such as environment, regional projects, progress in human rights etc).*

*With each of the candidate and applicant countries the EP has Joint Parliamentary Committees (JPC), which are based on association agreements (for ex. Turkey) or stabilisation and association agreements (for ex. Croatia, FYROM). JPC meet twice a year and monitor progress in the countries' preparations for accession (implementation of accession criteria), details of negotiations, and last but not least the implementation of the Instrument for Pre-Accession (IPA). During these meetings JPC are briefed by representatives of the respective governments (in particular Foreign Minister, European Affairs Minister) and of Commission and Council. The conclusions of the JPC meetings are addressed to the Association Councils and to the EP Committee on Foreign Affairs.*

**b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**

*Resolutions and recommendations to Council and Commission*

**c) the role of the plenary?**

*At least once a year the plenary is debating the progress of accession negotiations and the enlargement strategy on the basis of reports /*

*recommendations tabled by the Committee on Foreign Affairs (and if necessary from sectoral committees) with the aim to comment on the commission's regular progress reports and to identify the EP's position on individual issues for the ongoing chapter-by-chapter negotiations.*

**Approval of the Accession Treaty phase:**

**2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?**

*Yes. After the decision of the European Council to conclude negotiations with candidate countries, the EP has to give its formal assent to the individual country applications to accede to the EU.*

**If so, what is:**

**a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**

*The Committee on Foreign Affairs is preparing Parliament's assent by debating with Commission and Council the draft accession treaty and is monitoring the progress in the 'acquis' implementation before the final date of accession.*

**b) the role of the plenary?**

*Following a debate on the basis of the Committee report(s), the plenary has to give its assent (by an absolute majority of its component Members) to each country's application individually before the Accession Treaty can be signed. In the case of more than one country joining ( as for example in the 5<sup>th</sup> enlargement round) the EP could have blocked any of the ten countries of entering the EU, while the national parliaments of the Member States had to ratify the Accession Treaty (for all countries) after it had been signed en bloc!*

**Ratification phase:**

**3. What is the role of committees in ratification of an Accession Treaty?**

**4.**

*After the assent of the EP to the accession application (see above), the Committee on Foreign Affairs – in close cooperation with the Budgets Committee – is monitoring closely the further developments of the accession treaty. Parliament retains its right to be consulted if any modification of the Accession Treaty is necessary and- with regards to its powers as one of the two arms of the budgetary authority of the EU - if any new questions concerning the financial aspects of enlargement arise.*

**5. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.**

*Not applicable*

- 6. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.**

*Not applicable.*