



9 May 2016

Conference of Speakers of the EU Parliaments, 22-24 May 2016

Background Note

Session III: The Role of National Parliaments and Interparliamentary Cooperation

1. « Green Card » (Enhanced Political Dialogue)

At the last Conference of Speakers of the European Union Parliaments, held in Rome on 20-21 April 2015, the Speakers concluded that the debate on strengthening the instruments of political dialogue would continue during the Conference of Speakers of the EU Parliaments 2016, taking also into account the results of the discussion during the COSAC meetings.

The “EU Select” Committee of the UK House of Lords proposed the idea of an enhanced political dialogue in a report in 2014 and invited the national Parliaments to sign an initiative of “green card” on a specific topic: food waste.

At the LIII COSAC in Riga, there was a consensus that the “green card” (enhanced political dialogue)¹ would constitute, in addition to the already existing forms of parliamentary scrutiny and involvement, a valuable opportunity for willing national Parliaments to play a proactive role in the EU agenda-setting process and to further contribute to the good functioning of the EU.

The COSAC emphasised that the “green card” would enhance the existing political dialogue and would further encourage national Parliaments to submit non-binding political and legislative suggestions to the European Commission, without undermining the Commission’s right of legislative initiative under the EU Treaties or its competences in dealing with reasoned opinions, as laid down in Protocol 2 of the Treaty of Lisbon.

The Luxembourg Presidency of COSAC was mandated to set up a **working group on strengthening the political dialogue** by introducing a “green card” in order to continue the work on identifying its scope and procedural framework while ensuring its compliance with the existing Treaty provisions and with the inter-institutional balance of powers. This working group met on 30 October 2015 in Luxembourg and has led to substantial clarifications regarding the improvement of the “yellow card” procedure as well as the scope and procedural framework of the “green card”.

The **24th Bi-annual Report of COSAC**, presented at the **LIV COSAC in Luxembourg**, continued to review opportunities for strengthening the role of national Parliaments in the EU decision-making process.

The discussion on a “green card” will continue at the **LV COSAC in The Hague**, where the progresses made on this issue will be presented in the 25th Bi-annual Report.

¹ To facilitate readability, the « green card » (enhanced political dialogue) will be abbreviated as « green card » in the following pages.



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So far there have been three proposals for a « green card » :

- proposal of Lord Boswell of the UK *House of Lords* on food waste
- proposal of Ms Auroi of the French *Assemblée nationale* on the European resolution on EU corporate social responsibility
- proposal of Ms Cigane of the Latvian *Saeima* on the revision of the Audiovisual Media Services Directive (Directive 2010/13 SMA)

2. Red card

On 2 February 2016, the President of the European Council unveiled his proposals for a « new settlement » between the UK and the European Union in order to keep the United Kingdom in the European Union. Indeed, David Cameron had promised to hold by 2017 (the date is fixed on 23 June 2016) a referendum on whether the UK should remain in the EU.

The UK was demanding changes in four key areas: economic governance, social benefits related to the free movement of people, **sovereignty** and competitiveness.

On sovereignty, the President of the European Council, Donald Tusk proposed a “**red card**” **mechanism** that would allow permit national Parliaments to block EU legislation in case of support by more than half of the national Parliaments.

At the European Council meeting on 18-19 February 2016, EU leaders achieved an agreement which strengthens Britain's special status in the EU.

3. Parliamentary Scrutiny of Europol

The European Union's law enforcement agency (Europol) started as an intergovernmental body regulated by a Convention concluded between the Member States, which entered into force in 1999. By virtue of a Council Decision adopted in 2009, Europol became an EU agency funded by the EU budget.

Article 88 of the Treaty on the Functioning of the European Union stipulates that Europol shall be governed by a regulation to be adopted by the ordinary legislative procedure. It also requires the co-legislators **to establish procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments.**

On 27 March 2013, the European Commission proposed to establish an Agency of the European Union for support to law enforcement cooperation and training, by merging the European Police College (Cepol) within Europol. However, the proposed merger between the two agencies has been rejected.



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On 24 February 2014, the European Parliament adopted at **first reading** a text on **Europol's new operating rules** that contain a detailed proposition concerning the **parliamentary scrutiny** of Europol.

Ten trilogue meetings took place under the Italian, Latvian and Luxembourg Presidencies. A **final compromise** was reached during the 10th trilogue on 26 November 2015 on new governance rules and to endow the agency with new powers to strengthen police cooperation in the EU and the fight against terrorism.

On 30 November 2015, the **LIBE Committee agreed on the compromise** reached in the interinstitutional negotiations. The final vote is scheduled for the May 2016 plenary session.

The involvement of the European Parliament and the national Parliaments in the evaluation and scrutiny of Europol's activities is described in article 88 of the Treaty on the Functioning of the European Union:

"(...) These regulations shall also lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments".

Article 53 of the draft regulation provides that the European Parliament and national Parliaments create a **joint parliamentary scrutiny group** to monitor Europol activities. The text submitted at first reading by the Council contains detailed guidance on the scope and objectives of the parliamentary scrutiny group, but does not specify the modalities of this joint parliamentary scrutiny (frequency of meetings, size or composition of delegation etc.)

Since the regulation of Europol will enter into force as from **1 May 2017**, it would be advisable that Parliaments agree on practical modalities.

The Conference of Speakers of the EU Parliaments provides the best framework to start discussions on this subject.

Some points for discussion :

- What are the opinions of national Parliaments/European Parliament on the introduction of a red card in case the United Kingdom remains in the EU?
- How can the dialogue between national Parliaments be strengthened and thereby increase the efficiency of the "green card"?
- Which is the path to undertake to establish an effective parliamentary scrutiny of Europol?
- What do you think about a more systematic dialogue between national Parliaments and the European Parliament on trade agreements of mixed nature in order to facilitate the ratification procedure?