MALTA EU 2017
PARLIAMENTARY DIMENSION

Draft Outline
27th COSAC Bi-Annual Report

Chapter 1

Scrutiny of government by national Parliaments of EU proposals, reports and implementation of EU Law

Effective scrutiny by national Parliaments of the activities of their own governments on EU matters is essential. National scrutiny systems vary inevitably according to the national context and to constitutional provisions in place. Irrespective of which system suits the national context best, it is essential that national Parliaments closely scrutinise the EU activities of their governments, and hold them to account in this respect. Whilst each national Parliament is to determine for itself the most appropriate way of doing this in the context of its constitutional arrangements, national Parliaments can nonetheless exchange information and learn from one another.

The aim of this chapter is to obtain an updated overview of the procedures used by national Parliaments to scrutinise their government during the different stages of the EU legislative process, including at the stage of implementation of EU law.

The 23rd Bi-annual Report of COSAC has shown that national Parliaments have a limited role, if any, when it comes to the transposition of EU law. The European Commission regularly publishes evaluation reports on the impact of EU laws on Member States and its citizens. Often these reports are used to review existing legislation and are an important instrument to measure the effectiveness of the implementation of EU laws in Member States.

The **first section** will explore the procedures and practices that are in place and which enable national Parliaments to scrutinise government on EU proposals during the legislative phase.

The **second section** will explore the procedures and practices used by national Parliaments when monitoring EU proposals at the implementation stage. Are the evaluation reports prepared by the European Commission considered as sufficient tools to assess the implementation of EU laws in Member States? Do national Parliaments have the necessary tools, and if yes, what tools do they have in order to monitor the implementation of EU laws in their respective Member States?

Chapter 2

The outcome of the UK referendum and the future of the European Union

In recent years the European project has been under constant political stress. Indeed, President Juncker began his State of the Union speech last September by stating that *'our European Union is, at least in part, in an existential crisis'.* Furthermore, the economic crisis quaking a number of European economies brought growing uncertainty concerning the wellbeing of EU citizens. More recently, as a result of the UK referendum in June 2016 the European Union and its Member States are confronted with an unprecedented and complex situation.

The active participation by national parliaments in European policy making is essential to rekindle and reconvene trust in the European Union and ensure that democratic representation of European citizens be implemented to the fullest. This chapter will therefore seek to analyse how current challenges such as terrorism, immigration and the outcome of the UK referendum are reshaping the political debate on the future of the EU within national Parliaments.

The **first section** of this chapter will explore how national Parliaments have dealt with the outcome of the UK referendum. Furthermore, this section will seek to identify how national Parliaments see their roles with respect to the negotiating process once Article 50 of the Lisbon Treaty is triggered.

The **second section** will seek to gather concrete information on the work of national Parliaments with respect to their contribution to the ongoing debate on the future of the EU.

Chapter 3

Migration: Combating human smuggling and trafficking and establishing a humane and effective return and readmission policy

The European Commission has for the past decade proposed numerous initiatives to tackle and disrupt the business model of migrant smugglers and traffickers in human beings. The European agenda on Migration, more specifically the EU Action Plan Against Migrant Smuggling (2015-2020) and the EU Strategy Towards the Eradication of Trafficking in Human Beings (2012-2016) lay down a number of actions specifically targeting the protection of victims, the disruption and criminalisation of smuggling and trafficking businesses and the effective management, reception and expulsion of incoming third country nationals.

The EU Action Plan on Return (2015) and negotiated EU readmission agreements with third countries are important European actions aimed at addressing migration in a systematic way and acting as a deterrent for prospective irregular migrants. Mindful of the strategic importance of sustaining open and mutual dialogue with third countries, the Valletta Declaration (2015) reaffirmed the importance of strengthening cooperation to ensure that the return and sustainable reintegration of irregular migrants is done in full respect of human dignity and of the principle of non-refoulement.

The **first section** of the chapter will analyse the progress of scrutiny by national Parliaments on the two above mentioned key European initatives specifically focusing on the criminal aspect of human trafficking and smuggling.

The **second section** of this chapter will explore whether national Parliaments have considered return and readmission policy proposals and will seek to find out whether national Parliaments are of the opinion that the current framework is effectively reducing illegal migrant smuggling.