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**Twenty-fifth Bi-annual Report:
Developments in European Union
Procedures and Practices
Relevant to Parliamentary Scrutiny**

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Background

This is the Twenty-fifth Bi-annual Report from the COSAC Secretariat.

COSAC Bi-annual Reports

The XXX COSAC decided that the COSAC Secretariat should produce factual Bi-annual Reports, to be published ahead of each ordinary meeting of the Conference. The purpose of the Reports is to give an overview of the developments in procedures and practices in the European Union that are relevant to parliamentary scrutiny.

All the Bi-annual Reports are available on the COSAC website at:

<http://www.cosac.eu/documents/bi-annual-reports-of-cosac/>

The three chapters of this Bi-annual Report are based on information provided by the national Parliaments of the European Union Member States and the European Parliament. The deadline for submitting replies to the questionnaire for the 25th Bi-annual Report was 29 March 2016.

The outline of this Report was adopted by the meeting of the Chairpersons of COSAC, held on 8 February 2016 in The Hague.

As a general rule, the Report does not specify all Parliaments or Chambers of which the case is relevant for each point. Instead, illustrative examples are used.

Complete replies, received from 41 out of 41 national Parliaments/Chambers of 28 Member States and the European Parliament, can be found in the Annex on the COSAC website.

Note on Numbers

Of the 28 Member States of the European Union, 15 have a unicameral Parliament and 13 have a bicameral Parliament. Due to this combination of unicameral and bicameral systems, there are 41 national parliamentary Chambers in the 28 Member States of the European Union.

Although they have bicameral systems, the national Parliaments of Austria, Ireland and Spain each submitted a single set of replies to the questionnaire.

ABSTRACT

CHAPTER 1: MODES AND EXPERIENCES OF NATIONAL SCRUTINY

The first chapter of the 25th Bi-annual Report of COSAC gives some insight into the methods and procedures used by Parliaments/Chambers in scrutinising EU affairs, focusing on (new) forms and tools of interparliamentary cooperation and coordination appreciated and employed by national Parliaments. In this context, it sheds light on questions related to parliamentary procedures, such as the role of rapporteurs, and also gives an update of national Parliaments' experiences in exercising parliamentary oversight within the scope of the "green card" (enhanced political dialogue). It further explores the topic of transparency of trilogues and presents Parliaments' views on sharing parliamentary priorities, as well as information gathered about the kind of information and the channels used by Parliaments for collecting and exchanging information on EU related matters. Finally, it provides an overview of Parliaments' views on how to improve the COSAC plenary meeting in order to allow for sufficient room for informal networking.

All the responding Parliaments/Chambers indicated that they wanted to play either a somewhat active role or a very active role or at EU level. When exercising parliamentary scrutiny over EU affairs, a vast majority of responding Parliaments/Chambers declared that it was important to hold their government accountable regarding EU affairs. A majority indicated it was also important to influence their governments' position and to actively exchange with other national Parliaments as well as to communicate with the public on EU affairs.

A majority of Parliaments/Chambers stated that formal contacts took place between Members of European Parliament (MEPs) and Members of Parliament (MP), either on a regular or irregular basis, while in a few cases MEPs were members of a European Affairs Committee.

Appointing a rapporteur on EU dossiers was a practice used by a minority of responding Parliaments/Chambers. In case a rapporteur was appointed, its mandate would include collecting information on substantial/technical aspects of an EU dossier and drafting a position for the Parliament as a majority of respondents underlined. A vast majority of responding Parliaments/Chambers welcomed an active exchange of opinions between rapporteurs as a useful tool.

While a few Parliaments/Chambers indicated that they had not adopted an official position on the "green card" (enhanced political dialogue), a majority of respondents expressed their support for introducing a threshold, either of 1/4 or 1/3 of the Chambers. According to the findings, there was no majority of responding Parliaments/Chambers supporting the proposals concerning deadlines to participate in or a timeframe to conclude a "green card" (enhanced political dialogue). Fifteen Parliaments/Chambers expressed the view that it should be left to the initiating Parliament/Chamber to propose a deadline.

At the time of receipt of replies to the questionnaire for the 25th Bi-annual Report of COSAC, the vast majority of respondents had not responded to the public consultation on transparency of trilogues launched by the European Ombudsman as part of her on-going inquiry OI/8/2015/JAS. Parliaments'/Chambers' response to the consultation, where there was one, was focused on the lack of transparency and the need to increase it through mainly publishing the working documents of trilogues. The vast majority of the respondents considered the exchange among Parliaments/Chambers of information on trilogues a useful tool to improve parliamentary scrutiny on EU affairs.

The majority of the respondents had set parliamentary priorities on the basis of the Commission Work Programme (CWP) of 2016, and a few intended to do so. When all Parliaments who set such priorities do so, the overview for 2016 will be shared with all Parliaments/Chambers and sent to the European Commission, as was done in 2015 on the initiative of the Dutch *Tweede Kamer*. A majority of the respondents considered it either 'somewhat useful' or 'very useful' to produce such an annual overview based on the CWP to be shared with all Parliaments/Chambers and sent to the European Commission and other EU institutions. The majority of the Parliaments/Chambers responding thought that the Presidency Parliament in every first half of the year, assisted by the COSAC Secretariat, should be asked to compile an annual overview of Parliaments' priorities, to share this overview amongst all Parliaments/Chambers and send it for information to the EU institutions.

Regarding the exchange of information among Parliaments through specific channels, the network of parliamentary permanent representatives in Brussels was mostly 'very often' used, followed by interparliamentary conferences, such as COSAC, CFSP/CSDP, and SECG. The channels most mentioned as 'never used' were the social media, such as Facebook and Linked-in, and video conferences. Regarding the kind of information exchanged, the information on political dialogue and subsidiarity contributions on EU proposals was mostly 'very often' exchanged, followed by information on parliamentary positions on EU dossiers. The information most mentioned as 'never' exchanged was information on trilogues, on findings of parliamentary rapporteurs and on national government positions.

On the parts of the COSAC plenary that could be improved in order to allow for sufficient room for informal networking, the majority of the respondents mentioned the Plenary. The majority of the respondents would not consider organising an informal side session during one of the upcoming COSAC meetings.

On interpretation provided at COSAC plenary sessions, taking into consideration the established rules of procedure of COSAC, the majority of the respondents supported the existing full language regime of 24 official languages of the EU.

Parliaments' views as to best practices from certain interparliamentary assemblies that could be inspirational for COSAC varied. While several Parliaments/Chambers highlighted such best practices, a few expressed the view that COSAC was not comparable to those assemblies or did not see any best practices that could be followed.

CHAPTER 2: THE RULE OF LAW AND THE ROLE OF PARLIAMENTS

The second chapter of the 25th Bi-annual Report focuses on the rule of law and the role of Parliaments and their tasks with regard to the rule of law and human rights. It explores which committees/bodies are involved in these activities and identifies different forms of a debate present in Parliaments/Chambers. Moreover, the chapter shows the use of expertise and information by Parliaments, as well as their cooperation with third parties. It describes national Parliaments' attention to European and international bodies and mechanisms, and concludes with best practices and possible trends on the rule of law and the role of Parliaments.

As for their tasks, the responding Parliaments/Chambers were greatly engaged in drafting the legislation in accordance with the standards of the rule of law, ratifying human rights treaties, raising issues relating to the rule of law and human rights and contributing to effective functioning of relevant national institutions active in protecting the rule of law and human rights.

When asked about the forms in which the assessment of the draft legislation was taking place, more than half of the Parliament/Chambers had no standardised set of criteria or a checklist to follow. Many responded that the draft legislation was pre-assessed and checked against their Constitution, international agreements ensuring that the rule of law enshrined in these documents was respected. According to the findings, the entities responsible to perform such a check varied greatly (Constitutional Committee, Joint Committee on Human Rights, Committee on Legal Affairs were amongst those mentioned).

The majority of the responding Parliaments/Chambers indicated they had specialised (sub) committees with an exclusive mandate on human rights and/or the rule of law. These met mostly on regular basis (weekly, bi-weekly) or their meetings were triggered by presenting (a) special report(s). Those Parliaments where such committees were not established, the issues of human rights and rule of law were often discussed in standing committees, mainly in the Committees on Home Affairs, Justice, Foreign Affairs or European Affairs.

The rule of law and human rights' situation in another Member State, the EU at large and candidate countries sometimes appeared in debates in most of the Parliaments/Chambers. Less than half of the respondents often discussed the situation in their own countries and very few Parliaments/Chambers never debated the issues linked to the human rights in another Member State(s). When asked about recurrent thematic debates on the national state of rule of law including human rights, over 1/3 of the respondents indicated that they did so regularly (mainly on a yearly basis following a specific report).

The majority of the responding Parliaments did not initiate research on the rule of law and human rights in their own countries. Around two thirds had supporting research services and expert advice on human rights and rule of law issues at their disposal, mostly available through in-house specialised research staff.

The report shows that a vast majority of Parliaments/Chambers maintained structural contacts with third parties for the promotion and protection of the rule of law and human rights in their own countries, in most cases the contact with the Ombudsman being mentioned. The cooperation with third parties was organised in many different ways. In general, it ran between the third parties and the relevant committees in Parliaments/Chambers, but that did not exclude the possibility for individual members to establish contacts with these parties. The form and shape of this cooperation also varied; the most referred to were the use of hearings with third parties and attendance of third parties at meetings in Parliaments/Chambers to present reports, findings and exchange views with Members on relevant topics. Written reports and information were also often used by committees and members of Parliaments/Chambers.

When asked about the participation of members, most Parliaments/Chambers had members active in the Parliamentary Assembly of the Council of Europe (PACE) and the Inter-Parliamentary Union (IPU). In addition to those two fora, most of the responding Parliaments/Chambers also mentioned the Organisation for Security and Cooperation in Europe (OSCE) Parliamentary Assembly where their members were involved in. The results of international parliamentary fora were not disseminated and discussed by all Parliaments/Chambers. The report shows that it was the recommendations, resolutions, reports and/or case law with regard to the rule of law and human rights issued by the European Commission, the Council of Europe and the European Parliament which were mostly considered. Furthermore, several Parliaments/Chambers did not always discuss all documents, in some cases only whenever deemed necessary.

When asked about best practices in their Parliament/Chamber on how to deal with the rule of law and human rights, many examples were highlighted. The topic of the migration crisis and refugees was regarded as one of the developments and trends which could mean a danger to the rule of law in EU Member States that Parliaments/Chambers would like to raise awareness about in the coming years.

The second chapter concludes with the possible role of COSAC as a platform for Parliaments to discuss more often the rule of law and human rights in the EU and to raise awareness in the coming years. Two thirds of the responding Parliaments/Chambers replied that it should play this role. The majority of those responding mentioned that COSAC could be a platform for Parliaments to further a dialogue on safeguarding the rule of law. A minority stated that COSAC may not be the best forum to discuss these topics, as there was the risk of duplication with the work of other institutions/bodies.

CHAPTER 3: PARLIAMENTARY DIPLOMACY IN THE FRAMEWORK OF THE EUROPEAN NEIGHBOURHOOD POLICY (ENP)

The third chapter of the Bi-annual Report of COSAC presents national Parliaments' views on the role they had thus far played in the field of parliamentary diplomacy. The geographical scope of the inquiry was concentrated on the area of the European Neighbourhood Policy (ENP).

According to the findings of the Report, all responding Parliaments/Chambers engaged in parliamentary diplomacy. The reasons for engaging in parliamentary diplomacy varied, but the vast majority of responding Parliaments/Chambers indicated the promotion of fundamental values (democracy, the rule of law and human rights), the increase of mutual understanding between countries, as well as the exchange of information and know-how.

Parliaments engaged in different forms of diplomatic activities with regard to the EU's neighbouring countries, however, members were mostly engaged in receiving and sending parliamentary delegations for example headed by the Speaker/Deputy Speakers or undertaken at the committee level, participated in interparliamentary assemblies and meetings (namely the PACE, NATO PA, OSCE Parliamentary assembly and other such multilateral fora and bodies) and received high-ranking foreign officials (e.g. Heads of State and/or Governments); meetings between parliamentarians and accredited ambassadors were also noted. The majority of the respondents had no established set of rules to coordinate activities in parliamentary diplomacy.

The vast majority of the responding Parliaments/Chambers indicated primarily the Speaker and/or Deputy Speakers, the Foreign Affairs committee, and the European Affairs committee as actors engaged in parliamentary diplomacy towards the EU's neighbouring countries.

Regarding the extent to which parliamentary diplomacy was coordinated with other players in the field of foreign policy diplomacy, the picture was diverse. According to the findings of the Report, the majority of the respondents often coordinated with the actors of traditional diplomacy of the executive branch (i.e. cooperated with the government or governmental diplomatic services), while a bit more than half never did so with the European Parliament. The majority of the responding Parliaments/Chambers sometimes coordinated with other national Parliaments in the EU.

Finally, this chapter presents best practices towards the EU's neighbouring countries, as well as the biggest challenges for effective parliamentary diplomacy as highlighted by Parliaments. The most mentioned as a challenge was the coordination with the executive branch, especially as far as priorities were concerned, or with other international actors.

CHAPTER 1: MODES AND EXPERIENCES OF NATIONAL SCRUTINY

The first chapter of the 25th Bi-annual Report of COSAC, building upon the insights presented by previous Bi-annual Reports, especially the 22nd Bi-annual Report, focuses on Parliaments' national scrutiny systems of EU affairs and their differences.

In this context, it explores the different modes of parliamentary scrutiny and, building upon the 21st Bi-annual Report, focuses on how (new) forms and tools of interparliamentary cooperation and coordination are appreciated and employed by national Parliaments. In this regard, it presents information on the appointment of rapporteurs in Parliaments on EU dossiers, while it gives an update on the positions of Parliaments/Chambers on certain aspects of the "green card" (enhanced dialogue) building upon the results of the 24th Bi-annual Report. It further explores the topic of transparency of trilogues. What is more, it presents Parliaments' views on sharing parliamentary priorities through an annual overview of all Parliaments' priorities based on the Commission Work Programme, as well as information gathered about the kind of information and the channels used by Parliaments for collecting and exchanging information on EU related matters. Finally, it provides an overview of Parliaments' views on how to improve the COSAC plenary meeting in order to allow for sufficient room for informal networking.

A. Modes of parliamentary scrutiny¹

All the responding Parliaments (35) indicated that they had the ambition to play an active role at EU level. About half of the respondents (17 out of 35) wanted to play a very active role, whereas the rest wanted to play a somewhat active role. In the case of the Austrian *Nationalrat* and *Bundesrat*, the Green party replied that they wanted the Parliament to play a very active role, while another party the "Team Stronach" responded that the Parliament should not play an active role.

As far as Parliaments' scrutiny activities and which elements were important to them in scrutinising EU affairs were concerned, a vast majority (34 of 38) declared that *government oversight (holding the government accountable regarding EU affairs)* was important, only a few (4) considered this to be moderately important. A majority considered being a *policy shaper (actively influencing the government's EU position)* (27 respondents out of 38), being a *public forum (communicating with the public on EU affairs)* (27 out of 38) and an *active exchange with other national Parliaments* (26 out of 38) as important. Only one Parliament/Chamber considered that active exchange with other national Parliaments was not important. A few Parliaments/Chambers (three) replied that *government support (supporting the position of the government in the EU decision making)* was not important, whilst for the majority (20 out of 37), it was important².

Almost half of the respondents (17 out of 37) communicated that being an *active Brussels' player (interacting directly with the EU institutions)* was important, many stated that it was moderately important whereas a few (three) expressed their viewpoint that being an active Brussels' player was not important.

Parliaments/Chambers were asked how formal contacts, apart from (partly) political contacts, between members of national Parliaments (MPs) and the nationally elected members of European Parliament (MEPs) were organised.

¹ The European Parliament did not reply to the questions of the first chapter since they were not applicable.

² The Green Party in the Austrian *Nationalrat* and *Bundesrat* considered policy shaping, being a public forum and active exchange with other national Parliaments as being important.

A majority of responding Parliaments/Chambers explained that formal contacts between MPs and MEPs took place through the organisation of meetings be it of regular or irregular nature. Thirteen out of 39 Parliaments/Chambers responded that regular meetings were organised between MPs and MEPs. The French *Assemblée nationale* explained that its European Affairs Committee organised regular meetings with the MEPs during their constituency week together with the European Affairs Committee of the French *Sénat*. It also mentioned that it fostered its relations with the European Parliament through the organisation of common committee meetings via videoconference. The UK *House of Lords* and the Czech *Senát* pointed out that there were 'tripartite' meetings between Members of both chambers and the MEPs twice a year. The Czech *Senát* added that the MEPs may attend the European Affairs Committee and that they were entitled to an advisory vote. The UK *House of Lords* added that other *ad hoc* contacts took place, including on Committee visits to Brussels, evidence sessions and meetings in London. The Croatian *Hrvatski sabor* stated that MEPs were invited to all sessions of the European Affairs Committee with a possibility to be invited to sessions to other committees.

Twelve Parliaments/Chambers stated that those contacts were upheld through irregular meetings. In the Austrian *Nationalrat* and *Bundesrat*, MEPs were also entitled to take part in meetings of the European Affairs Committee of both chambers, or to take part in certain debates in plenary. The Dutch *Eerste Kamer* explained that a yearly meeting with the MEPs was organised as part of a visit to the EU institutions in Brussels. The Italian *Camera dei deputati* highlighted that MEPs were either invited or heard by videoconference during the scrutiny of a legislative proposal in the committee, in particular when they were rapporteur on a specific act.

A few (five out of 39) Parliaments/Chambers clarified that MEPs were formally members of the European Affairs Committee. The Maltese *Kamra tad-Deputati* added that the MEPs were members *ex officio* of the Foreign and European Affairs Committee, without the right to vote.

In three Parliaments/Chambers, contacts between MEPs and MPs were organised informally. The German *Bundesrat* specified that it transmitted all Bundesrat Decisions on EU draft legislation to the German MEPs.

Besides, the Slovenian *Državni zbor*, both chambers of the Polish Parliament, the Luxembourg *Chambre des Députés* and the Hungarian *Országgyűlés* underlined that MEPs may attend the meetings of the European Affairs Committee. The Hungarian *Országgyűlés* and the Luxembourg *Chambre des Députés* added that MEPs could also attend sectoral committee meetings, and, in the case of the Hungarian Parliament, they could even attend plenary sessions if the point of agenda was related to EU matters. The Polish *Sejm* replied that the European Union Affairs Committee invited MEPs to be the rapporteurs on the most significant EU matters. The Portuguese *Assembleia da República* highlighted that contacts were established in hearings on the basis of a law. The Spanish *Cortes Generales* argued that, in order to fulfil its duties regulated by a law, the Joint committee on EU Affairs held joint meetings. The Swedish *Riksdag* underlined that the contacts mainly took place through political groups. It added that the MEPs could not participate in debates in the Chamber of the *Riksdag*, but they could be invited to attend committee meetings following a special decision by the committee in question.

B. Rapporteurs

A majority of responding Parliaments/Chambers (21 out of 37) reported that they did not appoint rapporteurs on EU related dossiers.

Some of the Parliaments/Chambers gave additional information on which EU dossiers rapporteurs were appointed³. The Italian *Senato della Repubblica* and the Slovenian *Državni zbor* specified that each standing committee appointed a rapporteur for matters falling into their competence and, in the case of the latter, the rapporteur had to report to the European Affairs Committee. The Belgian *Chambre des représentants* pointed out that it had adopted a system in which, at the beginning of each legislative period, a "europromoteur" was appointed in every standing committee. This "europromoteur" was responsible for ensuring the implementation of the opinions, proposals for resolution, recommendations and other final texts, as well as proposals for normative proceedings and other documents from the European Commission sent to him by the secretariat of the Advisory Committee. The Hungarian *Országgyűlés* clarified that rapporteurs were appointed on EU dossiers of key importance, but that their role was informal. The Czech *Senát*, the Italian *Camera dei deputati*, the German *Bundesrat*, the Polish *Sejm* and the Romanian *Senat* stated that they appointed a rapporteur for every EU dossier treated. The Polish *Sejm* added that the appointment of rapporteurs followed on the basis of interests declared by the committee members at the beginning of the legislature. The Greek *Vouli ton Ellinon* explained that members of government were usually responsible for presenting an EU dossier, occasionally however MPs were appointed. The Portuguese *Assembleia da República* explained that they had recently adopted a new scrutiny method which still had to come into force.

A majority of the responding Parliaments/Chambers appointing a rapporteur specified that the mandate of the rapporteur generally comprised collecting information on substantial/technical aspects of an EU dossier (14 out of 21) and drafting a position for the Parliament/Chamber (14 out of 21). A large number of Parliaments/Chambers (12 out of 21) underlined that collecting information on the positions of other Parliaments/Chambers also was also part of the mandate of the rapporteur. About half of the respondents (10 out of 21) indicated that the rapporteurs were collecting information on the position of other Member States. In some Parliaments/Chambers (six out of 21) the rapporteurs collected information on political positions within their Parliaments. Lobbying for their position was part of the mandate of the rapporteur in six out of 21 responding Parliaments/Chambers.

The Czech *Senát* highlighted that the rapporteur had to draft and present a report on the dossier to the European Affairs Committee, including his/her proposal for a resolution. It added that the rapporteur may pursue all of the other above mentioned activities, but it was not his/her formal task to do so. The German *Bundesrat* explained that the mandate of the rapporteur included submitting requests for support to recommendations drawn up by the standing committees, provided that the Committee on EU Questions was in agreement with these recommendations. The mandate extended to monitoring the Federal Government's follow-up of the German *Bundesrat's* opinions in subject matters in which the *Bundesrat* had enhanced rights of participation, as well as to reviewing the European Commission's responses within the framework of political dialogue.

The UK *House of Lords* explained that it did not appoint rapporteurs for individual EU dossiers, but the sub-committees of the overarching EU Select Committee carried out many of the tasks outlined above. Nevertheless, it suggested opening such a mechanism to other members in national Parliaments where rapporteurs were not appointed – in the case of the *House of Lords*, this would normally involve the Chair of the EU Committee and the Chairs of its six subject sub-committees.

³ Six Parliaments/Chambers enumerated precisely on which EU dossiers rapporteurs had been appointed. References and titles are to be found in the Annex to the questionnaire.

A vast majority of the responding Parliaments/Chambers (20 out of 22), as well as the Green party of the Austrian *Nationalrat* and *Bundesrat*⁴, expressed the opinion that active exchange between parliamentary rapporteurs on EU dossiers would constitute a useful tool in order to improve parliamentary scrutiny within their own Parliament/Chamber.

C. The "green card" (enhanced political dialogue)

One third of the responding Parliaments/Chambers (12 out of 36) were in favour of setting the minimum threshold for introducing a "green card" (enhanced political dialogue) at 1/3, whilst fewer (seven out of 36) indicated that the threshold should be established at 1/4. None of the respondents wanted a threshold of more than 1/3 or of less than 1/4.

While both Chambers of the German, the Spanish and the UK Parliament, as well as the Dutch *Tweede Kamer* and the Swedish *Riksdag*, explained that they had not adopted an official position, the French *Sénat*, the Dutch *Eerste Kamer*, and the Italian *Senato della Repubblica* pointed out that there was no necessity to introduce a threshold. The French *Sénat* added that it wanted a formula that would be very flexible and reactive. The Dutch *Eerste Kamer* considered the "green card" (enhanced political dialogue) to be an informal procedure, which was why a threshold was not needed. The Italian *Senato della Repubblica* stressed that the "green card" was not a "collective" position, and that each Chamber was free to send its opinion to the European Commission in the framework of the political dialogue.

Some Parliaments/Chambers proposed another threshold, e.g. the Hungarian *Országgyűlés* who proposed one fifth or the Romanian *Camera Deputaţilor* who indicated that 80% would be necessary to launch a "green card". The Belgian *Chambre des représentants* expressed the opinion that the current thresholds foreseen for the "yellow" and "orange cards" should be used, in order to avoid confusion.

The European Parliament's AFCO Committee welcomed all initiatives aimed at enhancing political dialogue with national Parliaments, while respecting the competences of different actors in the decision making process as defined in the treaties. An informal mechanism allowing national Parliaments to call the attention of the relevant institutions regarding the importance of taking a legislative initiative in a given matter would certainly constitute an important contribution in that sense. Furthermore, the AFCO Committee would welcome submissions that did not just concentrate on a defensive approach as the mechanisms of subsidiarity control tended to induce.

Although not having adopted an official position, the Belgian *Sénat* recommended the creation of an enhanced "green card" allowing national Parliaments to submit draft legislative acts to the EU and to constrain the European institutions to react to those proposals. If 1/3 of the Parliaments/Chambers proposed to adopt new legislation or modify existing legislation the proposed procedure would foresee that this draft legislation was put on the agenda of the European Commission. The European Commission would specify why it supported or rejected this proposed draft. The *Sénat* argued that the same right should be given to the European Parliament.

Less than half of the responding Parliaments/Chambers (15 out of 34) indicated that it should be left to the discretion of the initiating Parliament/Chamber to fix the deadline to participate in a "green

⁴ The governing majority parties SPÖ and ÖVP did not answer the question.

card" (enhanced political dialogue). The Maltese *Kamra tad-Deputati* added that, even if the deadline should be fixed by the initiating Parliament, it should not be less than eight weeks.

Some Parliaments (seven out of 34) expressed their support for a fixed deadline between eight and 12 weeks, while two were in favour of introducing a deadline between four and 16 weeks. The Czech *Poslanecká sněmovna* proposed a deadline between 10 to 12 weeks. The Lithuanian *Seimas* recalled that the same deadline should apply for every "green card" (enhanced political dialogue). The UK *House of Commons* recommended that deadlines should be fixed long enough to accommodate parliamentary recess periods.

While some of the responding Parliaments/Chambers (11 out of 33) indicated the timeframe for concluding a "green card" should be between 16 weeks and 6 months, almost the same number (nine out of 33) declared that it should be left to the discretion of the initiating Parliament/Chamber to set the timeframe. Four Parliaments/Chambers thought that no formal set period was necessary. The Romanian *Camera Deputaţilor* proposed setting a timeframe of two to three months.

About half of the Parliaments/Chambers replied in a very diverse way to the question on the lessons that could be learnt from the recent initiatives in relation to a "green card" (enhanced political dialogue). While some Parliaments/Chambers, such as the French *Sénat* welcomed the creation of this new tool, the UK *House of Lords*, the Italian *Senato della Repubblica* and the French *Assemblée nationale*, underlined that it appeared to be an effective and useful tool, other Parliaments/Chambers were more critical; for instance, the Czech *Poslanecká sněmovna* pointed out that it seemed difficult to find ownership of this tool amongst Parliaments. For the Portuguese *Assembleia da República*, the "green card" was an important contribution to an in-depth political dialogue with the European institutions and, for the Maltese *Kamra tad-Deputati*, it could contribute positively to the legislative framework of the EU. In the eyes of the Slovenian *Državni svet*, the "green card" allowed national Parliaments to play an important role at the EU level. The UK *House of Lords*, Lithuanian *Seimas* and the Hungarian *Országgyűlés* underlined that any "green card" should focus on European-wide issues and not only on a particular national problem. The Dutch *Tweede Kamer* stated that Parliaments/Chambers initiating such a "card" should communicate, shortly after the deadline for participation, to all Parliaments/Chambers the results and follow-up of the initiative.

Several questions and concerns were raised by the respondents. The Lithuanian *Seimas*, the Italian *Senato della Repubblica* and the Romanian *Senat* recalled that the new tool should be developed without changing the EU treaties and respecting the institutional balance. Some Parliaments/Chambers indicated that internal procedures had to be adopted in order to integrate this new tool. While the Belgian *Chambre des représentants* stated that the internal procedures could be adopted, the Dutch *Eerste Kamer* explained that the tool had raised the question whether a committee could issue an opinion on behalf of the whole chamber. The Estonian *Riigikogu* stated that its EU scrutiny system was based on reacting towards government positions, so reflexions on how to integrate this new tool into the system were ongoing. The French *Sénat* pointed out that it was important to add a résumé of the motivations to the text sent out to the Parliaments/Chambers. The Bulgarian *Narodno sabranie* suggested formalising the communication channels and elaborating the question to what extent it should be possible to submit amendments to a "green card" initiative. While the Maltese *Kamra tad-Deputati* proposed to keep the language of the "green card" simple and general in order to gather a larger number of Parliaments/Chambers signing up to a "green card", the Czech *Senát* proposed to use a language as clear and precise as possible, in particular when modifications to existing legislation were proposed. The Hungarian *Országgyűlés* suggested holding video conferences in order to exchange information. Finally, the Italian *Senato*

della Repubblica remarked that it was too early to draw conclusions and to wait for further "green card" initiatives before assessing the results.

D. Trilogues

Parliaments/Chambers were asked whether they had responded to the public consultation on transparency of trilogues launched by the European Ombudsman as part of her on-going inquiry OI/8/2015/JAS for which the deadline for receipt of submissions was 31 March 2016. The vast majority of respondents (33 out of 38) gave a negative reply.

Five Parliaments/Chambers, which gave a positive reply, provided information on the main focus of their response to the consultation. A recurring issue noted was the lack of transparency and the need to increase it through publishing the working documents of trilogues (e.g. Committee on European Affairs, French *Assemblée nationale*). The Committee of the UK *House of Commons* expressed concern about the lack of transparency of decision making in trilogues, while the Committee of the UK *House of Lords* argued that the transparency of trilogues needed to be increased, emphasising that national Parliaments needed to have a greater oversight of and influence over the trilogue process if they were effectively to fulfil their scrutiny function. The latter called on national governments and the European Parliament to show willingness and commitment to sharing information with national Parliaments and the wider public. The Dutch *Tweede Kamer* mentioned that enhancing transparency not only helped the House to oversee the government's functioning in the Council, but also enabled the general public to monitor trilogues, thus facilitated trust building. It also gave proposals regarding the type of information to be published, such as the trilogue agenda's or mandate of the Council, and on communication of the results via a single user-friendly and public webpage. The Romanian *Senat* stated that better transparency would ensure greater accountability for the Member States and the European institutions and that it should strengthen the relationship between EU policymakers and citizens.

The vast majority of the respondents (29 out of 34) considered the exchange among Parliaments/Chambers of information on trilogues a useful tool to improve parliamentary scrutiny on EU affairs.

The UK *House of Lords* stated that any mechanism for information sharing that would shed light on the trilogue process would be beneficial, as would any mechanism that strengthened the role and influence of national Parliaments in relation to the trilogue process. The European Parliament could also be encouraged to take the initiative and be more transparent on its activities in the trilogue process, including sharing information directly with national Parliaments. Similarly, according to the Croatian *Hrvatski sabor*, as trilogues were the least transparent part of the EU legislative process, every initiative aimed at increasing their transparency was welcome.

As to the benefits on this exchange, according to the Maltese *Kamra tad-Deputati*, information exchange among Parliaments would help national Parliaments to follow up on proposals during their evolving stages before they change into binding regulations and directives, while for the Estonian *Riigikogu* information about the final steps on trilogues could help to prepare the implementation of the EU law and to start thinking about the next steps to transpose the EU legislation into domestic law level. For the French *Sénat*, the information would support the European Affairs Committee's thinking so that it could possibly adopt a position on a text that it had not considered necessary to consider beforehand.

The Dutch *Tweede Kamer* expressed the view that combining information obtained through different channels would enable Parliaments to put together the puzzle of where negotiations were headed. This would be especially helpful on selected proposals shared among Parliaments.

The German *Bundesrat* stated that such an exchange might enable the Parliaments/Chambers, via their respective governments, to exert influence on the Council's position in negotiations. According to the Italian *Senato della Repubblica*, information sharing enhanced the quantity and quality of information, which was a condition for effective scrutiny.

As to who should be providing information, according to the Hungarian *Országgyűlés*, throughout the whole EU decision making process, the European Commission as the key initiator of the legislative process should ensure information for national Parliaments regarding the respect of the principles of subsidiarity and proportionality, which could highly contribute to the transparency of the trilogues. The Czech *Senát* said that information on trilogues must be provided to each Parliament by its government in the first place. The Polish *Sejm* recognised that the exchange could improve the scrutiny of EU matters, identifying that there was the question as to who should provide the Parliaments with the information.

However, the UK *House of Commons*, while acknowledging that sharing information could be helpful, expressed concern that the speed and volume of business was likely to mean it was only sometimes possible.

E. Sharing parliamentary priorities

In 2015, the Dutch *Tweede Kamer* produced an overview of 16 Parliaments' priorities based on the Commission Work Programme (CWP) 2015. The overview was shared with all Parliaments/Chambers and sent to the European Commission. This year a repetition of the exercise takes place. When all Parliaments who set priorities on the basis of the CWP 2016 have done so, the complete overview for 2016 will be shared with all Parliaments/Chambers and sent to the European Commission. Against this background, Parliaments/Chambers were asked whether they had set priorities on the basis of the CWP 2016. Twenty-two out of 37 respondents had done so, 10 had not, while five intended to do so. According to the Spanish *Cortes Generales*' reply, the Joint Committee for EU Affairs did not fix a generic and abstract set of priorities; it fixed its priorities on an *ad hoc* basis, after a systematic analysis of the all the dossiers and their given context when received.

Less than half of the respondents (15 out of 37) considered it somewhat useful to produce an annual overview of all parliamentary priorities based on the CWP to be shared with all Parliaments/Chambers and sent to the European Commission and other EU institutions, while 14 considered it very useful. Six respondents had no opinion, while two said it was not useful.

The majority of the Parliaments/Chambers responding (26 out of 33) thought that the Presidency Parliament in every first half of the year, assisted by the COSAC Secretariat, should be asked to compile an annual overview of Parliaments' priorities from the data received from each national Parliament, to share this overview amongst all Parliaments/Chambers and send it for information to the EU institutions.

F. Exchange of information among Parliaments

Parliaments/Chambers were asked how often (never/sometimes/very often) they used specific channels for gathering and exchanging information on EU related matters with other Parliaments/Chambers.

The network of parliamentary permanent representatives in Brussels was the most mentioned channel as 'very often' used (by 35 out of 39). Interparliamentary conferences, such as COSAC, CFSP/CSDP, and SECG, were the second most mentioned channel as 'very often' used (31 out of 39). On the other hand, the channels most mentioned as 'never used' were the social media: Facebook, Linked-in (29 out 38) and video conferences (24 out of 38).

Question: How often do you use the following channels for gathering and exchanging information on EU related matters with other Parliaments/Chambers?				
	Never	Sometimes	Very often	<i>Responding Parliaments/Chambers</i>
Network of parliamentary permanent representatives in Brussels	0	4	35	39
Interparliamentary conferences, such as COSAC, CFSP/CSDP, and SECG	0	8	31	39
Video conferences	24	14	0	38
Contacts during interparliamentary meetings in the European Parliament	1	30	8	39
IPEX website (www.ipex.eu)	0	15	24	39
Party political / group meetings	5	29	4	38
Committee working visits to other national Parliaments	3	33	3	39
Administrative staff working visits	12	26	1	39
Social media: Facebook, Linked-in	29	8	1	38
Total respondents				39
Respondents who skipped this question				0

Other channels cited by Parliaments/Chambers included regional meetings, such as the Meeting of the Committees on European Affairs of the National Parliaments of Estonia, Latvia, Lithuania and Poland; Conference of the Speakers of the NB8 (Finland, Sweden, Denmark, Norway, Iceland, Lithuania, Latvia, Estonia) Parliaments (Latvian *Saeima*), networking among members' assistants and assistants to the parliamentary groups (German *Bundestag*), as well as informal contacts between the Chair, rapporteurs and coordinators with *ad hoc* delegations of national parliamentarians (European Parliament).

Parliaments/Chambers were asked what kind of information relating to EU affairs and how often (never/sometimes/very often) they exchanged this information with other Parliaments/Chambers.

Information on political dialogue and subsidiarity contributions on EU proposals was most cited as 'very often' exchanged (by 20 out of 38). Information on parliamentary positions on EU dossiers ranked second as 'very often' exchanged (by 12 out of 38). On the other hand, the information most mentioned as 'never' exchanged was information on trilogues (by 29 out of 37), on findings of parliamentary rapporteurs (23 out of 34) and on national government positions (18 out of 36).

Question: What kind of EU information does your Parliament/Chamber exchange with other Parliaments/Chambers on EU affairs?				
	Never	Sometimes	Very often	Responding Parliaments/Chambers
EU consultations, Green and White papers	4	30	4	38
Political dialogue and subsidiarity contributions on EU proposals	0	18	20	38
National government positions	18	18	0	36
Parliamentary positions on EU dossiers	1	25	12	38
Information on developments in EU negotiations	14	21	1	36
Findings of parliamentary rapporteurs	23	10	1	34
Information on trilogues	29	8	0	37
Evidence/information from meetings with Commissioners or MEPs	12	22	3	37
Total respondents				38
Respondents who skipped this question				1

The Swedish *Riksdag* specified that it made the information available on IPEX and that, regarding national government positions and parliamentary positions on EU dossiers, its Brussels-based representative sometimes provided the information upon request.

Other kind of information exchanged included a short summary in English prepared by the IPEX correspondent, member of the Secretariat of the Committee on European Affairs on the IPEX news, following the meetings with members of the European Commission, as well as information provided by the permanent representative via the permanent representatives' network, on the occasion of special conferences on EU issues such as the Euro-Atlantic Conference of Speakers of Western-Balkan Countries (Hungarian *Országgyűlés*).

G. Interaction at COSAC

Parliaments/Chambers were asked which parts of the COSAC plenary could be improved in order to allow for sufficient room for informal networking. Out of 31 respondents, the majority (22) mentioned the Plenary, while 12 chose the informal side sessions; only 8 mentioned the breakfast/lunch/dinners during COSAC.

When asked to specify, the respondents provided different replies, in many cases providing general comments as to the improvement of the COSAC meetings.

Many Parliaments/Chambers concentrated on the agenda of the meetings. General comments included, among others, allowing sufficient time for political debates (German *Bundestag*) and more room for discussion (Green Party, Austrian *Nationalrat* and *Bundesrat*). The Slovenian *Državni zbor* supported that less points on the agenda so that all participants could express the opinion on the topic being discussed and the Finnish *Eduskunta* stated that the agenda should not include more subjects than can be debated during the time available. The UK *House of Lords* recommended a reduction in the number and length of general reports from the Presidency and the Commission, and presentations from third parties, allowing plenty of scope for contributions from delegates, also supported by the UK *House of Commons*, the Romanian *Camera Deputaților* and

the German *Bundesrat*, as well as focused agendas with specific topics for debate, perhaps including a topical debate. The Latvian *Saeima*, on the other hand, supported that high level speakers from the European Commission should always participate and share their positions. The Hungarian *Országgyűlés* emphasised that the texts of the Contribution and Conclusions should be restricted to the essentials and should not be too long and recommended determining the maximum length of the documents. The Bulgarian *Narodno sabranie* emphasised that off topic interventions should not be tolerated and that the number of interventions per participant should be limited to enable everyone's participation; reducing the time for each speaker to less than two minutes was not acceptable.

Many Parliaments/Chambers focused more specifically on the informal exchange among delegates. The Croatian *Hrvatski sabor* argued that introducing current EU legislative proposals on the agenda of every COSAC plenary would open a forum for both formal and informal exchange of views between parliamentarians. The Irish *Houses of the Oireachtas* identified that, although the plenary could provide greater opportunity for informal engagement generally, the networking aspect of COSAC was sometimes limited due to the formal nature and duration of the plenary session and Chairs' meeting. The Dutch *Tweede Kamer* supported exploring ways of improving interactivity, including parallel workshops/sessions, interviews and plenary breaks, suggesting that delegations could take more advantage of opportunities to organise informal side/lunch sessions. The Dutch *Eerste Kamer* stood in favour of creating possibilities for informal networking during the COSAC meetings either by providing the possibility for organising informal side meetings on specific topics amongst interested participants during lunch or coffee breaks or informal lunches and dinners. Along similar lines, the Italian *Senato della Repubblica* saw the organisation of side events during the plenary sessions of COSAC as a good practice and advocated for its extension to the Chairpersons' meetings which would contribute to the transformation of COSAC into a real political Assembly and would channel the political pressure of the 'clusters of interests' into a more institutionalised framework. The Hungarian *Országgyűlés* saw informal side sessions as an excellent framework for the exchange of views on possible "green card" or "yellow card" initiatives. Other proposals included more time for debate in the plenary without formal speaker registration arrangements (Maltese *Kamra tad-Deputati*), encouraging participants to open, more informal discussions to cultivate a spirit of cooperation (Romanian *Camera Deputaţilor*) not based on 'strict home prepared story lines' (Estonian *Riigikogu*) and introducing some kind of seating arrangements at one of the meals during each plenary meeting, for example by allocating a few countries to each table to encourage interaction and networking (Swedish *Riksdag*).

The European Parliament's Committee on Constitutional Affairs (AFCO) stated that working lunches had not proved to be an efficient way to organise fruitful discussions, although sometimes the issues programmed were very important. It would seem more adequate to have those discussions in formal or informal thematic side sessions. Emphasising the lack of time for a comprehensive debate of all issues on the agenda, it proposed extending the session, as either formal or informal, by half a day, or at least a couple of hours.

Despite the comments above, the Polish *Senat* said that the present informal networking worked well, and the Cyprus *Vouli ton Antiprosopon* argued that all abovementioned fora were sufficient. The Czech *Senát* underlined that there was no need for improvement of COSAC to allow for sufficient room for informal networking; this was not the aspect of COSAC meetings that would benefit from improvements.

The majority of the respondents (23 out of 35) would not consider organising an informal side session during one of the upcoming COSAC meetings. The Irish *Houses of the Oireachtas* specified

that it would consider organising an informal side session, however, not in the near future, in view of the current lack of a political mandate. The Cyprus *Vouli ton Antiprosopon* specified that it would consider organising an informal side session if this was deemed necessary.

In reply to the question how interpretation should be provided at COSAC plenary sessions taking into consideration that the rules of procedure of COSAC stated that 'simultaneous interpretation into the official languages of the EU is provided during the plenary meetings', the majority of the respondents (22 out of 35) supported the full language regime of 24 official languages of the EU, 13 replied upon the request of delegations, and only seven supported the use of French and English only, in conformity with the COSAC Chairpersons meeting.

The Hungarian *Országgyűlés* emphasised, in this regard, that all participants from Member States, candidate countries and the European Parliament, as well as special guests, had the possibility to express their views and actively contribute to the debates, while the Polish *Sejm* explained its response as a step towards the reduction of costs and facilitating the organisation of COSAC meetings however without formal amendment of the Rules of Procedure of COSAC relating to the language regime; every Parliament would have the right to interpretation, but, if a certain Parliament did not need it, the Presidency would not have to provide it.

Parliaments/Chambers were asked to present best practices from interparliamentary assemblies such as the NATO Parliamentary Assembly (NATO PA), the Organisation for Security and Co-operation in Europe (OSCE) Parliamentary Assembly and the Parliamentary Assembly of the Council of Europe (PACE) that could be inspirational for COSAC. The respondents' replies varied.

On the one hand, several Parliaments/Chambers presented best practices emanating from the abovementioned assemblies. Among those, the UK *House of Lords* explained its reasoning that it may be time to review the rules of procedure for COSAC, in order to provide clearer guidance on the conduct of debates. Such guidance could draw on the rules that already existed, for instance in respect of the PACE. In this context, it suggested, among others, clearer rules on the role of the troika in preparing and amending the draft contribution and conclusions, deadlines for submission of amendments, limits on speaking time/numbers of speakers on amendments, and rules on the admissibility of oral amendments. The Lithuanian *Seimas*, the Italian *Senato della Repubblica* and the Hungarian *Országgyűlés* suggested the appointment of rapporteurs. The Portuguese *Assembleia da República* proposed following the NATO PA's best practices as regards the creation of standing committees and field visits when there were issues related to European affairs in the territories of one or several Member States (for example, the current refugee crisis). The Maltese *Kamra-tad Deputati* said that COSAC should seek methods to give participants more time to be involved in the discussion along the lines of PACE providing four minutes for each intervention. The Latvian *Saeima* proposed adopting the system of motions and a limited number of reports along the lines of the practice in PACE. Inviting external speakers of high quality (Dutch *Tweede Kamer*) and international experts (Hungarian *Országgyűlés*), and preparing good quality preparatory papers (Dutch *Tweede Kamer*) were also proposed.

On the other hand, a few Parliaments/Chambers did not think COSAC was comparable to those assemblies or did not see any best practices that could be followed. The Hungarian *Országgyűlés*, although it did see room for following best practices and did make concrete proposals, drew caution stating that the assemblies mentioned were functioning in a more complex way than COSAC and that the comparison required deeper analysis. The Cyprus *Vouli ton Antiprosopon*, the Czech *Senát* and *Poslanecká sněmovna* saw no best practice that could be adopted; the first specified that COSAC was a biannual meeting of the House Standing Committees on European Affairs, whereas

the others were Parliamentary Assemblies that held Committee and Plenary meetings, and the Czech *Senát* saw COSAC as a more effective interparliamentary forum. Finally, the Finnish *Eduskunta*, questioning whether COSAC was comparable with any of the assemblies mentioned in terms of statutory/treaty position and secretariat resources, focused on COSAC's special strength, i.e., the flexibility that allowed each Presidency to focus on what was most topical.

CHAPTER 2: THE RULE OF LAW AND THE ROLE OF PARLIAMENTS

The second chapter of the 25th Bi-annual Report deals with the role of national Parliaments in upholding and fostering the rule of law both at the level of Member States and at the EU level. In this chapter, a broad notion of the rule of law is applied, not only including standards such as legality, legal certainty, prohibition of arbitrariness, access to independent and impartial judges, non-discrimination and equality before the law, but also including respect for human rights.

Against this background, this chapter presents whether Parliaments are currently engaged in dealing with domestic issues of the rule of law and through which fora and tools; it presents information on Parliaments' involvement, debates held, the use of supporting expertise and information, as well as national Parliaments' attention for European and international bodies/ mechanisms. Finally, it presents best practices highlighted by Parliaments' in dealing with the rule of law and human rights and provides an overview of Parliaments' views as to whether COSAC can be a platform for them to further a dialogue on safeguarding the rule of law.

A. Parliaments' tasks

When asked what they considered to be their tasks in relation to the rule of law, including human rights, all responding Parliaments/Chambers, but one (38 out of 39), considered drafting legislation in accordance with the standards of the rule of law to be their task. The two tasks the least mentioned were monitoring the rule of law and human rights (issues) in other countries (24 out of 38) and investigating alleged human rights violations in their own country (21 out of 39).

Question: What do you consider to be your Parliament's/Chamber's tasks in relation to the rule of law, including human rights?			
	Yes	No	<i>Responding Parliaments/Chambers</i>
Drafting legislation in accordance with the standards of the rule of law	38	1	39
Ratifying human rights treaties that have been signed by the Executive	36	3	39
Raising issues relating to the rule of law and human rights in the public debate in your own country	36	3	39
Contributing to the creation and effective functioning of relevant national institutions that promote and protect the rule of law and human rights	36	3	39
Monitoring the Rule of Law situation in your own country by exercising oversight of the Executive	35	4	39
Monitoring the rule of law and human rights (issues) in other countries	24	14	38
Investigating alleged human rights violations in your own country	21	18	39
Total respondents			39
Respondents who skipped this question			0

More than half of the responding Parliament/Chambers (23 out of 38 respondents) did not assess the draft legislation according to a standardised set of criteria or a checklist regarding the rule of law. However, according to the UK *House of Commons* and the German *Bundestag* the rule of law was always taken into consideration. Amongst those who did use some set of criteria or checklist (14 Parliaments/Chambers out of 35), some drafted an internal set of criteria including the legality, effectiveness and efficiency of draft legislation (Dutch *Eerste Kamer*) or used a set of criteria prepared by the Ministry of Justice (Hungarian *Országgyűlés*). The body responsible for compatibility check with the rule of law and human rights issues varied significantly; for example, in the Estonian *Riigikogu* it was the Constitutional Committee, in case of the UK *House of Lords* it was the Joint Committee on Human Rights, and the German *Bundesrat* sought the opinion of the Committee on Legal Affairs. The European Parliament relied on impact assessments attached to all draft proposals from the European Commission and, at a later stage, continuously assessed the draft legislation involving several actors and services, e.g. Impact Assessment Unit, Legal Service, committee secretariats and Committee Chairs. Moreover, the European Parliament had an internal procedure for checking the respect of the Charter of Fundamental Rights of the proposals for legislative acts and it may exercise pressure via soft law instruments for the Commission to take action. For many Parliaments/Chambers, the check against their constitution and the EU legislation was performed at the early stage of the legislative process⁵ via assessment of draft legislation (Italian *Senato della Repubblica*) or issuing a preliminary opinion or conclusion (Polish *Sejm*, Lithuanian *Seimas*).

B. Parliamentary Committees

Twenty-four of the Parliaments/Chambers (out of 38 who responded) declared that they had specialised committees or subcommittees with an exclusive mandate on human rights and/or the rule of law. The mandate specified by some Parliaments/Chambers included discussing complaints and motions, examining requests and other initiatives addressed by citizens, informing competent bodies of the national Parliament, monitoring and studying issues to ensure human rights and fundamental freedoms, monitoring the realisation of the international obligations (Slovenian *Državni Zbor*), securing human rights without discrimination on any ground, carrying out parliamentary scrutiny of public institutions enforcing human rights (Lithuanian *Seimas*). Most of these met on a regular basis (23 Parliaments/Chambers). In a majority of cases, these committees were established decades ago. The most important reasons for establishing such committees were to ensure the compliance with the country's own Constitution, the European Convention on Human Rights and other relevant international conventions, to combat discrimination and defend human rights.

The respective committees with an exclusive mandate on human rights and, where available, the year of establishing of committees according to the responses from Parliaments/ Chambers were the following:

- Commission for Petitions, Human Rights and Equal Opportunities (Slovenian *Državni Zbor*);
- Committee on Constitutional Affairs and three permanent commissions (Belgian *Sénat*);
- Joint Committee on Human Rights and Constitution Committee (UK *House of Lords*) established in 1998 and 2001 respectively;
- Committee on Human and National Minority Rights (Croatian *Hrvatski sabor*) established in 1992;

⁵ Estonian *Riigikogu*, Dutch *Eerste Kamer*, Italian *Camera dei deputati*, German *Bundesrat*, Greek *Vouli ton Ellinon*

- Committee on Civil Rights and Ethnic Minorities (Lithuanian *Seimas*) established in 1992;
- Religious Denominations and Human Rights Committee (Bulgarian *Narodno sabranie*) established in 2014;
- Committee on Constitutional Affairs, Rights, Freedoms and Guarantees (Portuguese *Assembleia da República*) established in 1976;
- Special Committee on Human Rights (Italian *Senato della Repubblica*) established in 2001;
- Justice Committee, Public Administration and Constitutional Affairs Committee and Joint Committee on Human Rights (UK *House of Commons*);
- Human Rights and Public Affairs Committee (Latvian *Saeima*) established in 1993;
- Committee on Constitution (Swedish *Riksdag*) established in 1809;
- Committee on Justice (Hungarian *Országgyűlés*);
- Committee for Human Rights, Cults and National Minorities Issues (Romanian *Camera Deputaţilor*) established in 1990;
- Committee on Legal and Constitutional Affairs and Committee on Education, Science, Culture, Human Rights and Petitions (Czech *Senát*) established in 1996;
- Committee for Justice and Human Rights (Polish *Sejm*);
- Committee on Human Rights and Equal Opportunities between men and women (Cyprus *Vouli ton Antiprosopon*) established in 1976;
- Constitutional Law Committee (Finnish *Eduskunta*) established in 1906;
- Subcommittee on Human Rights (European Parliament);
- Committee on Equality, Youth and Human Rights (Greek *Vouli ton Ellinon*) established in 2013;
- Committee on Human Rights (Austrian *Nationalrat*, Austrian *Bundesrat*) established in 1999;
- Committee on Human Rights and Minority Rights, Constitutional Affairs Committee (Slovak *Národná rada*).
- Human Rights Committee (established in 1991), Committee on Constitutional Affairs, Civil Liberties and on Monitoring the Execution of Judgments of the European Court of Human Rights (established in 2015) (Romanian *Senat*).

These established committees in most cases met at least once per week⁶ or once in a fortnight⁷. For some Parliaments/Chambers, the activities of such committees depended on the situation in the country and in the world and they met on *ad hoc* basis when deemed necessary on top of regular meetings, which were mostly linked to the plenary sessions of the Parliaments/Chambers (Slovak *Národná rada*, Polish *Sejm*). The Austrian *Nationalrat* and *Bundesrat* stated that their committees covering the issues of human rights met three to five times per year.

In Parliaments/Chambers which did not have a specialised committee, rule of law issues, including human rights, were dealt with in other standing committees, e.g. regularly in 11 out of 18 respondents in the Committee on Justice and incidentally in 11 out of 17 respondents in the Committee on European Affairs.

⁶ UK *House of Lords*, Lithuanian *Seimas*, Bulgarian *Narodno sabranie*, Portuguese *Assembleia da República*, Italian *Senato della Repubblica*, UK *House of Commons*, Swedish *Riksdag*, Hungarian *Országgyűlés*, Romanian *Camera Deputaţilor*, German *Bundestag*, Cyprus *Vouli ton Antiprosopon*, Finnish *Eduskunta*, Romanian *Senat*

⁷ Belgian *Sénat*, Croatian *Hrvatski sabor*, Latvian *Saeima*, Czech *Senát*, Italian *Camera dei deputati*, European Parliament

Question: If your Parliament/Chamber does not have a specialised committee, are rule of law issues, including human rights, dealt with in other (standing) committees? How often?					
	No/Not applicable	Incidentally	Regularly	Always	Responding Parliaments/Chambers
Committee on Justice	1	4	11	2	18
Committee on Home Affairs	4	4	9	0	17
Committee on European Affairs	1	11	5	0	17
Committee on Foreign Affairs	1	9	7	0	17
Committee on Social Affairs	4	8	2	0	14
In all committees	5	6	4	0	15
Total respondents					21
Respondents who skipped this question					18

In some Parliaments/Chambers, other committees could be involved in discussing human rights or dealing with rule of law issues. Those were mostly either Constitutional Affairs committees and Home Affairs committees⁸ or wider range of sectorial committees⁹ and, in the case of the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE).

C. Debate on the Rule of Law and Human Rights

When it came to the frequency of debating human rights and rule of law issues the Parliaments/Chambers from the perspective of the regions covered, most of the answering Parliaments/Chambers indicated that they sometimes discussed the situation in *another Member State* (35 out of 39), *the EU at large* (34 out of 39), in *candidate countries* (33 out of 39) and in *third countries* (31 out of 39). Debates on human rights and rule of law issues in *Parliaments'/Chambers' own countries* often took place in 15 Parliaments/Chambers and sometimes in 22.

Some respondents highlighted that these discussions linked to the rule of law could be convened whenever necessary in an appropriate committee or plenary meeting in different forms, ranging from oral and written questions, resolutions or draft legislative proposals (Belgian *Chambre des représentants*, German *Bundestag*), debates (Czech *Senát*), considering petitions in motions, interpellations and questions to government ministers (Swedish *Riksdag*) and during the ratification process of accession treaties or association agreements (Hungarian *Országgyűlés*). According to the Italian *Senato della Repubblica*, the debates may affect very specific items, such as rights of immigrants or detained persons.

When asked about holding recurrent thematic debates on the national state of the rule of law including human rights, less than a half (15 out of 38) of the Parliaments/Chambers responded that they did on a regular basis. Those debates, as explained by Parliaments/Chambers, were often taking place on a yearly basis after submitting a specific report(s), e.g. in case of the Lithuanian *Seimas* it was an annual activity report, governmental report in the Finnish *Eduskunta*, report on situation of fundamental rights in the EU (European Parliament), annual report of Ombudsman in

⁸ Estonian *Riigikogu*, Belgian *Chambre des représentants*, both Spanish *Cortes Generales* and *Senado*

⁹ Lithuanian *Seimas*, Maltese *Kamra tad-Deputati*, Dutch *Tweede Kamer*, German *Bundesrat*, Cyprus *Vouli ton Antiprosopon*, Slovenian *Državni Zbor*

Slovak *Národná rada*, Latvian *Saeima*, Croatian *Hrvatski sabor* and Hungarian *Országgyűlés*, where in the case of the latter other reports from the President of Curia, Prosecutor General and President of the National Office for the Judiciary were presented and debated as well. Some Parliaments/Chambers pointed out that they met during the year when a report from state institutions was presented (Slovenian *Državni Zbor*) or upon the request of their members. In case of the Dutch *Eerste Kamer*, the state of rule of law debate was organised every two years. The German *Bundestag* and the Cyprus *Vouli ton Antiprosopon* had these debates linked to the plenary sessions.

D. Expertise and information

The majority of Parliaments/Chambers (26 out of 37) had not initiated research on the rule of law and Human Rights in their own countries.

Regarding available expertise and information in relation to the topic of rule of law, Parliaments/Chambers were also asked if they had supporting research services and expert advice, provided with necessary resources, on human rights and rule of law issues at their disposal. Around two thirds of the Parliaments/Chambers (26 out of 39) answered that those services and advice were at their disposal. For most of them (21 out of 27), those were available through in-house specialised research staff. For 13 Parliaments/Chambers, the research services and expert advice were available through the use of external expertise, for which no budget was required. Only eight Parliaments/Chambers had the support of outsourced specialised research staff.

In response to the question whether they maintained structural contacts with third parties for the promotion and protection of the rule of law and human rights in their own countries, 31 out of 37 responding Parliaments/Chambers replied that they had done so with the Ombudsman. In decreasing order, there were contacts with the following third parties: the national human rights institutions (21 out of 33), human rights organisations (NGOs) (23 out of 36), judiciary (18 out of 35), advocacy (17 out of 35), think tanks (16 out of 35), scholars specialised in human rights (16 out of 35); the least mentioned were the media (14 out of 34).

The Irish *Houses of the Oireachtas* and the Dutch *Eerste Kamer* added that structural contacts were also maintained with citizens, while the Belgian *Chambre des représentants* mentioned the High Council for Justice as a third party. The Dutch *Tweede Kamer* added their contacts with the Bar association. Finally, the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) explained that there were also contacts with members of the PACE, the Secretary General of the Council of Europe and the Venice Commission.

Parliaments'/Chambers' replies, explaining the nature of this cooperation with third parties, showed that there were different ways in which this was organised. In general, the cooperation/exchange of information ran between the third parties and the relevant committees in Parliaments/Chambers, but that did not exclude the possibility for individual members to establish contacts with these parties. It also showed that different forms/ways were used to shape this cooperation. The most mentioned form was the use of hearings with third parties and attendance of these third parties at meetings in Parliaments/Chambers to present reports, findings and exchange views with Members on relevant topics. Also mentioned by several Parliaments/Chambers was the use of written reports and information, such as annual reports from third parties by committees and members of Parliament.

Some Parliaments/Chambers explicitly explained their cooperation with the Ombudsman which entailed, for example, discussing the annual reports of the Ombudsman in their

Parliament/Chamber. The Finnish *Eduskunta* pointed out that the Ombudsman, to which the Finnish Centre for Human Rights was attached, was an independent actor attached to the *Eduskunta*, to which he/she reported.

The European Parliament mentioned that more 'structural' contacts existed with the European Ombudsman, who was elected by the European Parliament, and submitted an annual report on his/her activities, as well as with Members of the PACE, with whom cooperation was expressly provided for in the European Parliament's Rules of Procedure. Also, the Swedish *Riksdag* mentioned that an annual report was submitted and that it elected, according to the Constitution of Sweden, ombudsmen supervising the application of legislation and other regulations in public activities. Their supervision covered the courts and other public authorities, as well as those bodies' officials.

The Maltese *Kamra tad-Deputati* explained that the Ombudsman was an autonomous institution answerable to Parliament. Besides tabling the annual report in the House, the Ombudsplan (a work plan and draft financial estimates at the Office of the Ombudsman) was also presented to the House Business Committee prior to its approval from by the House.

The Romanian *Camera Deputaţilor* referred to its relevant committees' contact with the Ombudsman regarding human rights cases and its parliamentary sub-committee on monitoring the execution of European Convention on Human Rights (ECHR) judgments establishing the Romanian State's violations of ECHR. This committee had regular public hearings and consultations with the inter-ministerial committee, as well as several meetings with members of Government, within the framework of parliamentary control of the execution of ECHR judgments.

The Polish *Sejm* explained that it elected and appointed several offices, like the deputy chairmen and members of the Tribunal of State, judges of the Constitutional Tribunal, members of the Monetary Policy Council and members of the National Broadcasting Council, as well as those Deputies of the *Sejm* who were to be members of the National Council of the Judiciary and Deputies of the *Sejm* who were to be members of the National Council of Public Prosecutors. It added that it appointed and dismissed, in cases specified by statute, the President of the Supreme Audit Office, the Human Rights Defender, and the Ombudsman for Children and Inspector General for Personal Data Protection.

The Croatian *Hrvatski sabor* explained that the Committee on Human and National Minority Rights had four so called appointed members, representatives from the ranks of religious communities and NGOs dealing with human rights with the same rights and duties as the MPs, who were members of the Committee, except the right to vote and enact decisions.

E. National Parliaments' attention for European and international bodies/ mechanisms

Several national and international mechanisms had been put in place to monitor the rule of law and human rights in specific countries, such as through the Council of Europe or United Nations bodies (through country reports and/or on individual cases).

When asked if their members were active in international parliamentary fora of the PACE and the Inter-Parliamentary Union (IPU), all responding Parliaments/Chambers (36), except one (no members active in the PACE), replied positively. In addition to those two fora, 18 out of 21 Parliaments/Chambers also mentioned the Parliamentary assembly of the OSCE as a forum their members are active in. Only four Parliaments/Chambers mentioned the NATO PA in this context.

Other fora that were mentioned were those with a focus on a specific region, of which the most mentioned was PA of the Union for the Mediterranean.

Not all Parliaments/Chamber disseminated and discussed the results (resolutions, recommendations, contributions etc.) of those international parliamentary fora their members were active in. Whereas 25 out of 36 Parliaments/Chambers did that for the PACE, only 17 out of 36 did disseminate and discuss the results of the IPU. Some Parliaments/Chambers explained that, although the results were available for interested members and/or disseminated, those were not usually/systematically discussed.

Parliaments/Chambers were also asked if they considered the recommendations, resolutions, reports and/or case law with regard to the rule of law and human rights of the following actors:

- European Commission (30 out of 35)
- Council of Europe: such as Committee of Ministers/ Commissioner for Human Rights/Venice Commission/European Court of Human Rights (28 out of 34)
- European Parliament (27 out of 34)
- United Nations: such as General Assembly and the United Nations Human Rights Council (24 out of 32)
- EU Fundamental Rights Agency (24 out of 33)

Several Parliaments¹⁰ explained that not all of the documents were always discussed. Discussions were held only whenever seemed necessary by the relevant actors in the Parliament/Chambers.

The Belgian *Chambre des représentants* furthermore explained that the output on human rights and rule of law of those and any other institutions were disseminated in the House and discussed whenever deemed necessary; moreover, every year, the Government was submitting a report on the human rights situation in the partner countries for Belgian development cooperation programmes. The German *Bundestag* mentioned the existence of a Parliamentary Commissioner for the Armed Forces who acted on his own initiative in case of circumstances suggesting violations of the basic rights of service personnel or the principle of "innere Führung" (leadership and civic education); the annual reports were subject to a parliamentary debate.

F. In conclusion

Best practices

Highlighting best practices used in their own Parliament/Chamber in dealing with the rule of law and Human Rights, some respondents referred to the cooperation they had with third parties, such as the Ombudsman, as mentioned before. In addition, the French *Sénat* mentioned that their Committee on Law, the European Affairs Committee and the Foreign Affairs Committee dealt with the issue of human rights respectively at national, European and international level.

The UK *House of Commons* mentioned that all primary legislation was scrutinised by the Joint Committee on Human Rights for its conformity with human rights, including the rights under the European Convention on Human Rights (ECHR) protected in UK law by the Human Rights Act

¹⁰ The Slovenian *Državni zbor*, UK *House of Lords* and *House of Commons*, Belgian *Chambre des représentants*, Hungarian *Országgyűlés*, Czech *Senát*, European Parliament, Austrian *Nationalrat* and *Bundesrat*

1998; common law fundamental rights and liberties and also the human rights contained in other international obligations of the UK.

The Croatian *Hrvatski sabor* referred to joint meetings of relevant parliamentary committees with the Croatian Representative to the European Court of Human Rights to discuss the position of Croatia and the implementation of Court decision regarding Croatia.

The Lithuanian *Seimas* pointed out that relevant committees considered the reports of public and other human rights institutions established by the *Seimas*, as well as draft proposals on improving the work of those institutions. The Committee on Human Rights submitted proposals to the *Seimas*, for example on activities, of the Ombudsman institutions and in close cooperation with them, as well as collaborated with other quasi-judicial institutions of the State Data Protection Inspectorate and the State Consumer Rights Protection Authority. Committees particularly focused on cooperation with non-governmental organisations both when drafting legislative amendments and when considering other human rights improvements. They also scrutinised the Government as regards the implementation of the provisions of various international conventions that Lithuania was a party to.

Since 2014 the Dutch *Eerste Kamer* organised a plenary debate, every two years, on the rule of law in the Netherlands. Such a wide-ranging debate, apart from a specific legislative proposal, offered the possibility to consider and take into account cumulative constitutional and rule of law implications of already accepted bills and bills to be scrutinised, to reflect upon trends in society and politics in the field of rule of law and human rights and to assess the status quo of the rule of law in the Netherlands. Those debates were preceded by hearings with experts in science and practice. The debates resulted in the responsible ministers making commitments aimed at strengthening and / or safeguarding the rule of law. Its follow-up was subsequently monitored by the Senate. The Senate also held plenary thematic debates on the rule of law, though not on a regular basis.

The Portuguese *Assembleia da República* shared the practice of their Committee on Constitutional Affairs, Rights, Freedoms and Guarantees that submitted to the President of the Portuguese Parliament proposals for the granting of the Human Rights Award, with a view to rewarding the merit of actions by non-governmental organisations or literary, scientific or journalistic or audiovisual works that had contributed to the promotion and respect of human rights or denouncing human rights violations in Portugal or abroad.

The Italian *Senato della Repubblica* mentioned the establishment, at the beginning of each legislature since 2001, of the special Committee on Human Rights. The German *Bundestag* referred to their Human Rights Committee and the reporting requirements of the federal government concerning its human rights policy in foreign relations, as well as the global state of religious freedom. The members of the Committee on Human Rights and Humanitarian Aid had launched the Parliamentarians Protect Parliamentarians campaign (parliamentarians in safety should help parliamentarians who were at risk in other countries) fulfilling its voluntary commitment in the framework of the IPU to contribute to the protection and promotion of human rights.

The Swedish *Riksdag* pointed out the committees' possibility to initiate follow-ups/evaluations relating to, among others, the rule of law and human rights and to invite researchers to participate in public hearings and to carry out overviews and inventories of research conducted within their respective areas of responsibility.

The Ministry of Justice, as was explained by the Hungarian *Országgyűlés*, submitted a report on annual basis about the number of applications concerning Hungary at the European Court of Human Rights (ECHR), as well as the implementation of the ECHR judgements by the Hungarian national authorities. The above-mentioned report was debated at a public and open meeting of the Committee on Justice.

The Romanian *Camera Deputaţilor* stressed that, according to Article 112 of the Romanian Constitution, the Sub-committee on monitoring the execution of ECHR judgments addressed demands, questions and interpellations to the Government's members, to the National Authority for Property Restitution's President, to Romania's Governmental Agent for ECHR and other public authorities concerning human rights issues. The Office of Governmental Agent responsible for the execution of judgments of the ECHR was obliged to present to the Sub-committee regular information on the judgments to be executed.

The European Parliament's Sub-Committee on Human Rights (DROI) stated that the European Parliament adopted three resolutions each month concerning urgent situations involving breaches of human rights, democracy or the rule of law in third countries. These made it possible for the Parliament to address both the situations in third countries and the policies adopted by the executive institutions of the EU towards the situations and third countries in question. The Sub-committee had consequently adopted a practice of *in camera* follow-up sessions, where the European External Action Service and the European Commission were invited to report on the follow-up that they had given to the concerns raised in the Parliament's resolutions.

Developments and trends

Parliaments/Chambers were also asked if there were any developments and trends which could mean a danger to the rule of law in EU Member States that they would like to raise awareness about in the coming years. Thirteen Parliaments/Chambers presented their views.

The topic of the migration crisis and refugees was most mentioned. Among those Parliaments/Chambers referring to this topic, the Lithuanian *Seimas* stated that there was a possibility that the current migration crisis may aggravate the issues concerning the free movement of persons, the assurance of asylum seekers' rights, or social guarantees. The Cyprus *Vouli ton Antiprosopon* added the developments on issues pertaining to women, children, elderly, vulnerable groups. The right of minors was also mentioned by the Dutch *Tweede Kamer*. The Dutch *Eerste Kamer* expressed the need to prevent that refugees/immigrants were treated as second-class citizens. The Italian *Senato della Repubblica* mentioned the actions taken by some States on refugees' treatment, Schengen suspension and on the freedom of press and the Constitutional Court to be not in line with the principles and values of the EU. The Austrian *Nationalrat* and *Bundesrat*, besides the refugee crisis and terrorism¹¹, mentioned the independence of justice, freedom of press and human rights issues¹².

The Dutch *Tweede Kamer* mentioned developments as the independence of media and judiciary, net neutrality and internet freedom, fair trial rights in the EU, the fight against corruption and the balance between fundamental rights protection and combatting terrorism effectively. The fight against terrorism and the protection of personal data was also pointed out by the French *Sénat* and

¹¹ Mentioned by the Green Party.

¹² Mentioned by SPÖ and ÖVP.

the Irish *Houses of the Oireachtas*. The Dutch *Eerste Kamer* mentioned the privacy and legal protection of individual citizens in the digitalisation processes, stressing also the need to uphold the freedom of press in Europe and its neighbouring countries.

The Portuguese *Assembleia da República* stated that their European Affairs Committee followed with concern the rise and consolidation of radical and xenophobic parties at European level.

The UK *House of Commons* argued that the rule of law was fundamental to democratic nations and depended on mutual respect between the courts and the Democratic institutions and the recognition of each other's rights and competence. According to its view, the delicate balance which allowed the rule of law to flourish may be disrupted by perceptions that either party did not respect the proper function of the other. Some countries did not sufficiently observe the rule of law. Human rights law and the Charter of fundamental Rights were not the sole test of human rights and could be counter-productive, e.g. on terrorism.

The Romanian *Camera Deputaţilor* stated that the rule of law involved applying the national law and the EU legislation, noting that implementation was not satisfactorily achieved in plenty of Member States benefitting from old and consolidated democracies and sufficient financial and administrative resources (by way of example, only 40% of the return decisions were being enforced).

The European Parliament's LIBE Committee mentioned its work on ways to strengthen the current EU tools in the field, by reference to objective available factors and indicators. In this context, the idea of a European pattern of governance had been put forward which included a number of elements, still under discussion, the correlation of which was important if a rule of law system was not to be degraded.

The relevant Committee in the Finnish *Eduskunta* saw no need for a proactive role, but followed closely the initiatives of the Commission based on Article 7 TEU.

Twenty-four out of 36 Parliaments/Chambers replied that COSAC should be a platform for Parliaments to discuss more often the rule of law and human rights in the EU and to raise awareness in the coming years. Of those Parliaments/Chambers, 3/4 replied that COSAC could be a platform for Parliaments to further a dialogue on safeguarding the rule of law, such as on working towards a common understanding with regard to compliance with the rule of law.

However, seven Parliaments/Chambers explained that COSAC may not be the best forum to discuss these topics, mentioning the risk of duplication with the work of existing institutions, such as the PACE.

CHAPTER 3: PARLIAMENTARY DIPLOMACY IN THE FRAMEWORK OF THE EUROPEAN NEIGHBOURHOOD POLICY (ENP)

Parliamentary diplomacy can be described as 'the full range of international activities undertaken by parliamentarians in order to increase mutual understanding between countries, to assist each other in improving the control of governments and the representation of a people and to increase the democratic legitimacy of inter-governmental institutions'¹³. In this context, the third chapter of the Bi-annual Report of COSAC presents national Parliaments' views on the role they had so far played

¹³ F W Weisglas and G. de Boer, 'Parliamentary Diplomacy' (2007) 2 *The Hague Journal of Diplomacy* 93, 93-94.

in this field of activities, more specifically concerning the reasons and goals, the institutional bilateral or multilateral channels and bodies used, the actors engaged in such activities, the existence of rules or guidelines upon which Parliaments' activities are based, and the level of coordination with other players. In addition, it presents best practices towards the EU's neighbouring countries, as well as the biggest challenges for effective parliamentary diplomacy highlighted by Parliaments. The geographical scope of the exercise was concentrated on the area concerned by the European Neighbourhood Policy (ENP).

A. Modes of Parliaments' engagement in parliamentary diplomacy

All the 39 responding Parliaments/Chambers replied positively to the general question whether they engaged in parliamentary diplomacy.

Parliaments'/Chambers' replies regarding their activities in the field gave a more detailed and diversified picture of the situation.

Regarding the reasons for engaging in parliamentary diplomacy, the vast majority of responding Parliaments/Chambers (36 Parliaments/Chambers) indicated as primary goals of their action in this field the promotion of fundamental values (democracy, the rule of law and human rights), and the increase of mutual understanding between countries (34 respondents), and the exchange of information and know-how (32 Parliaments/Chambers).

The promotion of common understanding in conflict situations, having better information available and preparation to scrutinise the government's foreign policy, the support of the foreign policy of the government and the assistance to other Parliaments in the scrutiny of their executive, law-making and representation of citizens were goals supported by 23, 21, 19 and 18 responding Parliaments/Chambers respectively. Thirteen Parliaments/Chambers indicated the goal of influencing foreign policy.

On the different forms of diplomatic activities with regard to the EU's neighbouring countries, members were mostly engaged in receiving and sending parliamentary delegations for example headed by the Speaker/Deputy Speakers or undertaken at the committee level (38 out of 39 respondents). An equal number (37 out of 39) indicated their members' active participation in interparliamentary assemblies and meetings (namely the PACE, NATO PA, OSCE Parliamentary assembly and other such multilateral fora and bodies) and the reception of high-ranking foreign officials (e.g. Heads of State and/or Governments), while 36 indicated meetings between parliamentarians and accredited ambassadors. One third (13 out of 39) noted conflict resolution through the use of bilateral meetings or meetings of interparliamentary organisations. Additionally, the Irish *Houses of the Oireachtas* mentioned the possibility for political parties to organise/facilitate activity separate to activities supported by the Parliamentary Service, while the European Parliament referred to the activities of the standing interparliamentary delegations based on EU agreements with third countries and multilateral agreements, as well as parliamentary democracy support actions.

Question: Parliamentary diplomacy with regard to the EU's neighbouring countries can have many forms. If members of your Parliament/Chamber are engaged in such diplomatic activities, which forms of diplomatic activities are they engaged in?	
Form of diplomatic activity	<i>Responding Parliaments/Chambers</i>
Receiving and sending parliamentary delegations, for example headed by the Speaker/Deputy Speakers or undertaken at the committee level	38

Active participation in interparliamentary assemblies and meetings, such as PACE, NATO PA, OSCE PA, and others	37
Receiving high-ranking foreign officials (e.g. Heads of State and/or Governments)	37
Meetings between parliamentarians and accredited ambassadors	36
Bilateral friendship groups	33
Envoys to peace processes or electoral observers	33
Organising or attending international colloquiums	30
Technical and capacity-building assistance (exchange of know-how) between Parliaments	29
Contacts with international civil society (e.g. academics, NGOs, interested youth groups)	23
Attending transnational party meetings	22
Conflict resolution through the use of bilateral meetings or meetings of interparliamentary organisations	13
Other	2
Total respondents	39
Respondents who skipped this question	0

Moreover, some responding Parliaments/Chambers shared general comments on this topic. For instance, the UK *House of Lords* referred to the planned appointment of an International Relation Committees (IRC) for the 2016-2017 session of Parliament. The Portuguese *Assembleia da República* mentioned the adoption of the Resolution no. 64/2015 – Guiding principles of the revision of the European Neighbourhood Policy and its position on the EU Global Strategy as transmitted to the High Representative. The Belgian *Chambre des Représentants* mentioned its established cooperation with the Parliaments of several third countries where the aspect of multilingualism was important. The Swedish *Riksdag* stressed its active monitoring of the ENP and mentioned its consideration of several consultation documents, namely Towards a New European Neighbourhood Policy¹⁴ and the Communication Review of the European Neighbourhood Policy¹⁵.

As to which actors in Parliaments/Chambers were mainly engaged in parliamentary diplomacy towards the EU's neighbouring countries, 35 indicated the Speaker and/or Deputy Speakers, 32 the Foreign Affairs committee, and 31 the European Affairs committee. Twenty-six respondents indicated individual members, 25 indicated the Chairpersons of Standing Committees, little less than a half (19 out of 39) referred to specialised committees, and 11 respondents mentioned the Political Parties. The UK *House of Commons* indicated the Parliamentary Staff, while the Hellenic *Vouli ton Ellinon* referred to Parliamentary Friendship Groups.

As far as the existence of a set of rules when engaging in parliamentary diplomacy (namely rules of procedures or guidelines) to coordinate activities at the political level, one third (twelve out of 36) replied positively. Twenty-four Parliaments/Chambers replied they had no established set of rules to coordinate activities in parliamentary diplomacy.

When asked about the content of rules or guidelines, 10 Parliaments/Chambers referred mainly to budget specifically allocated to parliamentary diplomacy, 9 respondents mentioned the composition of outgoing delegations, 8 of them referred to embedding diplomatic activities in the mainstream activities of the Parliament through mandates prior to travelling and reporting back afterwards, 6 mentioned the choice of the countries to visit or support, the general objectives of the diplomacy and the cooperation with the executive branch. Five mentioned setting forth the priorities for the

¹⁴ JOIN(2015) 6 final

¹⁵ JOIN(2015) 50 final

following year, as well as the evaluations of international activities. Only four mentioned that the guidelines included a definition of the nature of the delegation received. When asked to provide additional comments, the Belgian *Sénat* indicated the importance of pluralism in association with analysis of international priorities of the country. The UK *House of Lords* indicated that, although the budgets for bodies dealing with interparliamentary cooperation were provided by the two Houses of the UK Parliament, those bodies enjoyed a large extent of autonomy in the determination of their own priorities. Finally, the German *Bundestag* highlighted the way the international activities were discussed and agreed by the Council of Elders and the Bureau of the Chamber. Reports "printed papers" on the international obligations and commitments of the *Bundestag*, including the legal framework of all such activities, were submitted regularly by its President.

Regarding the extent to which parliamentary diplomacy was coordinated with other players in the field of foreign policy diplomacy, the picture was diverse. Twenty-five out of 38 responding Parliaments/Chambers communicated that they often coordinated with the actors of traditional diplomacy of the executive branch (i.e. cooperated with the government or governmental diplomatic services), while 20 respondents out of 35 communicated that they never did so with the European Parliament. Twenty-six out of 38 indicated that they sometimes coordinated with other national Parliaments in the EU.

Question: To what extent is parliamentary diplomacy coordinated with other players in the field of foreign diplomacy, e.g. to avoid duplication or competition in international activities?				
	Never	Sometimes	Often	<i>Responding Parliaments/Chambers</i>
Coordination with other national Parliaments in the EU	10	26	2	38
Coordination with national Parliaments in ENP-countries	15	22	0	37
Coordination with the European Parliament	20	15	0	35
Coordination with traditional diplomacy of the executive branch (i.e. cooperation with the government or governmental diplomatic services)	1	12	25	38
Total respondents				39
Respondents who skipped this question				0

B. Best practices and challenges

Concerning what the Parliaments/Chambers considered to be the best practices in their parliamentary diplomacy towards the EU's neighbouring countries, some respondents underlined aspects related to the functioning and organisation of activities, namely the nomination of specific rapporteurs responsible with the follow-up of the situation in the countries of the ENP, as indicated by the French *Sénat*, the involvement and cooperation of relevant sectoral committees, as underlined by the Lithuanian *Seimas*, the coordinated and intensive participation of members of the Dutch *Eerste Kamer* to PACE's activities, including participation in PACE missions, as well as to the activities of the Parliamentary Assembly of the OSCE, or the establishment of regular exchange of visits to and from countries of the ENP, as indicated by several Parliaments/Chambers¹⁶.

¹⁶ Croatian *Hrvatski sabor*, Italian *Senato della Repubblica*, Czech *Senát*, Cyprus *Vouli ton Antiprosopon*, Polish *Senát*, Estonian *Riigikogu*, Swedish *Riksdag*, German *Bundesrat* and the European Parliament

Other replies referred to general principles guiding the activities of the Parliaments/Chambers in the field of parliamentary diplomacy, such as focus visits on concrete issues where MPs' involvement could add value, as indicated by the Polish *Senát*, a systematic stress on aspects related to rule of law and human rights during the Speaker's visit abroad or when receiving foreign delegations, as mentioned by the Dutch *Eerste Kamer*, the principle of never expressing divergent positions from those adopted by the EU and by the government, as stated by the French *Assemblée Nationale*, a balanced, transparent agenda setting and significant variety of interlocutors for inward visitors, as stressed by the UK *House of Commons*, involvement of and cooperation with civil society and NGOs, as underlined by the European Parliament and the Latvian *Saeima*.

The Latvian *Saeima*'s and the Romanian *Camera Deputaţilor*'s replies echoed their experiences from recent pre-accession processes.

Some respondents referred to more specific best practices. That was the case of the Croatian *Hrvatski sabor* that indicated the participation, now as observing or special guest, in the meetings of COSAP (Conference of Parliamentary Committees in charge of European Integration in the countries included in the Stabilisation and Association Process), founded following the model of COSAC. The Hungarian *Országgyűlés* mentioned a parliamentary twinning project implemented between 2008 and 2010 together with the French *Assemblée Nationale* in the Republic of Moldova. It also referred to the Interparliamentary Cooperation Agreements with the ENP countries' parliaments (namely with Moldova and with Morocco). Finally, the European Parliament stressed its initiatives for Parliamentary democracy support, including capacity building, election observation and follow-up to recommendations.

Among the biggest challenges for an effective parliamentary diplomacy, several responding Parliaments/Chambers highlighted the coordination with the executive branch, especially as far as priorities were concerned, or with other international actors¹⁷. Special attention was given to the need to strengthen and rationalise the interparliamentary cooperation with the view to better ensuring the scrutiny of the relative executive branch regarding the follow-up of decisions or resolutions adopted within the institutional framework of international fora. Some respondents also stressed the need to provide sufficient information for the MPs taking part into such missions and to the need of a plural political composition of visiting delegations.

Some respondents stressed time and budget constraints or lack of capacities as challenges¹⁸.

The promotion of voices convergent with the EU's values and institution was another challenge, as well as the goal, indicated both by the French *Assemblée nationale* and the Polish *Sejm*.

Finally, some respondents¹⁹ referred to the challenges that differences in political culture, electoral systems, parliamentary competences, control of government by the parliament and the representation of people implied.

¹⁷ French *Sénat*, Lithuanian *Seimas* Bulgarian *Narodno sabranie*, Maltese *Kamra tad-Deputati*, Italian *Senato della Repubblica*, and Belgian *Chambre des Représentants*

¹⁸ UK *House of Lords*, Croatian *Hrvatski sabor*, Estonian *Riigikogu*, Latvian *Saeima*, German *Bundesrat* and the European Parliament

¹⁹ This was reflected in the replies by the Latvian *Saeima*, Dutch *Tweede Kamer*, Hungarian *Országgyűlés*, Romanian *Camera Deputaţilor* and the European Parliament.