

Background information - LV COSAC The Hague 12-14 June 2016

This note provides delegations to the LV COSAC with relevant background information on session I, II and III as mentioned on the program of the plenary meeting. Its purpose is to facilitate delegations to prepare their participation in the meeting. This note is drafted in addition to the 25th Bi-annual report, which provides information on the different topics on the agenda.

Session I: Parliamentary scrutiny, an exchange of best practices

The first session of the LV COSAC on Monday morning 12 June will focus on the exchange of current best practices on EU scrutiny through an interactive debate amongst delegates. As mentioned in the conference programme, the first topic to be discussed will be the use of rapporteurs. By rapporteurs, we mean the practice in some Parliaments to have a member taking the lead in representing your Parliament, Chamber or committee on a particular EU dossier.

According to the findings in the 25th Bi-annual Report of COSAC, which will be presented during the debate, not all Parliaments/Chambers appoint rapporteurs and when they do different rules and practices are applied. What can be learned from best practices in Parliaments on the use of rapporteurs? Which opportunities are there for parliamentary rapporteurs of different Parliaments to share information on ongoing dossiers? Which modes and venues can be foreseen to have (groups of) rapporteurs exchange information for the benefit of improving parliamentary scrutiny?

The second topic to be discussed will be trilogues in the EU decision making process. Delegations will be actively invited by the moderator to share their points of view and best practices. An important element for discussion can be the way Parliaments/Chambers can obtain and use information on trilogues. Both elements are related to transparency, which was the topic for the public consultation launched by the European Ombudsman as part of her ongoing inquiry OI/8/2015/JAS. Relevant opinions, amongst others of the European Council and Commission, can be found [here](#).

The Monday morning session concludes with an interview with Mr Frans Timmermans, First Vice President of the European Commission. He will be invited to share his ideas and experiences regarding current instruments available for Parliaments to participate in the EU decision making process, one of the core ambitions of the Juncker Commission. Which changes and improvements does he envisage in order to make full use of the early warning system and to facilitate the substantial discussion between Commission and national parliaments?

Session II: The role of Parliaments in Protecting the Rule of Law within the EU

In this session 'Rule of Law' refers to the standards of the Rule of Law: legality, legal certainty, prohibition of arbitrariness, access to independent and impartial judges, respect for human rights, non-discrimination and equality before the law.

In the past two years, the EU launched a number of proposals to strengthen the Rule of Law. In March 2014 the European Commission, acting on the initiative of a group of Member

States, proposed structured dialogues on an ad hoc basis in its Communication for a New framework to strengthen the Rule of Law. In December 2014 the Council decided to hold a dialogue once a year in the General Affairs Council to discuss 'the safeguard of the rule of law in the framework of EU treaties'. This dialogue will be evaluated by the end of 2016. Earlier, the European Parliament called for of a 'European fundamental rights policy cycle' with the cooperation of EU institutions, Member States and the FRA, as a 'new Copenhagen mechanism' to monitor the Rule of Law and human rights situation in Member States. Currently a [legislative own-initiatives report](#) on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights, relying on common and objective indicators, is being drafted in the European Parliament.

Alongside the executive and judiciary, national parliaments share a responsibility to protect and realise the Rule of Law and Human Rights in their own country and to implement the state's obligations in this respect. To what extent are parliaments currently engaged in dealing with domestic issues of the Rule of Law. Which tools and procedures are used? Are there any best practices worth mentioning? In that respect the [Rule of Law check list](#), recently adopted by the European Commission for Democracy through Law (the Venice Commission), might provide guidance for parliaments as it aims at being a tool for assessing the Rule of Law.

At the same time the notion of the Rule of Law is considered as a fundamental value of the European Union (art. 2 TEU), stemming from common constitutional traditions of all Member States. This raises the questions whether fostering and safeguarding the Rule of Law in a EU Member State is also the concern of the EU institutions and the other EU Member States and to what extent.

If so, should national parliaments play a role in protecting the rule of law in the EU at large? Can COSAC be a platform for parliaments to further a dialogue on safeguarding the Rule of Law, such as working towards a common understanding on compliance with the Rule of Law?

Session III: Exchange of best practices and experiences in Parliamentary Diplomacy

This session will focus on the exchange of experiences and best practices amongst parliamentarians in parliamentary diplomacy. Parliamentary diplomacy can be defined 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 intergovernmental institutions'.

What are the benefits of parliamentary diplomacy compared to traditional diplomatic tools, for example in the context of the EU Neighbourhood Policy? What type of diplomatic activities are parliamentarians engaged in? Are these activities of a structural nature or are they occasional? How can parliaments learn from each other's experiences, both best practices and pitfalls? Is there a need for parliamentary diplomatic activities of national parliaments and the diplomatic activities of the EP to be (more) co-coordinated?