

Draft outline for the twenty-fifth COSAC bi-annual report

Chapter 1 - National scrutiny and interparliamentary cooperation

COSAC is a unique platform for interparliamentary exchange between Chairs and members of national Parliaments' EU Affairs Committees and with the European Parliament. Previous Bi-annual reports show that there are different - and evolving - models of how national Parliaments organise their EU scrutiny internally. Models vary between systems where scrutiny of EU affairs is coordinated by the European Affairs committees and more decentralised systems where debates are held within or in cooperation with the standing committees. Moreover, different modes of internal organisation in terms of EU scrutiny have an effect upon activity and practice of interparliamentary cooperation. In order to provide input for an open and interactive discussion and exchange between the participants during the LV COSAC meeting, the first chapter of the 25th Bi-annual Report prepared under the Dutch Presidency aims at gathering recent developments in modes and experiences of national scrutiny.

Building upon the insights presented by previous Bi-annual Reports, especially the 22nd Bi-annual report, this chapter will highlight how EU scrutiny may affect the way (Members of) national Parliaments/Chambers organise their work internally and externally, both in terms role conception as well as of organisation. The report will identify developments in roles, positions, the use of instruments of Parliaments/Chambers in the current EU practices and procedures.

The chapter will also identify the role national parliaments can have beyond the scrutiny of their respective governments, early and final stages of the EU policy process. Building upon the 21st Bi-annual report, it will focus how (new) forms of interparliamentary cooperation and coordination are appreciated by national Parliaments.

Chapter 2 - Rule of law in the EU

Within the EU several rule of law traditions and applications can be distinguished. Ensuring the rule of law is primarily the responsibility of the EU Member States themselves, but strengthening and safeguarding the rule of law in each EU Member State is, for various reasons, also a collective responsibility that must be dealt with at the EU-level. Article 2 of the Treaty on European Union (TEU) stipulates that '[t]he Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities [...].' Despite differences in rule of law traditions and its application in the EU, there appears to be a certain degree of consensus on 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). This is how the rule of law is considered here; it refers to both standards and basic values.

However, it is only recently that the Union seems to have re-discovered the virtues of the rule of law as a constitutional pillar of the EU and as a strategic priority in the EU's external actions. It is argued that domestically several 'rule of law crises' have served to remind the Union that the rule of law is not necessarily a given. In its Communication titled "A New EU Framework to strengthen the Rule of Law" [COM(2014) 158 final/2] published in March 2014, the European Commission, acting on the initiative of a group of Member States, proposed a structured dialogue on an ad hoc basis. 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 a 'European fundamental rights policy cycle' with the cooperation of EU institutions, Member States and the European Agency for Fundamental Rights (FRA), as a 'new Copenhagen

mechanism' to monitor the Rule of Law and human rights' situation in Member States.

In addition, the EU institutions, but also the UN, the Council of Europe, the OSCE, the Member States and non-governmental organisations have a wide range of monitoring mechanisms, sanction procedures, principles for further action etc. to strengthen the rule of law in the Member States of the EU. The second chapter of the Bi-annual Report of COSAC explores what role national Parliaments play in protecting the rule of law at the level of the Member States and in the EU at large. Are Parliaments currently engaged in dealing with domestic issues of the Rule of Law and, if so, which tools are used? 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? The findings of the Report on these issues will be used to foster the discussion in a thematic session on this topic during the LV COSAC in June 2016.

Chapter 3 - Parliamentary diplomacy in the framework of the European Neighbourhood Policy (ENP)

Parliamentarians are increasingly undertaking diplomatic activities and complement their governments' 'traditional' diplomacy. Internationalisation and globalisation of a wide range of policy areas have made it inevitable that parliamentarians orientate themselves internationally by participating in interparliamentary assemblies and meetings and by maintaining international contacts. This international experience could assist them in scrutinising their national governments properly. Within Europe, parliamentary diplomacy and interparliamentary cooperation have been bolstered by the expansion and deepening of the EU. Article 21(1) TEU provides that 'the Union's action on the international scene shall be guided by the principles of [...] democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms [...]'. This is reflected in a number of EU policies like Enlargement, European Neighbourhood Policy, trade agreements and EU Human Rights policy.

The third chapter of Bi-annual Report focuses on the role and engagement of national Parliaments and the European Parliament in diplomacy and highlights best practices, but also pitfalls in this field of parliamentary diplomacy. What type of diplomatic activities are parliamentarians engaged in? Are these activities of a structural nature or are they occasional? Is there a need for parliamentary diplomatic activities of national parliaments and the diplomatic activities of the EP to be (more) co-coordinated? The discussion is concentrated on parliamentary diplomacy within the EU and in relation to countries participating in the European Neighbourhood Policy (ENP). The Report's findings will be used to foster the discussion in a thematic session on this topic during the LV COSAC in June 2016.