

Contribution of the LIII COSAC

Riga, 31 May – 2 June 2015

2. Parliamentary Scrutiny of EU Affairs

2.1. COSAC reaffirms its belief that the involvement of Parliaments in the European decision-making process strengthens the overall democratic legitimacy of the EU, and welcomes the continuing debate on the current and future role of Parliaments and the scope of parliamentary scrutiny of EU affairs.

2.2. COSAC emphasises that there is a general willingness of Parliaments to play a stronger role in the EU through full and efficient use of the existing mechanisms, such as general scrutiny of their respective Governments, subsidiarity control, political dialogue and inter-parliamentary cooperation.

2.3. Moreover, COSAC notes that the 22nd Bi-Annual Report indicated that a majority of Parliaments would be favourable to the creation of new tools enabling parliamentary involvement and cooperation without formal Treaty amendments, thus strengthening the role of Parliaments even further. In this context, COSAC acknowledges that there is broad support from the Parliaments for initiatives, such as introduction of the “green card” procedure; furthermore, COSAC takes note of the ongoing debate on parliamentary scrutiny of European Commission’s annual work programmes.

2.4. COSAC invites the European Commission to support the willingness of Parliaments to play a more proactive role and to engage with both the existing and new forms of cooperation in line with the EU Treaties and the existing balance of power between the institutions, in the spirit of its previously announced commitment to forging a new partnership with national Parliaments. In this respect, COSAC welcomes the initiative of the new European Commission to coordinate and strengthen the interaction of all Commissioners with national Parliaments, as well as individual commitments of Commissioners to increase the frequency of meetings with national Parliaments in order to discuss legislative proposals and/or other initiatives of the Commission and to take an active part in formulating responses to the contributions from the national Parliaments.

2.5 COSAC welcomes the Report of the Working Group on the possibility of improving the “yellow card” procedure which shows common understanding both for better use

by national Parliaments of the Treaty provisions concerning subsidiarity and proportionality scrutiny, and for an enhanced cooperation between national Parliaments with a view to making better use of the mechanisms made available to them.

2.5.1 or 2.6. With this regard COSAC:

- invites national Parliaments to carry out (each in line with its own practice and internal procedure of its Chamber) a scrutiny of the Commission Work Programme and identify proposals they consider most important;
- calls on the Commission to set up the practice of presentation the CWP by the Commissioners no later than three months after its publication;
- agrees to hold debates on the CWP during COSAC Chairpersons meeting in the first semester of each year in the presence of Vice-President of the Commission responsible for relations with national Parliaments.

2.5.2 or 2.7 In view of the new opening in relations between national Parliaments and the Commission, COSAC calls on the Commission:

- to reduce the time for preparation of its replies to reasoned opinions to a maximum of 8 weeks, excluding Christmas/ New Year and Easter breaks as well as summer holidays in August assuming that the same approach will be applied to the deadline for reasoned opinion issued by national Parliaments
- to refer in detail in its replies to all issues raised by national Parliaments in their reasoned opinions;
- to prepare, in addition to individual replies to the Parliaments/Chambers that have sent reasoned opinions, one reply comprising answers to all reservations raised by national Parliaments/Chambers in their reasoned opinions and circulate it to all Parliaments/Chambers of the Member States.

On subsidiarity checks

2.5. COSAC welcomes better cooperation and coordination between national Parliaments in the conduct of subsidiarity checks. With a view to rendering this exercise more efficient and effective, COSAC discussed the possibility of elaborating informal guidelines on the conduct of subsidiarity assessment and the reasoned opinion procedure. The majority of Parliaments whose views are presented in the 23rd Bi-Annual Report have expressed their support to issuing a voluntary, non-binding set of best practices and guidelines on the basic elements of subsidiarity analysis. COSAC invites Parliaments willing to cooperate more closely towards the elaboration of such informal guidelines to contribute their efforts in exploring further practical ways to achieve this within the framework of COSAC.

2.6. However, COSAC emphasises that there is a clear preference of Parliaments not to standardise the format in which reasoned opinions and political dialogue contributions

are drafted and submitted to the European Commission, and underlines that these formal matters should be left within the competence of respective Parliaments and their established internal practices.

On the “green card”

2.7. COSAC believes that, in addition to the existing forms of parliamentary scrutiny and involvement, the “green card” procedure constitutes a valuable opportunity for national Parliaments to play a proactive role in the EU decision-making process and thus contribute further to the good functioning of the EU.

2.8. COSAC emphasises that the “green card” mechanism would build entirely on the existing political dialogue and would further encourage national Parliaments interested in proactive involvement to make constructive suggestions regarding policy or legislative proposals to the European Commission, without undermining the Commission’s right of legislative initiative under the EU Treaties or its competences in dealing with reasoned opinions, as laid down in Protocol 2 of the Treaty of Lisbon. Given the support expressed by the vast majority of Parliaments to the introduction of such a procedure, as reflected in the 23rd Bi-Annual Report, COSAC invites the Luxembourgish Presidency to continue work on the scope and procedural framework of the “green card” mechanism while ensuring its compliance with the existing institutional balance of powers.

2.9. COSAC acknowledges the fact that some national Parliaments would not be able to use this procedure due to internal constitutional restrictions on the Parliaments' power in EU affairs.

2.10. COSAC highly values the European Commission’s constructive commitment to political dialogue with national Parliaments and hopes that in this spirit it will support the “green card” mechanism as a new enhanced form of political dialogue.

On the programming of the European Commission

2.11. COSAC takes note of the ongoing debate on enhanced cooperation and exchange of views between the Parliaments and EU institutions involved in relation to the European Commission’s annual and multiannual planning of work, as well as the recent cluster meetings of the willing Parliaments seeking to define the scope and procedural aspects of such cooperation.

On cooperation with the European Parliament

2.12. COSAC welcomes the new idea of cooperation put forward by the European Parliament which enables the willing Parliaments to voice their positions and share background knowledge on implementation of EU legislation that the European Commission intends to amend. COSAC notes that Parliaments have broadly expressed their willingness to exchange best practices and share ideas on parliamentary monitoring on transposition, implementation and enforcement of EU law with the European Parliament while emphasising the position of some national Parliaments that such monitoring is within the competence of the executive and/or the European Commission.

2.13. COSAC looks forward to strengthening the political dialogue between national Parliaments and the European Parliament on selected legislative dossiers, among others, by enhancing cooperation between the rapporteurs of the European Parliament and national Parliaments.