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

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Background

This is the Twentieth 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 and to provide information better to facilitate plenary debates.

All the Bi-annual Reports are available on the COSAC website at: <http://www.cosac.eu/en/documents/biannual/>

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 20th Bi-annual Report was 2 September 2013.

The outline of this Report was adopted by the meeting of the Chairpersons of COSAC, held on 8 July 2013 in Vilnius.

As a general rule, the Report does not specify all Parliaments or Chambers whose case is relevant for each point. Instead, illustrative examples are used. Please consult the Annex of the Report for more information on the content of replies.

Complete replies, received from 40 out of 41 national Parliaments/Chambers of 28 out of 28 Member States and the European Parliament, can be found in the Annex on the COSAC website. The Czech *Poslanecká sněmovna* did not answer the questionnaire due to the timing of elections.

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, therefore the maximum number of respondents per question is 39. There were 38 responses to this questionnaire.

ABSTRACT

CHAPTER 1: EUROPEAN ELECTIONS 2014: PLATFORM FOR DEBATE ON THE EU FUTURE WITH ITS CITIZENS

The first chapter of this report focuses on the preparedness of Parliaments/Chambers for the upcoming European elections by giving an overview on related debates and scrutiny. It outlines to which extent Parliaments got involved in the preparations for the European elections 2014. It sets out how Parliaments have managed to fulfil their role in engaging EU citizens in the debate on the EU and its future and provides information about the methods used to engage in the discussion with voters, for instance outreach and educational activities. Finally, Parliaments were invited to express their views on whether the time was ripe for a new Convention on the Future of Europe. The chapter highlights positive examples and trends, however, it also shows that with less than one year to go a majority of national Parliaments/Chambers had not yet embraced their role in preparing the European elections in May 2014.

Those Parliaments which provided details expressed contradictory ideas about the practical arrangements for the elections to the European Parliament, e.g. about a common election day. A two-thirds majority of responding Parliaments were in favour of propagating the affiliation between national and European parties prior to the elections to the European Parliament. Only about one third of national Parliaments expressed views on the question about which entity should nominate a candidate for the President of the European Commission and most of these favoured a nomination by European and national parties together towards a sole role for national governments or national parties.

Less than one quarter of Parliaments/Chambers had considered any recommendations to improve the efficient conduct and the removing of obstacles to voting in the European elections. A majority of national Parliaments/Chambers had not discussed the question concerning the reasons for the falling voter turnout in the European elections or not taken a formal position on it. The others expressed a broad variety of views ranging from a lack of interest in European politics, a lack of information or the information spread by tabloid media, the dominance of national politics over European politics but as well the current financial, economic, employment and social crisis. Accordingly Parliaments' ideas how to enhance the profile of European elections, particularly to increase voter turnout, varied widely, including changes to the electoral system, more information (about candidates and programmes) and a more media-driven electoral campaign, new projects to deepen the European integration, public debate or targeting specific interest groups. The two-fold approach developed for the information and communication campaign on the 2014 European elections by the European Parliament was also presented.

A number of Parliaments/Chambers reported that they were organising or would organise numerous initiatives and activities with respect to citizens' involvement in a dialogue on the European elections. Some had organised debates in the media on the European elections, others had engaged or planned to engage citizens through public meetings and fewer had organised round-table discussions with think tanks. Some of the Parliaments/Chambers said

that they were currently exploring ways to promote the participation of the citizens in debates on the European elections. Only a few Parliaments/Chambers said that they believed that this dialogue should not be organised by national parliamentary institutions. Sixteen out of 36 Parliaments/Chambers had implemented or planned activities to engage citizens in a dialogue on the future of Europe and its role in the globalised world.

A number of Parliaments/Chambers (10) had or would be undertaking outreach and educational activities in relation to the European elections, a number of Parliaments/Chambers reported organising various competitions aiming to educate young people on the EU. Some Parliaments/Chambers provided education for teachers, local politicians and officials. Some tools were being introduced to increase awareness of the EU institutions' role in the citizens' daily lives as well as the upcoming elections.

Many Parliaments/Chambers had not formally taken a position on the issue of whether a new Convention was required. Only one fifth of Parliaments/Chambers believed that a new Convention was needed. Some of these Parliaments/Chambers proposed that a new Convention could address the issues concerning EU decision-making, the role of Parliaments, Union's economic policy and budgetary capacity.

CHAPTER 2: DEMOCRATIC LEGITIMACY IN THE EU AND THE ROLE OF EU PARLIAMENTS

The second chapter of the report outlines the methods national Parliaments use to pursue democratic scrutiny of and control over their governments and the EU institutions. In this regard, just over half of all Parliaments/Chambers believe that democratic accountability should not be limited only to scrutinising their respective national governments but should also include scrutiny of EU institutions. Having said that the majority of Parliaments/Chambers ranked scrutiny of their own government as most important followed by the Commission, the European Council and the Council.

The mechanisms to ensure accountability over government actions were seen by most Parliaments/Chambers as being direct and quite strong and as being exercisable either in committee or in plenary or in both. A range of mechanisms for ensuring accountability have been developed but the most important mechanism is the holding of a government to account for its actions in Council followed by the use of the subsidiarity check and political dialogue as mechanisms for holding EU institutions to account. Some additional mechanisms considered as useful for the purposes of holding all entities to account included, for example, the use of National Parliament Representatives, engaging with MEPs and rapporteurs, holding national Parliament/Chamber committee meetings in Brussels and giving national MEPs the right to sit on national committees.

Parliaments/Chambers ranked COSAC, political dialogue and IPEX as the most effective tools for interparliamentary cooperation and reserved the highest level of criticism for the subsidiarity mechanism and the CFSP/CSDP Conference.

Parliaments/Chambers are actively involved in the EU decision-making process (through exerting influence over their governments, by using the subsidiarity check mechanism and through the political dialogue) and in the pre-legislative phase of EU policy formation (through the scrutiny of consultation papers, evaluation of the Commission Work

Programme, and through receiving information from their governments for example). Many examples of how Parliaments "actively contribute to the good functioning of the Union" are also outlined in the report.

When asked to classify their scrutiny systems, Parliaments/Chambers appear to be developing more sophisticated or tailored approaches to EU scrutiny work. This would merit a more detailed examination at a future date. Parliaments/Chambers also gave more details about their chosen systems, highlighting strengths and any perceived gaps therein.

When discussing the future evolution of parliamentary democracy in the EU, many Parliaments/Chambers declined to give a view, whereas others concentrated their comments on the need to strengthen existing mechanisms and enhance interparliamentary cooperation.

CHAPTER 3: IMPLEMENTATION OF THE EUROPE 2020 STRATEGY

The third chapter of the biannual report examines parliamentary scrutiny of the implementation of the Europe 2020 Strategy targets as well as the state of play of ongoing reforms and examine best practices and procedures. The report shows that the majority of the Parliaments/Chambers actively debated all or most of the referred goals of the Europe 2020 Strategy, with the issue of unemployment slightly prevailing to others. The scrutiny procedures included committee meetings, often with the participation of members of the government and in many cases in the context of the National Reform Programme discussions. The scrutiny of the implementation of the reforms applying to the Europe 2020 strategy took place predominately in committee meetings, in many cases with the input of the government as well as social partners and other stakeholders. Plenary hearings were in both cases less often.

Almost one third of the Parliaments/Chambers did not comment on the means of cooperation in order to achieve the goals set by the Europe 2020 Strategy. Close to a third referred to scrutiny over government work on a national level, whereas on an EU level most of the Parliaments/Chambers referred to the exchange of information and best practices through existing mechanisms of interparliamentary cooperation. Seven Parliaments/Chambers highlighted the importance and potentials of the parliamentary week.

A small number (8) of Parliaments/Chambers answered that political commitment to achieve the objectives of the Europe 2020 Strategy was in fact reflected in the policy and budget formation on both the European Union and national level. Most of those that answered negatively made special references to the impact of the financial crisis on the 2014-2020 MFF. This was reflected in the relatively high percentage of Parliaments/Chambers that had debated the social impact of the austerity measures taken at both the EU and the national levels, as well as - on a smaller scale - the impact of the austerity measures on the targets set in the Europe 2020 Strategy.

The report also shows an increased interest on the issue of youth unemployment since 71% of responding Parliaments/Chambers (22 out of 31) answered that they intended to discuss the Communication from the Commission on "Working together for Europe's young people – A call to action on youth unemployment".

CHAPTER 1: EUROPEAN ELECTIONS 2014: PLATFORM FOR DEBATE ON THE EU FUTURE WITH ITS CITIZENS

The 2014 European elections will be the first since the entry into force of the Treaty of Lisbon. They will take place under the conditions of persistent global financial crisis and while the European Union (EU) is taking important steps towards a genuine Economic and Monetary Union (EMU). The credibility and sustainability of the EMU depend on the institutions and the political construct behind it; and as the President of the European Commission, José Manuel Barroso stressed "the Economic and Monetary Union raises the question of a political union and the European democracy that must underpin it." The 2014 European elections offer a timely opportunity to engage Europeans in the debate about their views on the EU and its future.

This chapter of the Bi-annual Report examines how the upcoming European elections have been scrutinised or debated by Parliaments. It outlines the views of Parliaments on European elections. The report examines whether there should be affiliation between national and European political parties prior and during the elections to the European Parliament and whether each European party should nominate a candidate for President of the European Commission prior to the European elections.¹ It also examines the ideas of Parliaments on how to improve voter turnout in the European elections.

Parliaments play a crucial role in engaging EU citizens in the debate on the EU and its future. This chapter therefore sets out how Parliaments have managed to fulfil this role. It also summarises information about the methods used to engage in the discussion with voters for instance, the debates in the media, public meetings or round table discussions with think tanks. The chapter also gives details of outreach and educational activities that have been undertaken or are planned by Parliaments in this regard. In the overall context of the debate on the future of the EU, Parliaments were asked to express their views on whether the time was ripe for a new Convention on the Future of Europe.

1.1. National Parliaments' debates on the arrangements for the European Elections 2014

When asked whether the upcoming European elections had been considered or debated a majority Parliaments/Chambers replied negatively (20 out of 38). Eighteen Parliaments/Chambers had reflected on the question so far, even though three of them primarily in the framework of changes to their electoral laws for the European elections (Belgian *Chambre des représentants*, German *Bundestag* and *Bundesrat*).

Some Parliaments/Chambers held hearings with Members of the European Parliament (Italian *Camera dei Deputati* and *Senato della Repubblica*) or discussed the question in their EU Affairs Committee already (French *Assemblée nationale*, Estonian *Riigikogu*) or held a debate in the plenary (UK *House of Commons*).

Some Parliaments/Chambers (e.g. the Portuguese *Assembleia da República*, Dutch *Tweede Kamer*, Slovenian *Državni zbor*, the Greek *Vouli ton Ellion* and the French *Sénat*) replied they

¹ As examined in COM (2013) 126

intended to hold debates in the second semester of 2013, some did not exclude this option (e.g. Belgian *Sénat*, Spanish *Cortes Generales* and Polish *Sejm*) while others straightforwardly ruled out any debate (Slovak *Národná rada* and UK *House of Lords*). The Swedish *Riksdag* had scheduled a specific debate on the issue for 7 May 2014, two weeks before the elections.

Just four (out of 37) of the national Parliaments/Chambers had so far scrutinised or debated the European Parliament resolution of 4 July 2013 on improving the practical arrangements for the holding of the European elections in 2014, while the Czech *Senát* had informed the Members of the Committee on EU Affairs about its content and the Italian *Senato della Repubblica* as well as the Dutch *Tweede Kamer* said they would discuss it in the autumn.

When asked whether they had scrutinised or debated the European Commission Communication on "Preparing for the 2014 European elections: further enhancing their democratic and efficient conduct",² 15 Parliaments/Chambers replied positively while 22 (out of 37) replied negatively.

The EU Committee of the UK *House of Lords* generally welcomed "measures which would address the issues of low voter turnout in the European elections and direct voters to the role of the European Parliament" but did not favour the idea of a common election day because it was "based on the false premise that voters in one state might be influenced by the voters in another" and it "would run counter to national political cultures". On the contrary the Polish *Sejm*, while acknowledging the existence of different political traditions, nevertheless expressed the view "that establishing a single date of the European Parliament election and the same voting hours across the Member States was an idea based on a right assumption" and the Lithuanian *Seimas* asked Member States to "reach an agreement on a common day for holding the European Parliament elections with polling stations closing at the same time". It also expressed the view that the "European Parliament must become a genuine European legislature with the right of legislative initiative and the right to appoint the European Commission *in corpore*". In contrast to that the European Scrutiny Committee of the UK *House of Commons* "objected to the Commission's over-emphasis of the European Parliament's role in the selection process for the Commission President" it highlighted, however, "that the prominence given to the proposals in the national press underlined the considerable public interest in them". The Romanian *Camera Deputaţilor* welcomed the intention of the European Commission to further enhance transparency and the European dimension of the European elections but warned that "imposing uniformity *per se* should be avoided". The European Parliament expressed its full support for the practical conclusions expressed in the Commission document.

Some of the responsible committees of those Parliaments/Chambers that replied negatively reported that they intended to examine the Communication in autumn or might do so after the imminent elections (e.g. German *Bundestag*, Committee on Internal Affairs).

² COM (2013) 126 http://ec.europa.eu/justice/citizen/document/files/com_2013_126_en.pdf

1.2. Display of European Party affiliations

A majority of the 19 Parliaments/Chambers which replied to that question (13 against six) were in favour of propagating the affiliation between national and European parties prior to the elections to the European Parliament. Most (18 out of 32) Parliaments/Chambers had not yet discussed the question/adopted a position on whether political parties should be able to display their European party affiliation on the ballot papers in the European elections 2014 or were just about to do so (Italian *Senato della Repubblica* and Portuguese *Assembleia da República*). The German *Bundestag* replied that the German electoral rules for the European elections provided for that possibility and the Estonian *Riigikogu* agreed that national parties should have the freedom to decide while the Romanian *Senatul* considered this a necessity. The Austrian *Nationalrat* and *Bundesrat* (governing majority) and the Czech *Senát* pointed out that the electoral laws would have to be changed, while the Polish *Senat* and the Belgian *Chambre des représentants* believed that the question should not be dealt with by Parliament but at party level. According to the latter this additional information could overburden the ballot sheets whereas the Latvian *Saeima* believed it could be useful for voters. The Bulgarian *Narodno sabranie* replied that the major political parties in the National Assembly support the idea as did the Belgian *Sénat*.

1.3. Nomination of the President of the European Commission

Fourteen Parliaments/Chambers replied to the question about which entity should nominate a candidate for the President of the European Commission. While nine Parliaments/Chambers proposed a nomination by European and national parties together, four were in favour of a nomination by governments and two in favour of a combination of both.³ No one suggested a nomination by national parties alone and just three Parliaments/Chambers a nomination by the European parties on their own (French *Assemblée nationale*, Irish *Houses of the Oireachtas*, European Parliament).

1.4. Improving the conduct of European Elections

Questions to Parliaments/Chambers about whether they had considered any recommendations to improve the efficient conduct and the removing of obstacles to voting in the European elections triggered only very few positive replies: for example encouraging voting by EU citizens residing in Member States other than their own (10 Parliaments/Chambers), agreeing a common day for the elections of the European Parliament, with polling stations closing at the same time (11 Parliaments/Chambers) or ensuring that political broadcasts of national parties in view of the European elections inform citizens about the candidate they support for President of the European Commission and the candidate's programme (eight Parliaments/Chambers). The Romanian *Senatul* also reported about a political pact between political parties for the European elections to campaign only on European topics. In addition, the European Parliament, in its above mentioned Resolution of 4 July, also urged national political parties to inform the public before and during the electoral campaign about their affiliation to a European political party and their support for the candidate to the post of President of the European Commission and requested that no official results be published in any Member State before the close of the voting in the

³ The Italian *Senato della Repubblica*, which was affirmative on of both replies, pointed to article 17, paragraph 7 TEU, which is setting out the procedure to propose a candidate after the elections to the European Parliament, whereas the question aimed at a nomination before the elections.

Member State where voters will be the last to vote on Sunday, May 25, 2014. Some Parliaments/Chambers, however, explained that there was not yet an official decision taken on these issues.

1.5. Voter turnout and participation

Most (21 out of 36) Parliaments/Chambers replied that they had not discussed or not taken a formal position on the question concerning the reasons for the falling voter turnout in the European elections. A few Parliaments/Chambers believed it was because of the effects of the current financial, economic, employment and social crisis and the lack of belief that the EU could provide solutions as contributing to the low voter turnout.

While a couple of Parliaments/Chambers stated a lack of interest in European politics or blamed the information spread by tabloid media (Polish *Sejm*, German *Bundesrat*), others saw reasons for the low turnout mainly in poor media coverage and a lack of information for voters on the importance of the EU and the European Parliament, the role of Members of the European Parliament and the voting system.

The German *Bundesrat* added that voters were "convinced that voting in the EP elections does not afford them an opportunity to influence European Union policy" and that therefore "elections to the European Parliament have frequently been used as means to express satisfaction or dissatisfaction with national policies". This reflected the concern raised by the European Parliament that the "vote has not become the way to exercise popular sovereignty in Europe, but a kind of simple national opinion poll." While the European Parliament stated that the European elections had been used by national parties "as a test of the weight of national political parties within each Member State" the Romanian *Senatul* considered that discussion on national issues during the electoral campaign negatively affected the turnout of the European elections.

Some Parliaments/Chambers mentioned the following ideas: e.g. the Croatian *Hrvatski sabor* criticised a lack of concentrated and programme oriented European campaigns. The Green Party in the Austrian *Nationalrat* and *Bundesrat* also found that the lower personalisation of EU politics (compared to the national level) was one of the reasons and the governing majority added that the population needed to be more involved into the European decision making process. The report of the President of the European Affairs Committee of the French *Assemblée nationale* singled out the failure to establish a real European public space which would allow citizens to understand European challenges and to exercise influence on them as the biggest obstacle; voters should have a clear choice between different party policies for the new legislature and should be able to identify those responsible for the decisions taken and that parties should nominate their candidates for the post of President of the European Commission. The Bulgarian *Narodno sabranie* stated that EP debates were not close enough to the topical issues which of concern for the Bulgarian society while the Greek *Vouli ton Ellinon* highlighted the "inability of the European Parliament to communicate its work to the European citizens and engage them in the political dialogue" in addition to "crucial domestic issues". The Estonian *Riigikogu* stated that the public did not see how Members of the European Parliament would serve their country's interest in the European Parliament and called for more visibility for it. The French *Sénat* blamed the electoral system (proportionate vote) while in Belgium the issue was no matter of discussion due to compulsory voting.

When asked about their ideas how to enhance the profile of European elections, particularly to increase voter turnout, most (16 out of 35) Parliaments/Chambers said they had no official position. Some Parliaments/Chambers put forward ideas such as:

- In line with its previous answer the French *Sénat* mentioned a return to individual candidatures instead of an election of candidates on lists in a proportional representation electoral system.
- The Italian *Camera dei Deputati* suggested organising a so called "European Assizes" before the next European elections that should debate on how to strengthen the EU integration, notably by achieving a banking, a budgetary, an economic and a political union and by adopting an actual strategy for re-launching economic growth.
- The Hungarian *Országgyűlés* was in favour of holding national and European elections at the same day, which would not only save costs but also increase voter turnout, while the Luxembourg *Chambre des Députés* which is normally elected on the same day as the European Parliament advocated a split of national and European elections.
- The Lithuanian *Seimas* called for a wide coverage on candidates, party programmes and other aspects of the elections on national radio and television programmes, to inform the public and to organise debates. The Polish *Senat* supported the latter and added that also the competences of the European Parliament should be underlined.
- The Cyprus *Vouli ton Antiprosopon* added that campaigns targeted at specific interest groups could be organised to help these groups address specific issues.
- The Romanian *Senatul* suggested Parliaments and parliamentarians be engaged in discussion with voters, debates in media, public meetings, round table discussions with think tanks, on European themes since Parliaments, as institutions, played a crucial role in engaging EU citizens in the political debate.
- A rather holistic approach using mainly parliamentary means was suggested by the Croatian *Hrvatski sabor*. Following the low turnout at the first elections of 12 Croatian Members of the European Parliament in April 2013, the Croatian *Hrvatski sabor* has used the creation of the Croatian parliamentary scrutiny method for promotion of the roles European institutions also via broad public consultation and debates as well as web based counselling held prior to the enactment of the relevant law.

The European Parliament had developed a two-fold approach: In the short term, for the information and communication campaign on the 2014 European elections it conceived an awareness-raising phase until March 2014 (taking stock of the decisions taken in the present term, informing citizens about the institution and its relevance to their daily lives) and an activation phase starting end of March where the main focus will be increasing awareness of the date of the elections, how to vote, etc. A final phase after the elections will also inform citizens about the outcome of their choices. In the long term the European Parliament believes that a "re-foundation" of Europe would be necessary, reanimating the deeper reasons that justify and require a Union, recalling the reasons that pushed for its origin after the Second World War, for which the recent conferral of the Nobel Prize for Peace can be the starting point for reflection to be offered to citizens.

1.6. Engagement of citizens in a dialogue on the European elections

A number of Parliaments/Chambers reported that they were organising or would organise numerous initiatives and activities with respect to citizens' involvement in a dialogue on the

European elections. Some of the Parliaments/Chambers said that they were currently exploring ways to promote the participation of the citizens in debates on the European elections. A few Parliaments/Chambers said that they believed that this dialogue should not be organised by national parliamentary institutions.

Fourteen out of 25 Parliaments/Chambers responded that they had organised debates in the media on the European elections. For instance, the Lithuanian *Seimas* and the Italian *Senato della Repubblica* stated that debates were planned on the European elections on the national television. The European Parliament said that it engaged daily with citizens through social media (over 800,000 fans on Facebook) and also had developed the "Newshub" to aggregate all the social media activity of the Members of the European Parliament into one page to give more visibility to their positions, thus highlighting the political nature of the institution.

Fourteen out of 25 Parliaments/Chambers replied that they had engaged or planned to engage citizens through public meetings. The European elections were debated in the framework of European Affairs Committee meetings (in the Portuguese *Assembleia da República*, French *Assemblée nationale*, Croatian *Hrvatski sabor*) and the meetings of the European information offices of the Parliaments/Chambers (Lithuanian *Seimas*, Swedish *Riksdag*, the European Parliament) or other parliamentary bodies.

Ten out of 24 Parliaments/Chambers responded that they had organised round table discussions with think tanks. The European Parliament engaged citizens through organising "Regional Discussion Fora" or round table debates/discussions.

Thirteen out of 31 Parliaments/Chambers stated that the subject of organising specific activities with respect to citizens' involvement in a dialogue on the European elections had not been discussed yet or there was no official position so far. The Italian *Camera dei Deputati* responded that it was currently exploring ways and strategies to promote a more effective participation of citizens in debates on European affairs, also with the use of new technologies and social media.

Thirteen out of 31 responding Parliaments/Chambers indicated that they had engaged or would engage citizens in a dialogue on the European elections. Some Parliaments/Chambers replied that specialised public debates would be held. The Swedish *Riksdag* responded that in October 2013, a seminar for compulsory and upper secondary school teachers on the national and European elections would be organised. The European Parliament reported that it organises seminars for journalists and is planning a series of "large and innovative" conferences. Visitors to the European Parliament and other Parliaments/Chambers would also be given the opportunity to contribute views on the topic of the upcoming European elections by exchanging opinions during meetings with Members of Parliament and civil servants. On 20 January 2014 Danish *Folketing* planned to host a debate among students regarding the main themes of the European elections. The students will also exchange views with the main candidates of the political parties standing for the European elections.

Five out of 31 Parliaments/Chambers emphasised that it was not up to them to engage citizens in a dialogue on the European elections. The Czech *Senát* said that such events should be conducted by the political parties as a part of their electoral campaigns. The Dutch

Eerste Kamer and *Tweede Kamer* also agreed that individual politicians might actively contribute to the electoral campaigns for individual political parties. The Finnish *Eduskunta* noted that it was a routine duty of the information centre of the Parliament to provide information on EU-related issues to the public.

1.7. Outreach and educational activities in relation to the European elections

In response to the question of what outreach and educational activities had been or would be undertaken in relation to the European elections, a number of Parliaments/Chambers reported organising various competitions aiming to educate young people on the EU. Some Parliaments/Chambers provided education for teachers, local politicians and officials. Some tools were being introduced to increase awareness of the EU institutions' role in the citizens' daily lives as well as the upcoming elections. Eleven out of 34 Parliaments/Chambers responded that no decisions on outreach and educational activities had yet been made.

Ten out of 34 Parliaments/Chambers stated that various outreach and educational activities were being organised or planned. Some examples of good practice were mentioned, including the following:

- The Portuguese *Assembleia da República*, the Hungarian *Országgyűlés* and the German *Bundesrat* and the Romanian *Camera Deputaţilor* said that they had planned activities specifically targeted at young people.
- The Austrian *Nationalrat* and *Bundesrat*, within the framework of the project of the *Democracy Workshop* (an educational programme about parliamentary structures in Austria), will organise the Europe-workshop in the forthcoming school-year, which will focus on the European elections.
- The Swedish *Riksdag* reported that it would provide information regarding the European elections on its website and through its regular inquiry service. Throughout 2012, the administration had provided education for local politicians and officials on EU affairs and on the EU institutions. Around 100 municipalities had been included in the project.
- The European Parliament reported that it would develop several communication tools to increase awareness of the European Parliament's role in the citizens' daily lives and about the upcoming elections. These would include background articles, leaflets, info graphics, educational videos, etc. There will also be a big component of social media including chats with Members of the European Parliament, polls, etc.⁴
- The Greek *Vouli ton Ellinon* would examine the possibility of "Youth Parliament" sessions related to European citizenship in order to highlight both the Greek Presidency and the European elections.
- The Danish *Folketing* would launch a web based European Parliament candidate test, which can be used by teachers in upper secondary school and vocational schools and which aim is to allow students to inform themselves of the main political themes of the European elections and the views of the different EP candidates.

Seven of 34 Parliaments/Chambers responded that currently they were not planning to undertake any outreach or educational activities in this field. Six out of 34

⁴ All the tools developed will be available for download in a brand new Download Centre which will be placed on the www.europarl.eu website

Parliaments/Chambers answered that no specific outreach and educational activities had been planned, but public discussions, debates, seminars and other initiatives with respect to citizens' involvement in a dialogue on the European elections would be implemented.

1.8. Engaging citizens in a dialogue on the future of Europe and its role in the globalised world

Less than half of Parliaments/Chambers had implemented or planned activities to engage citizens in a dialogue on the future of Europe and its role in the globalised world. Other Parliaments/Chambers, at the moment, were exploring possibilities of developing initiatives or have no intentions to do this.

Sixteen out of 36 Parliaments/Chambers replied that they had engaged or would engage citizens in such a dialogue. Five Parliaments/Chambers replied generally that they intended to engage their citizens by organising public meetings and hearings, public debates, round table discussions, public consultations on their websites and by implementing other general instruments.

Ten Parliaments/Chambers had arranged or would be arranging special initiatives to engage their citizens, social partners and non-governmental organisations in a dialogue on the future of Europe and its role in the globalised world. For example:

- The Swedish *Riksdag* Administration organised a seminar in April 2013, where high-level officials, researchers and politicians from the Parliament, as well as Members of the European Parliament, met with around 200 Swedish teachers to discuss the EU and Sweden in a global world.
- A debate between Members of Parliament and civil society on this issue would be held in the Maltese *Kamra tad-Deputati* later this year.
- The Bulgarian *Narodno sabranie* said that it engages citizens through its newly established Interaction with Civic Organizations and Movements Committee and the Councils for public consultations to the specialised committees.
- The UK *House of Commons* said that several outreach events had been held on the UK Parliament and Europe in 2013, which had included talks by the Chairs of the *House of Commons* and *House of Lords* Committees and reported that these would be re-run in 2014.
- The European Parliament organised events around this topic in its EP Information Offices with Members of the European Parliament from respective countries. The European Parliament also organised press seminars with the leaders of the political groups and representatives of the media on the topic of the future of Europe.

Fourteen out of 36 Parliaments/Chambers answered that at this stage no decisions concerning engagement of citizens in a dialogue on the future of Europe and its role in the globalised world had been made or been planned.

Six out of 36 Parliaments/Chambers responded that for the moment, no activities to engage citizens in a dialogue on the future of Europe and its role in the globalised world had taken place or been planned.

1.9. Convention on the Future of Europe and possible mandate

Many Parliaments/Chambers had not formally taken a position on the issue of whether a new Convention was required. Only one fifth of Parliaments/Chambers believed that a new Convention was needed. Some of these Parliaments/Chambers proposed that a new Convention could address the issues concerning EU decision-making, the role of Parliaments, Union's economic policy and budgetary capacity. A few Parliaments/Chambers believed that there was no need for a new Convention.

Twenty five out of 37 Parliaments/Chambers responded that at the moment they had not debated or formally taken a position on the issue of whether a new Convention on the future of Europe was required. Although having no defined position, some of these Parliaments/Chambers proposed some ideas on what the mandate of a new Convention could be. For example, the Portuguese *Assembleia da República* emphasised that the balance of powers among the different European institutions, responses to the European crisis outside the context of the Treaties, the distancing of citizens from the European project, the role of national Parliaments and the financing of the European Union were some of the concerns to be addressed. The Cyprus *Vouli ton Antiprosopon* suggested that a new Convention should address such issues as tackling the economic crisis, (youth) unemployment and promoting the prosperity of the people and such a Convention should also lead to more transparency, accountability and democratic legitimacy in EU decision making. The Slovak *Národná rada* reported having a national convention on the EU, to define a society-wide, political and expert vision of "What Europe do we want?" and to bring European topics closer to the general public.

Eight out of 37 Parliaments/Chambers responded that a new Convention was needed. The Austrian *Nationalrat* and *Bundesrat* considered a new Convention to be necessary to overcome the current economic and financial crises of the EU and to tackle ecological and social challenges. The Hungarian *Országgyűlés* emphasised that an appropriate stock-taking was needed on the new institutional and operational set-up of the EU and it was inevitable to consolidate the several changes that had happened recently in EU decision-making. The Chairperson of the Committee on European Affairs of the French *Assemblée nationale* considered that a new Convention should revise the Treaties. The European Parliament also expressed a view in favour of making amendments to the Treaties, which first needed to be examined by a new Convention in order to complete the framing of a genuine EMU by enhancing the EU competencies, in particular in the field of economic policy, and by strengthening the Union's own resources and budgetary capacity, the role and democratic accountability of the Commission and the European Parliament's prerogatives. Latvian *Saeima* said that the time had come for a Convention to address in more detail the issue of the future of Europe and the role of Parliaments. The Romanian *Senatul* considered that the future mandate of the next Convention should support European policies leading to a strengthened Europe towards a "United States of Europe".

Some possible dates for a new Convention were mentioned. The European Parliament said that a new Convention should take place after the election of the European Parliament, whereas preparations for such a Convention should start before these elections. The Chairperson of the Committee on European Affairs of the French *Assemblée nationale* said that a possible date for a new Convention could be autumn 2014 and that the text adopted

by the Convention should be subject to a referendum on the same day throughout the members of the EU. The Hungarian *Országgyűlés* suggested the first possible date for a new Convention could be 2015 (following the European elections and the inauguration of the new Commission).

Four out of 37 Parliaments/Chambers considered that there was no need for a new Convention on the Future of Europe, because first the measures already in force (Lisbon Treaty, Blueprint for a Deep and Genuine EMU) should be successfully implemented.

CHAPTER 2: DEMOCRATIC LEGITIMACY IN THE EU AND THE ROLE OF EU PARLIAMENTS

Parliaments play a distinct role in establishing links between European citizens and the European policy making process. The constantly developing context of European integration, the challenges posed by the economic and financial crisis, the initiatives launched in the field of economic governance as well as foreign, security and defence policy – all require proactive involvement of Parliaments.

The Treaty of Lisbon, often called the Treaty of Parliaments, has reinforced the role of the European Parliament and national Parliaments in the EU. Since the Treaty, the European Parliament has developed into a key player in the EU legislative process, however, there is still much to be done by Parliaments in order to build a truly comprehensive system of parliamentary accountability in the EU. Despite the intense discourse about the role of national Parliaments in the EU decision making process, there is still no clear understanding of how an effective role of national Parliaments can be defined and achieved.

Due to the different political and institutional traditions, a wide array of mechanisms exist in different Parliaments to exercise parliamentary scrutiny of EU affairs. These have further evolved since the Treaty of Lisbon. Scrutiny has also taken place at the European level with the development of the subsidiarity mechanism and the continued evolution of the political dialogue between national Parliaments and the European Commission. At the level of interparliamentary cooperation numerous instruments to ensure democratic legitimacy and accountability have been established, including the Interparliamentary Conference for the CFSP and the CSDP, as well as the Interparliamentary Conference on Economic and Financial Governance of the European Union.

This chapter of the report outlines the methods national Parliaments use to pursue democratic scrutiny of and control over their governments and the EU institutions. It examines the mechanisms of parliamentary scrutiny used and gathers views on the effectiveness of existing tools and formats of interparliamentary cooperation, including the monitoring of the principle of subsidiarity.

This chapter collects the views of Parliaments on how democratic legitimacy and accountability can continue to evolve in the future. It seeks further insights on how Parliaments see the future of interparliamentary cooperation in order to foster proactive participation of national Parliaments in the EU policy-making process. It also outlines the expectations of Parliaments with regard to their role and place in the EU's institutional architecture in the case of any future treaty revisions.

2.1. The reach of democratic accountability

A large number of Parliaments/Chambers, 20 of the 37 which responded, said that they believe that democratic accountability in the context of the EU affairs should not be limited only to their own governments but must also include EU institutions. Reasons advanced for this position included "the EU institutions play an increasingly important role in the

governance and integration of the EU" (Lithuanian *Seimas*); and that "democratic responsibility is a principle which should apply to all political institutions"⁵ (French *Sénat*). While in the Maltese *Kamra tad-Deputati* "the Standing Orders of the House already recognise the importance of extending democratic accountability to the EU institution". Of the remaining Parliaments/Chambers only two expressed the belief that accountability should be limited to national governments (Belgian *Sénat* and the Irish *Houses of the Oireachtas*).

In the specific context of the Commission's proposals to reinforce the EMU and the EU economic governance framework, the UK *House of Commons* noted that any parliamentary oversight of the strengthened EMU, including that envisaged in Article 13 of the SCG Treaty, should be at the level of 28 national Parliaments and the European Parliament; and any new arrangements must respect the different competences of national Parliaments and the European Parliament and operate consistently with national democratic scrutiny processes, including our own Standing Orders". The European Parliament, on the other hand, replied that "democratic accountability must be ensured at the level where decisions are taken. This means that at the level of the EU it must be ensured by the European Parliament, while, at the level of Member States, by the national Parliaments". The Dutch Tweede Kamer stated that the additional sharing of competences in the EU should go hand in hand with more democratic legitimacy and accountability. It therefore said that the democratic legitimacy and accountability in the context of the EU-affairs should be increased. The report of Madame Auroi, Chairperson of the Committee on European Affairs of the French *Assemblée nationale*, advanced the idea of a second chamber of the Union based in Strasbourg comprising representatives of national Parliaments and which would consider issues of monetary union and progressively other matters of national importance.

Relative importance of institutions subject to parliamentary scrutiny

Parliaments/Chambers were asked to rank the relative importance to them of the institutions they scrutinised. Based on the 29 responses to this question, the order of importance was as follows: scrutiny of their own national Government which received 93% of first preferences; the European Commission which received 48% of second preferences (and 33% of fourth preference); the European Council which received 48% of third preferences (and 26% of fourth preference) and lastly the Council of the European Union which received 41% of fourth preferences (as well as 32% of 3rd and 27% of 2nd).

Mechanisms of scrutiny

Most of the Parliaments/Chambers employed a wide range of mechanisms to scrutinise all four of the entities mentioned. The following table draws together the primary mechanisms which may be of value to all Parliaments/Chambers.

Entity scrutinised	Mechanisms employed
Governments	<ul style="list-style-type: none"> • Formal legal Acts outlining the limits of the government's mandate • Oral and written parliamentary questions

⁵ "La responsabilité démocratique est un principe qui doit s'appliquer à toutes les institutions politiques"

	<ul style="list-style-type: none"> • Motions -legislative and non-legislative • No confidence motions • Power of national budget approval • The evaluation of reports on the positions taken by governments
Council	<ul style="list-style-type: none"> • Ministers appearing before committee or plenary before and/or after Council usually within a set time period • Oral or written reports by Ministers before and/or after Council • Scrutiny reserve resolutions or formal mandates or resolutions (binding or non-binding depending on the tradition or legal position) • Written reports on developments occurring during the outgoing Presidency • Special committee or plenary debates • Reports on the status of negotiations or about the impact of an EU measure
Commission	<ul style="list-style-type: none"> • Full use of political dialogue and subsidiarity mechanisms • Appearances before committees to give evidence or meetings with Commissioners or EU Representation staff in capitals • Special committee or plenary debates (e.g. on the Commission Work Programme) • Dialogue at interparliamentary conferences
European Council	<ul style="list-style-type: none"> • Appearances of Prime Ministers in plenary before and/or after each European Council usually within a set time period

The mechanisms to ensure accountability over government actions were seen by most Parliaments/Chambers as being direct and quite strong and as being exercisable either in committee or in plenary or in both. Those mechanisms for ensuring accountability over EU institutions were mentioned by many Parliaments/Chambers as being indirect or based on "mutual good will". The European Council was, in general, not seen as accountable to either Parliaments/Chambers or to other EU institutions.

2.2. Relative importance of accountability mechanisms

The overwhelming majority of Parliaments/Chambers ranked holding governments to account in Council (through the various mechanisms outlined above) as being of most importance with some 92% of first preferences (24 out of 26 who expressed a preference). The use of the subsidiarity check (50%, 12 out of 24) and political dialogue (42%, 10 out of

24) were ranked a close second with the use of subsidiarity checking as marginally better preferred with and "engaging in interparliamentary conferences" considered to be the fourth preference. This was followed by direct accountability of key EU figures. In this regard two further comments may be of interest. The Lithuanian *Seimas* would welcome constructive cooperation with the EU institutions and the possibility of hearing the key EU figures, however, it had found that national Parliaments were not a priority for key EU figures, i.e. national Parliaments often experience difficulties trying to engage members of the European Commission into parliamentary dimension activities and events. Secondly, the Dutch *Tweede Kamer* argued that most of the existing tools and formats of interparliamentary cooperation were foremost intended to improve the exchange of information between (Members of) Parliaments. While nonetheless these instruments ensured that Members of Parliament are better equipped when exercising their task of holding representatives of Government and European institutions democratically accountable, these tools, in the view of the *Tweede Kamer*, were created for another purpose and, therefore, contribute only indirectly to ensuring democratic legitimacy and accountability.

When asked to specify further, the following additional mechanisms were referred to as being useful:

- a) the use of national Parliament representatives (Lithuanian *Seimas*);
- b) engaging in political dialogue with the European Parliament (Polish *Senat*);
- c) engaging in legislative dialogue with the EU institutions (Austrian *Nationalrat* and *Bundesrat*);
- d) engaging with Members of the European Parliament and European Parliament Rapporteurs (Italian *Camera dei Deputati*, Portuguese *Assembleia da República* Lithuanian *Seimas* and Croatian *Hrvatski sabor*);
- e) scrutinising the Commission's Annual Growth Survey and the Commission Work Programme and the Council Trio Presidency working programme; scrutinising the ESM bodies' decisions/activities (Italian *Senato della Repubblica*).
- f) engaging in interparliamentary cooperation with the European Parliament (German *Bundesrat*, Greek *Vouli ton Ellinon* and Austrian *Nationalrat* Green Party);
- g) holding committee meetings in Brussels at which members of the European Commission attend (German *Bundestag*);
- h) giving national MEPs the right to sit on national committees (German *Bundestag*);
- i) developing further the instrument of "clusters of interest" (as proposed by the Danish Parliament) (Dutch *Tweede Kamer*);
- j) Plenary vote on the European Commission preceded by the hearings at parliamentary committees level; regular reports by the President of the European Council and the President of the Commission open to all Members of the European Parliament; the report of the President of the European Central Bank in the framework of the Monetary Dialogue to the Committee on Economic and Monetary Affairs level; and the supervision of delegated legislation of the EU, through the possibility to withdraw such a delegation by the parliamentary committees (European Parliament).

2.3. Effectiveness of existing tools and formats of interparliamentary cooperation

Thirty five Parliaments/Chambers took a view on the effectiveness of existing tools and formats of interparliamentary cooperation in ensuring democratic legitimacy and

accountability. Parliaments/Chambers were asked to rank various tools as being not effective, partially effective, effective, very effective or extremely effective.

Starting at the positive end of the scale and grouping the results of effective to extremely effective we can see that 20 Parliaments/Chambers considered COSAC to be in this category followed by 18 for the political dialogue and 17 for IPEX. This is followed in turn by 16 Parliaments/Chambers who ranked the tools of the Subsidiarity mechanism, ECPRD and Joint Committee Meetings (JCM) and 15 who considered the CFSP/CSDP Conference to be in that category.

This is off-set by the somewhat more critical views of other Parliaments/Chambers in relation to the same tools. Eighteen Parliaments/Chambers scored the subsidiarity mechanism as only partially effective, followed by 17 for the CFSP/CSDP Conference, 16 for JCMs, 15 for IPEX and 14 each for ECPRD and the political dialogue. Thirteen Parliaments/Chambers placed COSAC in this category. A small number of Parliaments/Chambers took the view that these tools were not effective i.e. two for the ECPRD, and one each for the subsidiarity mechanism, COSAC, JCMs and political dialogue.

On balance therefore and taking both the positive and negative ends of the ranking scale it can be inferred overall that Parliaments/Chambers were slightly more positive than negative about the effectiveness of COSAC, the use of political dialogue and on IPEX and slightly more negative than positive about the effectiveness of the subsidiarity mechanism, the ECPRD, the CFSP/CSDP Conference and JCMs. This obviously points to areas of dissatisfaction in the tool box of Parliaments/Chambers which may warrant further examination in the future.

2.4. Proactive involvement in EU policy making

Many of the Parliaments/Chambers mentioned the use of political dialogue when asked how they proactively got involved in EU policy making. However, some others mentioned specific means which may be of general interest as follows:

- a) issuing Reasoned Opinions (Polish *Senat*);
- b) proactive dialogue with government (German *Bundestag*);
- c) through the National Parliament Representatives in Brussels (Czech *Senát*, Latvian *Saeima*);
- d) through written statements on all Green and White papers submitted to the Parliament (Swedish *Riksdag*);
- e) by asking rapporteurs to engage with the Commission at the preparatory stage of a proposal (French *Assemblée nationale*);
- f) by engaging regularly with national MEPs on the principle EU issues of the moment (French *Assemblée nationale*); and
- g) by engaging in workshops and other events with the European Parliament and other national Parliaments in order to discuss the way forward on key legislative dossiers (UK *House of Lords*).

2.5. Staffing levels for the EU function

There was a diverse range of replies to the question of staffing levels working on EU affairs functions within Parliaments/Chambers and it can be seen that responses were determined by how the function is organised within each Parliament/Camber. In some

Parliaments/Chambers one central committee deals with all EU matters while in others it has been either mainstreamed to all committees or arranged in a hybrid model of scrutiny of both. The following table attempts to give some idea of the staff numbers involved in the function.⁶

Table 1: Staff numbers or administrative capacities indicated by Parliaments/Chambers⁷

Number of Parliaments/Chambers	16		Slovak <i>Národná rada</i> 9				
	15		Danish <i>Folketing</i> 7				
	14		Czech <i>Senát</i> 7				
	13		Cyprus <i>Vouli ton Antiprosonon</i> 7				
	12		Slovenian <i>Državni zbor</i> 7				
	11		Hungarian <i>Országgyűlés</i> 7				
	10		Spanish <i>Cortes Generales</i> 6				
	9		Luxembourg <i>Chambre des Députés</i> 6				
	8		Latvian <i>Saeima</i> 6				
	7		German <i>Bundesrat</i> 6	Dutch <i>Eerste Kamer</i> 14			
	6		Estonian <i>Riigikogu</i> 6	Polish <i>Sejm</i> 11			
	5		Belgian <i>Chambre des représentants</i> 6	Dutch <i>Tweede Kamer</i> 11	Romanian <i>Camera Deputaţilor</i> 18		
	4		Portuguese <i>Assembleia da República</i> 5	Irish <i>Oireachtas</i> 11	Italian <i>Senato della Repubblica</i> 18		
	3		Croatian <i>Hrvatski sabor</i> 5	Polish <i>Senat</i> 10	Italian <i>Camera dei Deputati</i> 16		
2	Maltese <i>Kamra tad-Deputati</i> 4	Belgian <i>Sénat</i> 5	Bulgarian <i>Narodno sabranie</i> 10	UK <i>House of Commons</i> 15	UK <i>House of Lords</i> 24	French <i>Assemblée Nationale</i> 28	
1	Slovenian <i>Državni svet</i> 1	Austrian <i>Nationalrat and Bundesrat</i> 5	Greek <i>Vouli ton Ellinon</i> 10	French <i>Sénat</i> 15	Lithuanian <i>Seimas</i> 23	Romanian <i>Senatul</i> 28	German <i>Bundestag</i> 59
	0-4	5-9	10-14	15-19	20-24	25-29	55-59
Number of the staff members							

2.6. Legislative phase of EU decision-making process

When asked how their Parliament/Chamber exerted influence over both the EU decision-making process (legislative procedure) many Parliaments/Chambers (26 out of 37) referred to the parliamentary systems of accountability or "control" of their government as tools used to influence the EU decision-making process (or aspects thereof). For example the Lithuanian

⁶ In certain cases the replies were not fully comparable so there may be some understatement and/or overstatement in certain of the replies.

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Seimas detailed its combined parliamentary scrutiny model, consisting of mandating the government and scrutinising documents, which involved hearings of ministers and evaluation of their reports after Council meetings, and debates on legislative proposals and EU documents for this purpose. The Estonian *Riigikogu* gave details of its system of specialised standing committees delivering opinions to the EU Affairs Committee. Others answered that they used the more generalised tool of discussions with their government to exert influence. For example Slovenian *Državni zbor* said this was especially important for treaty matters or when enlargement of the EU was being considered. The Belgian *Sénat* and Dutch *Tweede Kamer* also highlighted their dialogue with government as important. Eight Parliaments/Chambers logically said that they used the subsidiarity check powers in Protocol 2 of the Lisbon Treaty to exert influence over the EU decision making.

Seventeen Parliaments/Chambers also said that they engaged in the political dialogue with the European Commission, within which Parliaments/Chambers can send any comments about legislative proposals or policies directly to the Commission and can expect a response, in order to influence the decision making process.

2.7. Pre-legislative phase of EU policy formation

When explaining how they exert influence at an earlier stage over EU policy formation (pre-legislative phase), 10 of 37 Parliaments/Chambers highlighted scrutiny of consultation papers (also known as Green and White papers) as a key way to influence the pre-legislative phase of EU decision-making process. For example, scrutiny of these documents is obligatory in the Swedish *Riksdag* and it replied that this practice produces "deeper public debate at a pre-legislative stage".

Other Parliaments/Chambers such as the German *Bundestag*, the Italian *Camera dei Deputati* and the Swedish *Riksdag* said that their rights to receive information from the government greatly aided their ability to influence EU policy formation.

A small number of Parliaments/Chambers including the Lithuanian *Seimas*, the Slovak *Národná rada* and the Dutch *Eerste Kamer*, highlighted their evaluation of the European Commission Work Programme (in which the Commission annually outline their legislative plans for the forthcoming year) as a tool used to exert influence in the pre-legislative phase. The German *Bundestag* also pointed to its Brussels Liaison Office as a source of information as it is able to give advanced monitoring of possible legislative initiatives. The Portuguese *Assembleia da República* noted the importance of the growing interaction with other national Parliaments to work at all stages of the legislative process. The French *Sénat*, the Romanian *Senatul*, the Polish *Sejm* and the Spanish *Cortes* also stated that they exert influence through interparliamentary meetings.

In reality many Parliaments/Chambers employ all or a combination of the abovementioned techniques and tools to exert influence throughout the EU decision-making process. For example, the Italian *Camera dei Deputati* gave the following long list of mechanisms that it employed: "a) the Government's obligation to transmit EU acts and provide the parliamentary bodies regular information on current EU affairs, meeting and proposals; b) the direct transmission of documents by the EU institutions; c) the consideration of EU draft legislative acts and the subsidiarity control; d) the parliamentary scrutiny reserve; e) fact

finding, policy settings and oversight activities of the parliamentary bodies; f) the consideration of the EU consultation and legislative planning documents".

In a similar vein, Parliaments/Chambers were asked how they "contribute actively to the good functioning of the Union", including by other means than those listed in article 12 TEU and many answered as they had to the above question regarding the exertion of influence over the EU decision-making process. Some notable examples of best practice that were also highlighted included the following:

- the Polish *Sejm* organised meetings on topical issues to gain insight into particular EU matters by inviting stakeholder to express their views;
- the German *Bundestag* had increased the number of plenary debates on EU affairs and noted this had increased public awareness of the issues; the Portuguese *Assembleia da República* also held a higher number of debates in plenary since a change in the law in May 2012;
- the Dutch *Eerste Kamer* had developed a specialised website that aimed to create greater awareness and improve effectiveness in the scrutiny of European dossiers;⁸
- the Irish *Houses of the Oireachtas* placed emphasis on its efforts in "relationship building with other Parliaments and parliamentarians from across the EU";
- the Croatian *Hrvatski sabor* highlighted its cooperation with the Croatian Government in the procedure of nominating the candidates of the Republic of Croatia for the European Commission, the Court of Justice and General Court, the Court of Auditors and the Management Committee of the EIB.

The French *Assemblée nationale* and *Senát* both highlighted the need for the arrangements for the democratic accountability of EUROPOL and EUROJUST to be put in place. The Bulgarian *Narodno sabranie* and the Maltese *Kamra tad-Deputati* both saw a role for Parliaments/Chambers to bring citizens closer to the European Union.

2.8. Models of parliamentary scrutiny and their strengths

Parliaments/Chambers were asked to give information about their scrutiny systems and, although the responses were not complete, the figures in the table below show a general shift away from the traditional system of classification. Parliaments/Chambers appear to be developing more sophisticated or tailored approaches to EU scrutiny work. For example, we can see a lower than expected number of Parliaments/Chambers claiming themselves to have either mandating or document based systems and a growth in categories of mixed or other systems of scrutiny. This apparent change in approach would, in our view, merit a more detailed examination at a future date. Parliaments/Chambers have below expanded these replies by giving more details about their chosen systems, highlighting strengths and any perceived gaps therein.

⁸ www.europapoort.nl

Scrutiny system used	Number	%
Document-based	8	21%
Mandating	3	8%
Mixed	12	32%
Focused on sectoral committees	3	8%
Other, please specify	12	32%
Total respondents	38	

When asked which elements of scrutiny systems of EU affairs in each Parliament/Chamber were most effective, the scrutiny or control of their own governments was the element most often highlighted by Parliaments/Chambers (19 of 37). The Cyprus *Vouli ton Antiprosopon* and the Greek *Vouli ton Ellinon* stated that the subsidiarity check was most effective because it was the only legally binding power available to their Parliaments for the scrutiny of EU affairs.

A number of Parliaments/Chambers highlighted the form of their scrutiny system as a strength in particular, the Polish *Sejm* emphasised the effectiveness of having one European Affairs Committee dealing with EU affairs, likewise the Hungarian *Országgyűlés* praised the existence of a centralised Committee on European Affairs to deal with scrutiny tasks, whereas the Italian *Senato della Repubblica* enjoyed the benefits of each relevant sectoral committee working on EU affairs, as did the Luxembourg *Chambre des Députés*, and the Irish *Houses of the Oireachtas* highlighted the "mainstreaming model" as it allowed the sectoral committees to "apply their expertise to related EU matters, and ensures that the vast majority of parliamentarians are involved in EU scrutiny work". The Czech *Senát* highlighted as effective the system it had employed of having a "division of labour" within the European Affairs Committee, i.e. Members have certain policy areas to cover and tried to enhance involvement of sectoral committees. The Romanian *Senatul* also saw virtue in involving both the European Affairs Committee and the sectoral committees in the subsidiarity check in particular.

Other strengths that were highlighted by individual Parliaments/Chambers included:

- access to information and regular notifications about the course of deliberations (German *Bundestag*);
- access to documents and the process for the selection of documents for scrutiny (Czech *Senát*);
- conducting detailed scrutiny of "important" proposals (UK *House of Lords*);
- early involvement in the legislative process (Dutch *Tweede Kamer*); and
- report by the Prime Minister to Parliament after European Council meetings (Maltese *Kamra tad-Deputati*).

In a similar vein, Parliaments/Chambers were asked if they could recommend to others the use of certain elements of their own procedures. Mirroring answers to the above question, many held the view that ensuring the government position was properly scrutinised was the most important element of scrutiny. For example, this led the Lithuanian *Seimas* to recommend its mixed model of scrutiny and the Irish *Houses of the Oireachtas* to recommend that everyone should adopt a form of mainstreaming. The Dutch *Tweede Kamer*

emphasised that it proactively set EU priorities using the legislative programme of the European Commission. The European Parliament commented that would recommend regularly holding debates in advance of the European Council and having reports from the President of the European Council after meetings.

2.9. Gaps in parliamentary scrutiny

Parliaments/Chambers were not only asked to identify the strengths of current systems but also to point out the gaps or weaknesses that currently existed and/or changes that were needed to bring about improvements in parliamentary scrutiny. Parliaments/Chambers answered on three levels: national level, EU level and in relation to interparliamentary cooperation.

National level

A number of Parliaments/Chambers commented that at national level, there was currently no procedure to ensure parliamentary control of the European Semester. The Dutch *Tweede Kamer* called for greater transparency in national spending of the EU budget by national Parliaments. The Irish *Houses of the Oireachtas* was very open and listed the gaps in its system as "the lack of a scrutiny reserve (or mandate) system; the need for greater input into the pre-legislative phase; the need for greater parliamentary scrutiny of the transposition and implementation of EU legislation; and the limited resources available for EU scrutiny work". The Polish *Senat* stated that it had experienced problems due to the timeframe of receiving information from the government. The European Parliament commented that at national level, the direct scope of national Parliaments "is relatively limited, especially when compared to the new powers given to the European Parliament [under the Lisbon Treaty]."

EU level

At EU level, arrangements related to Protocol 2 were often mentioned. The Czech *Senát* appealed for an extension of the subsidiarity check period to 12 weeks as the "eight week period for submitting reasoned opinions is not sufficient" and the Swedish Parliament said it was a relatively short timeframe and questioned the high thresholds for yellow and orange cards. The Greek *Vouli ton Ellinon* said that the workload was excessive for smaller Parliaments taking into consideration the eight week time limit. The Spanish *Cortes Generales*, the Polish *Sejm and Senat* also complained about the quality and timeliness of the European Commission responses.

The Portuguese *Assembleia da República* was concerned that it had "not been possible to demonstrate/identify the impact of opinions and participation of national Parliaments in the European legislative procedure, particularly given the content and slowness of replies that have been given by the European Commission", sentiments echoed by the Czech *Senát* which was at the same time critical of the quality of European Commission responses to national Parliament opinions. However, it acknowledged that "the quality and understandability of reasoning in the NP's opinions is a necessary prerequisite" to good quality replies. The Swedish *Riksdag* said that it was not clear "the extent to which the Swedish Parliament's objections to the application of the principle of subsidiarity are taken into account in legislation that is adopted". The European Parliament answered that at the EU level a gap exists because the "EP does not have the power to provide democratic legitimacy to the decisions of the European Council".

Interparliamentary cooperation

On the level of interparliamentary cooperation, the Lithuanian *Seimas* identified the absence of leadership as a significant weakness, where the Dutch *Tweede Kamer* wanted to see greater coalition building in regard to yellow card procedure amongst national Parliaments and the Bulgarian *Narodno sabranie* commented that interparliamentary meetings did not take decisions "which had significant influence on the legislative process". The Romanian *Camera Deputaţilor* said that a real "subsidiarity culture" has not been achieved as differences in approach, interpretation and application remained. More specifically in relation to COSAC, the Italian *Senato della Repubblica* wanted to see the forum debate more individual proposals with the presence of the Commissioner and the Council Presidency. It also called for no duplication in the agendas of COSAC, sectoral meetings and Joint Parliamentary Meetings and Joint Committee Meetings. The Czech *Senát* said that COSAC should put more focus on subsidiarity as this would enhance effectiveness of scrutiny in this area at the interparliamentary level.

2.10. Future evolution of parliamentary democracy in the EU

Many Parliaments/Chambers (17 of 36) had not formally addressed the issue of how they saw the evolution of parliamentary scrutiny in the future.

A few Parliaments/Chambers answered that they were considering or had recently made changes to their internal rules in order to evolve. This included the German *Bundestag* that had made changes in July 2013 in light of developments regarding the stability mechanism, the Slovenian *Državni zbor* that wished to introduce changes to be able to better scrutinise key documents related to the European Semester and the Italian *Camera dei Deputati*. The Croatian *Hrvatski sabor* stated that it planned to oblige sectoral committees to participate in European affairs in the future.

The Finnish *Eduskunta* wanted to see national Parliaments "guaranteed a code of conduct obliging each Member State to give an assurance that its national Parliament had been involved, in accordance with national constitutional requirements, in forming the positions that the member state represents in Council".⁹

A number of Parliaments/Chambers concentrated on strengthening the existing mechanisms and interparliamentary cooperation. For example, the Polish *Sejm* hoped to that the political dialogue would be intensified and should be developed to go "beyond the formal framework of the Lisbon Treaty". The Irish *Houses of the Oireachtas* had not debated or formally taken a position on this issue, but said that it hoped to see "the further development of the political dialogue, the economic dialogue, and the role of Parliaments in the European Semester". The Italian *Senato della Repubblica* emphasised that COSAC should ensure coordination with regard to "institutional themes and in relations with the European Parliament". Whereas the Portuguese *Assembleia da República* stated that the "European Council deserved systematic scrutiny" and said that it would be important to increase scrutiny of Green papers. The Belgian *Sénat* said that there should be more structured and direct parliamentary control and suggested COSAC could play a key role in this regard.

⁹ Statement of the Grand Committee of the Finnish Eduskunta 4/2012

The European Parliament commented that "closer European integration should provide for greater parliamentary involvement at both national and at Union level" and that democratic accountability "must be ensured at the level where decisions are taken.

When asked how the role of Parliaments/Chambers could be strengthened in advance of the revision of existing treaties only a small number of Parliaments/Chambers substantively replied (12). The Italian *Camera dei Deputati* repeated the comment that had already been made by many that the Commission should reply to reasoned opinions in a more timely and focused manner. They also called on the European Parliament to take account of national Parliament positions in its committee reports and plenary resolutions. The European Parliament commented that strengthening could take place through the "harmonisation of the steering and control mechanisms of national governments in the field of European Affairs".

Many Parliaments/Chambers (23 of 35) were also unable to answer the question about what the next European treaty revision should include to strengthen the role of national Parliaments. Those few that did answer suggested the following ideas:

- the political dialogue should be institutionalised to enable national Parliaments to constructively intervene in the European legislative procedure "namely through the presentation of proposals that may improve certain aspects of European initiatives" (Portuguese *Assembleia da República*);
- national Parliaments' role in shaping and controlling EU decisions in matters that relate to interparliamentary cooperation should be recognised. An enhanced role should also be given in matters not of exclusive competence of the EU (Italian *Senato della Repubblica* and Romanian *Camera Deputaţilor*);
- the European Commission should reply to reasoned opinions within a specific time limit and the threshold to trigger a subsidiarity check should be lowered (Cyprus *Vouli ton Antiprosopon*);
- the role of national Parliaments as regards CFSP and CSDP should be strengthened (Romanian *Senatul*);
- the role of national Parliaments in relation to Economic Governance should be enhanced (Cyprus *Vouli ton Antiprosopon*);
- national governments should be urged to include the opinion of Parliaments/Chambers in the country's mandate for the Council, in Member State legislative initiatives and in requests to start or end participation in enhanced cooperation (Romanian *Camera Deputaţilor*); and
- national Parliaments should be given the right to comment on the substance of legislative initiatives in the EU (Greek *Vouli ton Ellinon*).

The European Parliament commented that "future reform of the Treaties should enhance the democratic assets that national Parliaments have" for by example institutionalising the obligation for Member States to establish the scrutiny by national Parliaments on their executives.

CHAPTER 3: IMPLEMENTATION OF THE EUROPE 2020 STRATEGY

In the framework of the Europe 2020 strategy the EU Member States committed themselves to aim to provide employment for 75% of the population aged 20-64, to ensure that the share of early school leavers should be under 10% and at least 40% of the 30-34 year olds should have a tertiary degree, and to reduce the number of people in or at risk of poverty or social exclusion by at least 20 million by 2020.

Chapter three examines parliamentary scrutiny of the implementation of the Europe 2020 Strategy targets as well as the state of play of ongoing reforms and examine best practices and procedures. Parliaments have been invited to share their views on whether the political commitment to achieve the objectives of the Europe 2020 Strategy was properly reflected in European and national policies and budgets. The chapter also takes a closer look at how national Parliaments and the European Parliament can further develop their cooperation in order to contribute to achieving the set targets. This chapter examines the extent of parliamentary debate on the impact, especially social impact, of the austerity measures on the implementation of the Europe 2020 Strategy targets at both the EU and the national levels.

3.1. Scrutiny of Europe 2020 Strategy goals

More than two-thirds of the responding Parliaments/Chambers have debated all or most of the referred goals of the Europe 2020 Strategy. Providing employment for 75% of the population aged 20-64 and reducing the number of people in or at risk of poverty or social exclusion were scrutinised by the vast majority - 85% and 82% respectively (29 and 28 out of 34) of the Parliaments/Chambers. A slightly lower percentage of 76% (25 out of 33) had scrutinised the target of ensuring that the share of early school leavers should be under 10% and ensuring that at least 40% of the 30-34 year olds should have a tertiary degree. Twelve Parliaments/Chambers had debated other goals of the Europe 2020 Strategy.

The scrutiny procedure took place predominantly in meetings of the European Affairs Committee and/or other competent committees. In some cases members of the government took part in the debate or written correspondence with competent ministers was taken into consideration and often in the context of National Reform Programme and Stabilisation Programme (11). In fewer cases the debate took place during plenary hearings (five).

Some examples include:

- The UK *House of Lords* planned to launch an inquiry on two of the 2020 Europe Strategy goals, whereas the Croatian *Hrvatski sabor* and the Lithuanian *Seimas* had involved academics and social partners in the discussions.
- The Spanish *Cortes Generales* adopted a non-legislative motion related to providing employment and the Italian *Camera dei Deputati* adopted a resolution on the Economy and Finance Documents, which included targets and related measures to achieve employment goals set out by the Europe 2020 strategy.
- The Portuguese *Assembleia da Republica* addressed the goals of ensuring that the share of early school leavers should be under 10% and ensuring that at least 40% of

the 30-34 year olds should have a tertiary degree in the context of debates on the indicators referred to in PISA reports.

- The European Parliament had discussed the issues with the participation of the competent Commissioner. As far as the goal of providing employment was concerned, the European Parliament's resolution of 14 June 2012 on "Towards a job-rich recovery" highlighted the 17.6 million new jobs that had to be created in order to meet the employment target set out in the EU 2020 Strategy. It also called for the necessary investment in job and growth potentials in the green economy, the health and social services sector and ICT, including investment in skills, training and higher wages. It also welcomed the launch of the public consultation on employment in the health and social care sectors. The European Parliament debate on the Fund for European Aid to the most Deprived (FEAD) was directly linked to the EU2020 target to reduce the number of people in or at-risk-of poverty or social exclusion by 20 million before 2020.
- The Luxembourg *Chambre des Députés* answered that a draft of the National Reform Programme (NRP) was the subject of a public debate in the Chamber of Deputies before it was presented and reviewed by a parliamentary committee. The first draft NRP has been submitted for review to all parliamentary committees that examined the objectives for this project. The related contributions were submitted to the Ministry of Economy and Foreign Trade Department which has been playing a coordinating role on an executive level. Before the public debate the final version of the NRP was presented at a joint meeting involving the commission of Economy, External Trade and Economy Solidarity, Finance and Budget Control.

Eight of the responding Parliaments/Chambers answered that equal attention was given to all goals of the Europe 2020 Strategy, but most of the responding Parliaments/Chambers (18 out of 32) answered negatively. In most cases this was because certain goals such as the issue of youth unemployment, predominated.¹⁰

The implementation of the ongoing reforms or actions was often scrutinised through the usual parliamentary procedures, in most cases during committee meetings in the presence of competent government members and less often in plenary. Several Parliaments/Chambers mentioned annual scrutiny of the NRP (11) as well as consideration of relevant bills. The Swedish *Riksdag* monitored the effectiveness of agencies that had undertaken the implementation of relevant programmes, whereas the UK *House of Lords* EU Committee used "enhanced scrutiny" on the Governments' actions, which included seminars with stakeholders, written correspondence with competent ministers or launching of inquiries. Hearings on the implementation of the ongoing reforms or actions with the participation of social partners and external expertise were organised also by the German *Bundestag*, the Portuguese *Assembleia da Republica* and the Austrian *Nationalrat and Bundesrat*. The Slovenian *Državni zbor*, and the Polish *Sejm* addressed the question when on the agenda of an upcoming Council whereas the Belgian *Chambre de représentants* met before or/and after a European Council meeting in the context of the Federal Advisory Committee for European Affairs. The European Parliament assessed the Commission's overview on the ongoing

¹⁰ See answers to question 41 available in the Annex to the Bi-annual Report

reforms and called for a greater role in the European Semester process to ensure legitimacy and democratic accountability.

3.2. Cooperation on Europe 2020 Strategy goals

When asked about the tools that Parliaments/Chambers could use to cooperate in order to achieve the goals set by the Europe 2020 Strategy, close to a third (10 out of 32 respondents) answered that the issue had not been discussed. Particular reference to tools on a national level was made by 11 Parliaments/Chambers, mostly mentioning scrutiny over government work. On an EU level, most of the Parliaments/Chambers referred to the exchange of information and best practices through existing mechanisms of interparliamentary cooperation such as the COSAC, meetings of relevant committee Chairpersons and other interparliamentary meetings. Special reference was made to the parliamentary week on the European Semester by several Parliaments/Chambers (seven). The UK *House of the Lords* proposed ad hoc video conferences between relevant committees as a fruitful tool of interparliamentary cooperation.

3.3. Political commitment to achieving goals

Only nine of the 18 responding Parliaments/Chambers said they believed that the political commitment to achieve the objectives of the Europe 2020 Strategy was properly reflected in the policy and budget formation at both the European Union and national level. Nine answered negatively, whereas the Luxembourg *Chambre des Députés* noted that on a national level no critiques on this issue were raised. On the issue of how this political commitment was properly reflected in the policy and budget formation at both the European Union and national level, nine out of the 22 responding Parliaments/Chambers answered that the issue hadn't been discussed. The Polish *Sejm*, the Austrian *Nationalrat and Bundesrat* and the Czech *Senat* responded that national objectives were specified in the National Reform Programme. On a European level, the German *Bundestag* and the Hungarian *Országgyűlés* referred to provisions included in the Multiannual Financial Framework as an opportunity to align with the goals of the Europe 2020 Strategy. The UK *House of Lords* identified achieving the Europe 2020 Strategy as an objective of the MFF but also balancing, at the same time, the need to fund other EU priorities such as protecting biodiversity and the area of freedom, security and justice. The Lithuanian *Seimas*, said that there is a potential to strengthen the commitment in the future in parallel with the recovery of the European economy, providing more possibilities to effective implementation of these goals. The Polish *Senat*, the Italian *Camera dei Deputati* and the Czech *Senat* answered that new challenges that had arisen led to considerable budgetary and funding constraints. The Latvian *Saeima* noted that regardless of the commitment, there were objective reasons why some countries would not be able to achieve some quantitative goals, such as birth rate, the age structure of society, immigration and emigration.

In terms of the deficiencies that Parliaments/Chambers saw in reflecting the political commitment to achieve the objectives of the Europe 2020 Strategy in the policy and budget formation, more than half (eight out of 14) of the responding Parliaments/Chambers answered that the financial perspectives for the 2014-2020 MFF did not correspond to the needs for the implementation of the Europe 2020 strategy. Thus the budget cuts on a European and national level would have a negative impact on its ambitious goals. Five out of

14 of the responding Parliaments/Chambers did not have an official position on the referred issue.

3.4. Impact of austerity measures on targets

63% of the responding Parliaments/Chambers (19 out of 30) had debated the impact of the austerity measures on the targets set in the Europe 2020 Strategy, whereas 73% (22 out of 30) had debated the social impact of the austerity measures taken at both the EU and the national levels. The UK *House of Lords* had held a seminar on the impact of austerity in the EU and the Italian *Camera dei Deputati* had stressed in several resolution/documents the negative impact of the austerity measures on the implementation of the Europe 2020 Strategy. Similar comments were made by the Belgian *Chambre de représentants* and the Italian *Senato della Repubblica*. The Committee on Budgets of the European Parliament regularly discussed the issue, primarily with regard to the ability of Member States to co-finance EU projects, in particular within cohesion policy and called on the Commission to work with the Member States to ensure that austerity programmes did not hinder employment creation measures and growth-promoting policies, and did not compromise social protection.

3.5. Youth unemployment

72% of responding Parliaments/Chambers (23 out of 32) answered that they intended to discuss the Communication from the Commission on "Working together for Europe's young people – A call to action on youth unemployment" dated 19 June 2013. Some Parliaments/Chambers further commented on issues related to the Europe 2020 Strategy. The Croatian *Hrvatski sabor* organised in cooperation with EUFORES, a workshop regarding the Energy 2020 strategy, as a part of the Europe 2020 strategy. The Greek *Vouli ton Ellinon* did not scrutinise the Europe 2020 targets as such, but in the context of a successful implementation of the austerity measures, during ordinary parliamentary control or legislative work steps had been taken to address the major challenge of unemployment (youth unemployment reached historic levels). Thus, the social impact of the austerity measures taken at both the EU and the national levels had been on regular basis a subject of discussion in the committees and the plenary of the Greek *Vouli ton Ellinon*.