

Outline of the Questionnaire for the 18th Bi-Annual Report of COSAC

Chapter 1: Relations between the European Institutions and National Parliaments

Section I: Subsidiarity and proportionality

Following the entry into force of the Treaty of Lisbon, Articles 5(3) and 5(4) of TEU provide that both principles of subsidiarity and proportionality shall be applied by the institutions of the Union as laid down in Protocol (No2). The second paragraph of Article 5(3) provides that national Parliaments ensure compliance with the principle of *subsidiarity* in accordance with the procedure set out in that Protocol. However, no such provision exists in Article 5(4) with regard to the principle of proportionality. Furthermore, according to Article 12(b), national Parliaments contribute actively to the good functioning of the Union, *inter alia*, “by seeing to it that the principle of *subsidiarity* is respected in accordance with the procedures provided for in the Protocol on the application of the principles of subsidiarity and proportionality”. Similar provisions exist in Protocols (No1) and (No2) of the Treaty. On the one hand, the title of Protocol (No2), as well as Article 1 of it, refer to both principles, on the other hand, it is provided that national Parliaments may submit reasoned opinions, in case they consider that the draft legislative act in question, does not comply (only) with the principle of subsidiarity.

In the light of the above, while, apparently, subsidiarity and proportionality constitute two different principles under the Treaty, it is yet quite unclear whether proportionality should be considered as a principle of equal status with the principle of subsidiarity, for purposes of conducting a subsidiarity check, and/or whether the principle of subsidiarity encompasses proportionality. This question may not merely be of an academic nature, since the approach of each Parliament/Chamber with regard to this has a direct impact on the broadness and consequently the effectiveness of the control exercised by Parliaments.

This chapter aims at exchanging information between Parliaments regarding their approach to the principle of proportionality as well as on the broadness of the

subsidiarity checks conducted by them. The interpretation by each Parliament/Chamber of what a subsidiarity (and proportionality) check entails, might also have a substantive impact on how often the threshold as set out in the Treaty will be reached.

Section II: Political Dialogue

The political dialogue, as announced by President Barroso and launched by the European Commission in 2006, has proved to be a very important tool in the effort to bring the Union closer to its citizens and to further reinforce relations between the European Institutions and national Parliaments. Furthermore, the political dialogue indicates the importance of national Parliaments through the enhancement of their role in shaping EU affairs. Despite the significant progress made to date, there is still room for further improvement. The exchange of information under this chapter seeks to document the activity that is currently taking place under the political dialogue and to explore how Parliaments envisage the further enhancement of the political dialogue (including the proposals made in the Contribution of the XLVII COSAC).

Chapter 2: The Treaty on Stability, Coordination and Governance in the Economic and Monetary Union and the role of Parliaments

The Treaty on Stability, Coordination and Governance in the Economic and Monetary Union states in Article 13 that “as foreseen in Title II of the Protocol (No 1) on the role of national Parliaments in the European Union annexed to the European Union Treaties, the European Parliament and the national Parliaments of the Contracting Parties will together determine the organization and promotion of a conference of representatives of the relevant committees of the European Parliament and representatives of the relevant committees of national Parliaments in order to discuss budgetary policies and other issues covered by this Treaty”.

This chapter aims at exchanging information on the state of play on ratification of the Treaty. It also aims at initiating a debate on how the above mentioned conference could be organised and in which forum this may be most appropriately carried out.

Chapter 3: Energy – Trans European Energy Infrastructure

The proposal for a Regulation of the European Parliament and of the Council on guidelines for trans-European Energy infrastructure and repealing Decision No 1364/2006/EC¹, adopted on 19 October 2011, aims to lay down rules for the development and interoperability of trans-European energy networks, in order to ensure the functioning of the internal energy market, the security of energy supply in the Union, the promotion of energy efficiency, the development of new and renewable forms of energy, and the promotion of the interconnection of energy networks.

The above proposal constitutes part of the Union's efforts to modernize and expand European energy infrastructure as set out in the Commission Communication on energy infrastructure priorities for 2020 and beyond², adopted on the 17th November 2010. This called for a new infrastructure policy to coordinate and optimize network development in Europe. The Commission Communication "A budget for Europe 2020"³ proposes the creation of the Connecting Europe Facility through which the completion of priority energy, transport and digital infrastructures will be promoted, setting aside a budget of €9.12bn for investment in the field of energy.

The purpose of this chapter of the Bi-annual Report is to exchange information and best practices pertaining to the above proposal between Parliaments/Chambers in order to facilitate the substantive debate of the proposal as well as its future implementation.

Chapter 4: Single Market - Governance

The Single Market is a key driver for economic growth. The March 2012 European Council recognized the need to strengthen the governance of the Single Market and to improve its implementation and enforcement. In response, the Communication on the Better Governance for the Single Market, which was issued by the European Commission on the 8 of June 2012 [COM (2012) 259], calls for a renewed commitment to make the Single Market effectively deliver for growth. In particular, it proposes: (a) a particularly ambitious course of action to make swift progress in key areas with the

¹ COM(2011) 658 final

² COM(2010) 677

³ COM(2011) 500/I &II final

greatest growth potential and (b) concrete measures to further improve the Single Market 'governance cycle', i.e. the way Single Market rules are designed, implemented, applied and enforced.

This chapter of the Bi-annual Report aims at the exchange of information on the state of play of the above Communication with regard to its examination by the Parliaments / Chambers as well as the views that may have been expressed by the Parliaments/Chambers.