

Questionnaire for the 16th Bi-Annual Report of COSAC on Procedures and Practices Relevant to Parliamentary Scrutiny

CHAPTER 1: Multiannual Financial Framework for Europe 2020 Strategy

With the publication of the Commission's proposals on the EU Multiannual Financial Framework for 2014-2020 (MFF) on 29 June 2011 a debate on the next MFF has started.

One of the aims of the 16th Bi-annual Report is to assess the present and future role of national Parliaments as regards cooperation with and scrutiny of their governments throughout the process of developing the new EU Multiannual Financial Framework in view of the targets outlined in the Europe 2020 Strategy.

Contrary to the common hopes and expectations the European economic and financial crisis has not been fully overcome. Growing economic disparities between Member States and a lack of appropriate measures to remedy this situation lead to controversial views, such as the need to build a multiple-speed Europe. Attempts to save the euro area by rationalising the EU budgetary spending at the expense of the cohesion policy provoke unnecessary divisions within the European Union. In principle, the successive EU budgets have been adjusted to their respective goals. Therefore, the new financial framework should make it possible to finance all the objectives set in the Europe 2020 Strategy, including the consolidation of the EU's internal market.

Given the serious challenges currently facing the EU, it would be advisable to define the role and powers of national Parliaments and the European Parliament in co-creating and scrutinising key EU policies in the post-Lisbon era. This would require a concerted action by all decision-makers, both at national and EU level. European solidarity, which is one of the corner stones of today's European Union, requires the achievement, without delay, of a broad consensus on the full involvement of national Parliaments and the European Parliament in the EU governance process, especially in order to prevent further global crises.

Questions:

- 1.1. Has your Parliament/Chamber been actively involved in establishing the position of your Government on the MFF 2014-2020?**
 - 1.1.1. If so, please specify the scope, procedure and timetable.**
 - 1.1.2. If not, does it intend to do so?**
- 1.2. What is the opinion of your Parliament/Chamber on the proposal to shorten the duration of the MFF from 7 to 5 years?**
- 1.3. What is the opinion of your Parliament/Chamber on the proposal to reduce the GNI-based contributions of Member States to the EU budget?**

- 1.4. What is the standpoint of your Parliament/Chamber on the proposal to introduce a new system of EU own resources, i.e. a modernised VAT system and taxes on, for example, carbon dioxide emissions, air transport, companies' profits, financial transactions or sale of energy carriers?
- 1.5. Does your Parliament/Chamber support the Commission's proposals on the Europe 2020 Project Bond initiative?
- 1.6. Is your Parliament/Chamber of the opinion that the MFF 2014-2020 should allow for full implementation of the Europe 2020 Strategy goals, including the financing of initiatives aimed at strengthening the Single Market? If not, please specify which tasks/targets should be given priority and which could be postponed.
- 1.7. In the opinion of your Parliament/Chamber, what should the structure of EU budgetary expenditure look like in the MFF 2014-2020?
 - 1.7.1. Would the potential transfer of funds from the Sub-heading 1b (Cohesion for growth and employment) to the Sub-heading 1a (Competitiveness) be beneficial to the economic, social and territorial cohesion of all Member States?
- 1.8. Taking into account the scarcity of EU budgetary funds and the need for their efficient use, would your Parliament/Chamber be in favour of adopting a principle that unspent EU funds would not be returned to the Member States, but instead used in future accounting periods as EU own resources?

CHAPTER 2: Two years after the entry into force of the Treaty of Lisbon - parliamentary experience

In December 2011 it will have been two years since the entry into force of the Treaty of Lisbon. The aim of the chapter 2 of this report is to evaluate parliamentary best practices and experience in the implementation of the Treaty of Lisbon (including Protocol No. 2 on the application of the principles of subsidiarity and proportionality).

Since the entry into force of the Treaty of Lisbon national Parliaments have been involved in ensuring the compliance with the principle of subsidiarity according to Protocol No. 2 and have adopted their internal subsidiarity check mechanisms.

National Parliaments send to the Commission reasoned opinions on EU draft legislative acts stating why they consider that the draft in question does not comply with the principle of subsidiarity. Reasoned opinions are also notified to the European Parliament and the Council. National Parliaments receive responses from the Commission to their reasoned opinions. This chapter will evaluate the national Parliaments' opinions on the answers sent to them by the Commission and describe how reasoned opinions are dealt with in the European Parliament.

According to Article 5 of Protocol No. 2 draft legislative acts shall contain the justification that the Union objective can be better achieved at the EU level. This chapter will assess to what extent non-fulfilment of this formal criterion hinders national Parliaments' examination of the EU draft legislative act's compliance with the principle of subsidiarity.

Cooperation between national Parliaments and the EU institutions also takes other forms including informal political dialogue between the European Commission and national Parliaments. The experience of national Parliaments in this field will also be evaluated in this chapter of the report.

Article 290 of the TFEU states that legislative acts may delegate to the European Commission the power to adopt non-legislative acts of general application to supplement or amend certain non-essential elements of the legislative act. According to the Treaty of Lisbon the essential elements of an area shall be reserved for the EU draft legislative acts and accordingly shall not be the subject of a delegation of power. However, in the opinion of many national Parliaments essential elements are introduced to the delegated acts of the European Commission which are outside the scope of control of national Parliaments. The chapter will evaluate the Parliaments' current practice and views in that respect.

Questions:

2.1. Reasoned opinions

- 2.1.1. How many reasoned opinions have been adopted in your Parliament/Chamber since the entry into force of the Treaty of Lisbon? Please identify COM documents concerned.**
- 2.1.2. How many reasoned opinions did your Parliament/Chamber receive replies to from the European Commission?**
- 2.1.3. Were those replies sent within the Commission self-imposed time-limit of three months?**
- 2.1.4. Were those replies satisfactory? If not, please indicate why.**
- 2.1.5. Could you please describe how the European Commission's replies are dealt with in your Parliament/Chamber?**
- 2.1.6. To your Parliament's/Chamber's knowledge were the reasoned opinions reflected in EU draft legislative acts? If so, please indicate the specific cases.**
- 2.1.7. Has your Parliament/Chamber ever continued dialogue with the European Commission on a draft legislative act after receiving the Commission's reply to a reasoned opinion? If so, please indicate the COM documents.**
- 2.1.8. Does your Parliament/Chamber regard the eight-week period for subsidiarity check as a sufficient period of time to examine the Commission's proposal both on the basis of subsidiarity and on other aspects of the proposal?**
- 2.1.9. Has your Parliament/Chamber ever considered the lack of a legal basis or lack of (or insufficient) subsidiarity justification in the explanatory memoranda as a breach of the subsidiarity principle, and as a consequence adopted a reasoned opinion?**

2.1.10. What is your Parliament's/Chamber's opinion on the quality of impact assessments of EU draft legislative acts? Should full impact assessments for draft legislative acts be translated into all EU official languages?

2.1.11. Has the internal subsidiarity control mechanism of your Parliament/Chamber been satisfactory so far? Have you modified this procedure at any stage? If so, please describe the modifications.

Questions to the European Parliament

2.1.12. Could you please describe how reasoned opinions issued under Protocol 2 and contributions¹ of national Parliaments issued under the informal political dialogue with the European Commission are dealt with in the European Parliament?

2.1.13. Have any reasoned opinions and contributions of national Parliaments been reflected in the legislative documents of the European Parliament? If so, please indicate specific cases.

2.2. Informal political dialogue

2.2.1. How many contributions within the framework of the informal political dialogue with the European Commission has your Parliament/Chamber sent to the European Commission since the entry into force of the Treaty of Lisbon? Please specify the COM documents.

2.2.2. How many contributions did your Parliament/Chamber receive replies to from the European Commission?

2.2.3. Were those replies satisfactory? If not, please indicate why.

2.2.4. Could you please describe how the European Commission's replies to contributions are dealt with in your Parliament/Chamber?

2.2.5. Were there cases when your Parliament/Chamber continued the informal political dialogue after receiving a reply from the European Commission on a contribution? If so, please provide the underlying reasons and specify the COM documents.

2.3. Parliamentary scrutiny and delegated acts (Article 290 TFEU)

2.3.1 Could you please describe the opinion of your Parliament/Chamber regarding proposals which provide for delegated acts (Article 290 TFEU)?

2.3.1.1 Does your Parliament/Chamber have any concerns regarding the subject of the delegated acts (that in some cases essential

¹ The generic term "contribution" means an opinion, a conclusion, a resolution or any other document issued by a national Parliament in the framework of the informal political dialogue with the European Commission.

elements of EU legislative acts are subject to the application of Article 290 TFEU)?

2.3.1.2 Are the essential features of the delegated act (the objectives, content, scope and duration) properly described in the relevant proposals?

2.3.2 Does your Parliament/Chamber foresee any room for cooperation with the EU institutions in the process of the monitoring of delegated acts?