

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

(to be approved by the Chairpersons of COSAC on 11 July 2011 in Warsaw)

Chapter 1

Multiannual Financial Framework for Europe 2020 Strategy

With the publication of the Commission's Communication on the EU Multiannual Financial Framework for 2014-2020 (MFF), scheduled at the end of June, a debate will start.

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.

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-fulfillment 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.