

QUESTIONNAIRE: 13TH COSAC BI-ANNUAL REPORT

CHAPTER 1: THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

On 1st December 2009, the Treaty of Lisbon entered into force, introducing amendments to the Treaty on European Union and the Treaty establishing the European Community, which will henceforth be known as the Treaty on the Functioning of the European Union. In the amended Treaty on European Union, the new article 12 acknowledges the role of national Parliaments in the European Union, listing a number of mechanisms through which national Parliaments are to “*contribute actively to the good functioning of the Union*”. Further provisions of the Treaty on the European Union and the Treaty on the Functioning of the European Union, as well as of the first two Protocols to the Treaty of Lisbon, specify the scope of the participation of the national Parliaments in the decision making processes of the European Union.

These new mechanisms¹ are:

- a) Receipt of information and draft legislative acts from the EU institutions;
- b) Ensuring compliance with the principle of subsidiarity;
- c) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice;
- d) Involvement in the political monitoring of Europol and the evaluation of activities of Eurojust;
- e) Taking part in the revision procedures of the Treaties;
- f) The participation in the request for filing an action for annulment before the Court of Justice of the European Union on grounds of a breach of the principle of subsidiarity;
- g) Receipt of notifications of applications for accession to the European Union;
- h) Participation in the inter-parliamentary cooperation between national Parliaments and with the European Parliament.

The first chapter of the bi-annual report will concentrate on how these new mechanisms are being incorporated into the regulations and everyday procedures of the national Parliaments. Due to the limited time since the entry into force of the Treaty, the chapter will focus on the regulations that have been passed or are foreseen to be adopted in the near future.

After listing the new regulation, the chapter will focus on the different aspects (parliamentary bodies involved, procedures, effects, criteria, etc.) of these mechanisms as they are implemented in each national Parliament.

¹ These mechanisms have been described in detail in the Ninth Bi-annual Report of COSAC (The Treaty of Lisbon - implementation and its consequences for the national Parliaments of the EU, May 2008)

Questions:

A) REVIEW OF REGULATIONS ADOPTED

1. Have there been any regulations adopted by your Member State in order to incorporate the new powers that are entrusted to the national Parliaments by the Treaty of Lisbon? If so, please specify the regulations in their corresponding categories.

- 1a. Constitutional provisions
- 1b. Legal provisions - Statutory provisions
- 1c. Parliamentary Standing Orders
- 1d. Other (please specify)

2. If no regulation has yet been passed, is any such regulation in the pipeline? Please specify the hierarchy of the provisions that are likely to be adopted in the short or medium term (Constitutional provisions, Legal Statutory provisions, Parliamentary Standing Orders ...).

B) THE NEW POWERS OF THE NATIONAL PARLIAMENTS IN THE EU DECISION MAKING PROCESS

The following questions focus on each of the different mechanisms through which the national Parliaments are called to participate in the EU framework. The questions relate to the main elements of the proceedings that, according to the national regulations that have been passed or that are foreseen to be adopted soon, will carry out in each national Parliament the mechanisms established in the Treaties.

1. MONITORING THE ACTIVITIES OF THE EU INSTITUTIONS

- 1a. Please indicate if the monitoring includes all the activities of all the EU institutions. If not, please specify which activities and which institutions will be subject to monitoring (e.g. only legislative proposals from the Commission).
- 1b. Please indicate if the monitoring is comprehensive or applies selectively to certain topics or questions of particular national interest.
- 1c. Briefly describe the procedure and specify the parliamentary bodies involved.
- 1d. Do the regulations establish the Government's duty to report to the Parliament / Chamber? If so, in which terms?

1e. In bicameral Parliaments, could you describe the mechanisms for information exchange and coordination between both Chambers?

1f. Please briefly describe the administrative and advisory resources and support available for the task of monitoring the EU institutions.

2. ENSURING COMPLIANCE WITH THE PRINCIPLE OF SUBSIDIARITY

2a. Please specify the Parliamentary bodies in charge of ensuring such compliance.

2b. Briefly describe the procedures involved.

2c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

2d. Has your Parliament / Chamber made use of the information on the IPEX website during the subsidiarity tests? Do you foresee that the use of IPEX will increase or decrease?

2e. What improvements would you suggest to IPEX in order to support real-time information exchange between Parliaments?

2f. What kind of direct communication is your Parliament / Chamber going to establish with the EU institutions and what improvements do you foresee?

2g. With regard to the question raised by the delegation of the UK House of Commons during the COSAC Chairpersons' meeting on 5 February 2010 in Madrid, is your Parliament / Chamber of the opinion that the definition of a "*special legislative procedure*" and therefore a "*legal act*" under Article 289 of the Treaty on the Functioning of the European Union may limit the new powers given to national Parliaments under Protocol 1 and Protocol 2 of the Treaty of Lisbon, as outlined in the Note² circulated at the Madrid COSAC Chairpersons' meeting by the UK House of Commons? Have you sought your Government's view on this matter?

3. POLITICAL MONITORING OF EUROPOL

3a. Please specify the parliamentary bodies in charge of exercising the political monitoring.

3b. Briefly describe the procedures involved.

² The Note is published on the COSAC website:

<http://www.cosac.eu/en/meetings/Madrid2010/chaipersons.doc/>

3c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

3d. Do your regulations provide for any specific criteria regarding the exercise of the political monitoring? Please specify these criteria.

4. EVALUATION OF ACTIVITIES OF EUROJUST

4a. Please specify the parliamentary bodies in charge of exercising such evaluation

4b. Briefly describe the procedures involved.

4c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

4d. Do your regulations provide for any specific criteria regarding the exercise of the evaluation? Please specify these criteria.

5. PARTICIPATION IN THE SIMPLIFIED REVISION OF THE TREATIES (PASSERELLE CLAUSE)

5a. Please specify the parliamentary bodies involved in this proceeding

5b. Briefly describe the procedures involved.

5c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

5d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6. ACTIONS FOR ANNULMENT BEFORE THE COURT OF JUSTICE OF THE EUROPEAN UNION ON GROUNDS OF A BREACH OF THE PRINCIPLE OF SUBSIDIARITY

6a. Please specify the parliamentary bodies involved.

6b. Briefly describe the procedures involved in your Parliament / Chamber.

6c. Briefly describe the procedures for the participation of regional parliaments, if applicable.

6d. In bicameral Parliaments, please describe the procedures in place to agree on the national Parliament's joint position, if applicable.

6e. In which cases, if any, may the national Government reject the Parliament's request?

6f. What are the effects of the Government's refusal to initiate actions for annulment on the request of a national Parliament?

7. APPLICATIONS FOR ACCESSION TO THE EU

7a. Please specify the parliamentary bodies involved.

7b. Briefly describe the procedures and the effects of any resolution adopted (if any).

8. PARTICIPATION IN THE INTER-PARLIAMENTARY COOPERATION BETWEEN NATIONAL PARLIAMENTS AND WITH THE EUROPEAN PARLIAMENT.

8a. Has your Parliament / Chamber debated or examined the 7 May 2009 Resolution of the European Parliament on the development of the relations between the European Parliament and national Parliaments under the Treaty of Lisbon (the Brok Report)? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

8b. According to article 9 of the Protocol on the role of national Parliaments in the European Union, *“the European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union”*. Has your Parliament / Chamber debated how this cooperation shall be organised? If so, has a resolution been adopted? Please attach the relevant information (with a brief summary in English or French).

CHAPTER 2: THE FUTURE ROLE OF COSAC

Mentioned for the first time in the Protocol on the role of national Parliaments in the European Union annexed to the Treaty of Amsterdam, COSAC has had a fruitful existence since its creation in 1989 as a regular meeting venue of the parliamentary committees specialised in European Affairs of the national Parliaments, together with a delegation from the European Parliament.

With the entry into force of the Treaty of Lisbon, the new article 10 of the Protocol on the role of national Parliaments in the European Union mentions a Conference of Parliamentary Committees for Union Affairs in the following terms:

"A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudice their positions."

Furthermore, COSAC has acquired in the past few years an important set of skills regarding the application of the principle of subsidiarity due to the subsidiarity checks undertaken on a regular basis on specific legislative proposals of the Commission. This know-how will undoubtedly prove to be invaluable for the smooth running of the so-called "early warning mechanism" established in the new Protocol on the application of the principles of subsidiarity and proportionality.

Therefore, the entry into force of the Treaty of Lisbon, which includes the mentioned "mechanism", as well as a new set of tasks and powers of the National Parliaments and the European Parliament, may be as good a time as any to ponder on the future of COSAC.

The aim of this second chapter is to

- (a) Identify the strengths and weaknesses of COSAC, set within the wider framework of the relations between the National Parliaments and the European Parliament, as well as its influence in the day-to-day work of the parliamentary committees,
- (b) Take note of the suggestions that might be forwarded by the national Parliaments and the European Parliament in order to improve the agenda, the debates and the overall procedures of COSAC, as well as in relation to the provisions included in article 10 of the Protocol on the role of national Parliaments in the European Union.

Questions:

A) CURRENT STRENGTHS AND WEAKNESSES OF COSAC

1. Does your Parliament / Chamber hold debates on the COSAC agenda topics prior to COSAC meetings? Is there a regular or ad-hoc procedure in place for preparing topics on the COSAC agenda? If so, what is the procedure and which is the body responsible?
2. After each COSAC meeting, is a debate held in your Parliament / Chamber on the COSAC conclusions / contribution? If so, please specify.
3. Do topics debated at COSAC meetings and the COSAC conclusions / contribution have an effect on your Parliament's / Chamber's work?
4. What aspects of COSAC meetings would your Parliament / Chamber highlight as being particularly useful?
5. What aspects of the COSAC meetings does your Parliament / Chamber consider less relevant?

B) THE FUTURE ROLE OF COSAC

Agenda items

1. Please specify if your Parliament / Chamber would like to maintain the following regular items on the COSAC agenda?

| | | |
|--|-----|----|
| a) Bi-annual Report | Yes | No |
| b) Presidency programme | Yes | No |
| c) The principle of subsidiarity | Yes | No |
| d) COSAC contribution and conclusions | Yes | No |
| e) Commission Annual Policy Strategy or similar document | Yes | No |

2. Please specify your Parliament's / Chamber's views on the possibility of adding other regular points on COSAC agenda, e.g.

| | | |
|---|-----|----|
| a) Commission Legislative and Work Programme | Yes | No |
| b) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice | Yes | No |

- | | | |
|---|-----|----|
| c) Political monitoring of Europol and evaluation of Eurojust's activities | Yes | No |
| d) Common foreign and security policy, including common security and defence policy | Yes | No |
| e) Other (please specify) | Yes | No |

3. Please specify if your Parliament / Chamber considers it necessary to provide more time on the COSAC agenda for debates with the EU Institutions:

- | | | |
|---------------------------|-----|----|
| a) The Commission | Yes | No |
| b) The Council | Yes | No |
| c) Other (please specify) | | |

Debate on draft EU acts³

4. Would your Parliament / Chamber be in favour of COSAC debating specific draft acts (particularly draft legislative acts) which are on the EU agenda?

4a. If so, how could the selection of the acts likely to be discussed be carried out? (Submission by a COSAC delegation or by the Parliament holding the COSAC Presidency? Selection made by the Presidential Troika, by the Host Parliament or by the COSAC Ordinary Meeting that would immediately precede the meeting during which such proposals would be debated, etc.?)

4b. In your Parliament's / Chambers' opinion, how could such debates be organised?

4ba. In particular, should they be based on a chapter of a COSAC Bi-annual Report, analysing the contributions of each delegation?

4bb. Do you think the Member of the European Commission, the rapporteur of the European Parliament on the draft act in question or even the Chairperson of the competent parliamentary committee should be present at such COSAC meeting?

4bc. Do you think that the Members of Parliament who work on the subject in their Parliament / Chamber should join their delegation and participate in such COSAC meeting?

4c. Should the elements of consensus found during the COSAC discussions form a part of the Contribution of COSAC?

³ Questions 4 to 4d have been submitted by Mr Pierre LEQUILLER, Chairman of the Committee on European Affairs of the French *Assemblée nationale*

4d. In this context, could you submit a list of future EU drafts that could be debated on a forthcoming COSAC Ordinary Meeting? Please list these drafts in order of priority.

Subsidiarity checks

5. Does your Parliament / Chamber think that COSAC should continue coordinating subsidiarity checks among national Parliaments? If so, please specify how.

COSAC and political groups

6. Please specify if your Parliament / Chamber considers it necessary to devote more time to deliberation in political groups during ordinary COSAC meetings. Should political group meetings also be organised during the meetings of COSAC Chairpersons?

COSAC Secretariat

7. What improvements would you suggest regarding the existing resources of COSAC, specially the COSAC Secretariat?

Article 10 of Protocol 1 of the Treaty of Lisbon

8. Article 10 of Protocol 1 to the Treaty of Lisbon provides for a Conference of Parliamentary Committees for Union Affairs, while COSAC is no longer mentioned.

8a. This article does not mention the composition of this Conference: would you suggest a modification of the composition of COSAC?

8b. Does your Parliament / Chamber consider that the current acronym of COSAC should be changed? If so, please put forward your suggestions.

8c. Would you consider a modification in the Rules of Procedure of COSAC to organise interparliamentary conferences on specific topics? How would you suggest that these conferences should be organised? Which topics would you consider of special interest to these conferences?

C) FUTURE PROCEDURE FOR COSAC MEETINGS

1. The current format of Ordinary COSAC meetings covers two days and COSAC Chairpersons' meetings covers one day. Would you suggest any changes to the current formats? If so, please specify.

2. Regarding the number of times each Parliament / Chamber can take the floor on each point on the agenda, please specify your preference:

a) Should not be limited

Yes No

- | | | |
|--|-----|----|
| b) Should be limited to once per Parliament / Chamber | Yes | No |
| c) Should be limited to twice per Parliament / Chamber | Yes | No |
| d) Should not be limited but second or third-time uses of the floor should only be granted after all national Parliaments have had their chance to speak | Yes | No |
| e) The Chairperson may adopt any one of these procedures based on the number of requests for the floor | Yes | No |
| f) Other criteria: (please specify) | | |

3. Should speaking time be limited in order to ensure that the largest number of Parliaments / Chambers can take the floor? What maximum speaking time would you suggest?