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**Annex No. 1 to the**

**Tenth Bi-annual Report**

**by COSAC:**

**replies to the questionnaire**

**by the National Parliaments**

**and the European Parliament**



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## **Questionnaire: 10th Biannual Report of COSAC:**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

This chapter will consider the current state of play of the ratification process of the Treaty of Lisbon. It intends to illustrate the different reactions and expectations of national parliaments and the European Parliament with regard to the Treaty and its ratification by other Member States, especially in the light of the outcome of the Irish referendum.

Taking into account the result of the referendum, this chapter will also examine how European affairs are perceived by the general public in the Member States, with a view to listing, in particular, the tools that parliaments have at their disposal to raise public interest in the issues of the European Union.

Moreover this chapter will present an examination of how prepared the administrations of the national parliaments and the European Parliament are for the possible entry into force of the Treaty of Lisbon.

#### **General remarks:**

Before answering the questions could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat: [secretariat@cosac.eu](mailto:secretariat@cosac.eu).

Your remarks will be taken into account in the 10th Bi-annual Report as well as published on the COSAC website which will be updated.

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**
- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**
- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**
- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

This chapter will present the results of the discussions of the working group of national parliament representatives to the EU, established by the decision of the XXXIX COSAC in Brdo pri Kranju on 7-8 May 2008.

Under Point 1.6 of the XXXIX COSAC Conclusions the incoming French Presidency was asked to make a checklist of the national parliaments' ideas that could lead to better cooperation in the application of Protocol 2 to the Treaty of Lisbon on the application of the principles of subsidiarity and proportionality. The French Presidency was asked to convene a working group of the national parliaments' representatives to the EU to discuss how the opportunities provided by the Protocol could be best implemented by national parliaments and whether any collective arrangements were needed. The discussions were to form the basis of a report written by the COSAC Secretariat.

Therefore, this chapter will present the outcome of the discussions of the working group and will form the basis of a debate at the XL COSAC meeting in Paris.

**There are no questions for this Chapter.**

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

This chapter will present the systems operated by national parliaments and the European Parliament for scrutiny of the European Security and Defence Policy (ESDP). Taking account of the information on this contained in the 4<sup>th</sup> and 5<sup>th</sup> Bi-annual Reports of COSAC, it will first highlight the new developments on ESDP that have occurred in the scrutiny systems of national parliaments since. Secondly, it will focus on the provisions of the Treaty of Lisbon regarding Common Security and Defence Policy (CSDP, the new designation of ESDP) and how these would affect the way parliaments deal with this area. Beyond the changes that might be foreseen by each parliament in its own scrutiny system, particular attention will also be paid to the cooperation between parliaments through the possible implementation of Article 10 of Protocol 1 of the Treaty of Lisbon which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP. In this respect, a closer look will be taken at the relation that might be formed with the Assembly of the WEU.

### **Questions:**

1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new

arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?

2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?
3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?
4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>1</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

The Community competence can be divided into internal competence and external competence. The number of areas of external competence has expanded with successive amendments of the founding Treaties and now includes, *inter alia*, commercial policy; association agreements; the maintenance of relations between the Community and international organisations such as the UN, the GATT, the Council of Europe and the OECD; agreements in the framework of the EMU; development co-operation; environmental policy; and research and technology.

This external competence can be further divided into those areas under the exclusive competence of the Community and those areas where competence is shared between the Community and the Member States. This area of shared competence requires close co-operation between the Member States and the EC when the agreement is negotiated.

The aim of this chapter is to establish to what extent the parliaments of the EU are involved in the EU decision-making process to agree these agreements. The chapter will also examine the implications for the parliaments of the EU of the relevant provisions of the Treaty of Lisbon in this area.

#### **Questions:**

- 1) Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as

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<sup>1</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

**2) The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

**3) Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

**4) The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

**5) Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

## **Austria: Bundesrat and Nationalrat**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The outcome of the Irish referendum certainly has been subject of the political debate in the Austrian Parliament although the ratification of the Treaty of Lisbon had already been completed by Austria before the referendum. Interventions mainly focussed on further proceedings on the EU level.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

In a meeting of the Main Committee of the Nationalrat on 17 June in preparation of the European Council representatives of the governing parties as well as the chancellor and foreign minister stressed that Austria would do its utmost to help to save the Lisbon Treaty and to let it enter into force.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

In 2005 the rules of procedure of the Nationalrat were modified in order to enhance European debates at parliament. "EU plenaries", i.e. plenary sessions exclusively for EU issues, and more EU affairs in sectorial committees by debating reports of the respective members of government on the Commission's legislative and working programme were introduced. Both debates are held in public. Apart from the public meetings of the EU committees of both chambers a public hearing was organized by the Constitutional Affairs Committee of the Nationalrat when dealing with the Lisbon Treaty. In spring 2008 three panel debates were held on the Lisbon Treaty. Discussions on how to engage more in debates with citizens (media center of parliament, internet, direct contacts with MPs etc.) are currently going on.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

As the ratification process has already been concluded in Austria future measures will focus on how to "regain the confidence" of citizens in the EU.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under**

**discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

The direct transmission of documents by EU institutions to national parliaments has led to a change of the rules of procedure of the Nationalrat making it possible to discuss them directly in the Main Committee. Statements addressed to EU institutions are passed in the form of “declarations by the committee” in the meantime. The present rules of procedure are considered as a sufficient basis, however, further modifications in this respect may be possible.

**CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this chapter

**CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

**Questions:**

1. **Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

There have been no changes in the scrutiny procedure of ESDP proposals in the Austrian Parliament since the abovementioned reports.

2. **Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

The Austrian Parliament discussed the provisions of the CDSP when debating the ratification of the Treaty of Lisbon, mainly with regard to its impact on the military neutrality of Austria.

As for the moment there are no considerations regarding the change of the scrutiny procedure for CSDP matters.

3. **To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

Any dispatching of peace keeping forces in the framework of international organizations and explicitly of the ESDP (CDSP) has to be authorized by the Main



Committee of the Austrian Parliament. Currently there are no deliberations about changing the practice in force.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>2</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

In general, the Austrian Parliament supports the cooperation between parliaments in EU matters, therefore it would welcome possible interparliamentary cooperation in the field of CSDP.

As to the relation of national parliaments with the WEU Assembly it has to be mentioned that new rules of procedure were adopted by its Standing Committee on 6 May 2008 that changed its structure fundamentally. From now on all EU Member States are considered to be members, thereby including countries that have been observers (Austria, Denmark, Finland, Ireland and Sweden) so far. The Austrian Parliament has not yet decided whether to accept the new status.

Apart from these recent developments within the Parliamentary Assembly of the WEU and the provisions included in Article 10 of the Protocol 1 of the Treaty of Lisbon we have witnessed the development of a regular cooperation in CSDP issues in the frame of the Conferences of Chairpersons of the Foreign Affairs Committees and of the Chairpersons of the Defence Committees. Furthermore, Security and Defence issues are debated in the frame of the NATO Parliamentary Assembly and within the OSCE. Given all that, it is obvious that the parliamentary scrutiny of CSDP needs to be coordinated, possibly on the basis of a mandate given by the Presidents of parliaments of the EU.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The Austrian EU scrutiny system does not distinguish between different EU policies. Information by the government on each EU project has to be immediate and comprehensive. The competences of the EU committees of both chamber consequently do not make a distinction between decisions in the EU Council with regard to different policy fields.

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<sup>2</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

see above

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

see above

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

Also with regard to the adoption of common positions in international organizations or in negotiations of international agreements the positions taken by the Austrian Government are subject to scrutiny and eventually subject to a mandate given by parliament.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

This has not been discussed yet.

## **Belgium: Chambre des Représentants**



### **House of Representatives of Belgium**

#### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

##### ***Questions:***

***1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?***

**The consequences of the Irish “no” have been discussed in the Advisory Committee on European Affairs at the occasion of the pre-briefing with the Prime Minister on the European Summit (19 – 20 June 2008).**

The general opinion of the Parliamentarians was that this situation might not disturb the ratification process in the other Member States of the EU.

We may not exercise any pressure on Ireland, nor may we stigmatize it. The result might have been the same in other countries (even in ours) if there would have been a referendum.

The fear is that the EP-elections (June 2009) cannot be organized anymore on the basis of the new Treaty. In order to reach this goal, the Treaty needs to be ratified in March – May 2009.

The Parliamentarians agree that the problem should be solved under the French EU-Presidency.

***2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?***

The Treaty was already approved by the two federal Chambers (House of Representatives and Senate) before the Irish referendum.

The regional parliaments have continued the ratification process and have approved the Treaty in the meantime (see overview on the COSAC-site).

***3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?***

In February last year the House of Representatives organized the Citizens' consultation set up at European level in the framework of Plan D (before the conclusions of the Lisbon Treaty).

The Belgian House of Representatives was the only Parliament Chamber in the EU, which hosted this initiative

Once the ratification process of the Lisbon Treaty is finalized at EU-level, the House intends to take similar initiatives in order to diffuse the acquis of the Treaty (special target group will be the civil society and less the individual citizens).

***4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?***

No

***5. Which measures (e.g. changes to the rules of procedures, reorganization of the administration etc.) are already put into place, are foreseen or are under***

With the aim of making the Subsidiarity Protocol operative in the Lisbon Treaty, different measures have already been taken:

- a new article has been integrated in the Rules of Procedures of the House of Representatives, which stipulates the internal subsidiarity procedure;
- the principle decision has been taken by the parliamentary authorities, to create a special task force in charge of the subsidiarity analysis;
- at the level of the Belgian parliamentary system, a cooperation agreement between the federal and the regional assemblies has been concluded (regarding amongst others: distribution of objection points; cooperation with regards to mixed EU-proposals, etc).

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

**Questions:**

***1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5th Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?***

No specific procedures have been adopted in order to control the ESDP-proposals. Since ESDP-matters remain intergovernmental, the traditional parliamentary control instruments are applied (= control vis-à-vis own government).

Hearings can also be organized.

Besides the traditional parliamentary control, the parliamentary assembly of the WEU has an important information task. The national parliamentary delegation in the WEU has to guarantee the feedback at the level of the national parliaments.

***2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?***

See answer to question 1

***3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practices?***

The Parliament has not to give the government a mandate to participate in military operations at European level.

The Government, however, is always giving information in advance to the Parliament in order to justify such a decision.

This kind of decision can also be the subject of a parliamentary interpellation, which is followed by a vote of confidence.

The new CSDP will not have an impact on the current practices. The parliamentary control is a panacea of all the control instruments (interpellations, debates, questions, interparliamentary WEU-Assembly,...).

***4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>1</sup>, which would allow COSAC to organize interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?***

The CSDP should not be the exclusive field of the WEU-Assembly.

The WEU-Assembly could function as the centre of "intelligence" with regards to the CSDP (comparative studies, collecting national data, and so on...) and provide the COSAC with relevant data in order to allow the COSAC to organize general debates on the CSDP.

WEU might also have an "alert function" vis-à-vis as well the COSAC as the national parliaments.

Some Parliamentarians are more in favour of a segmented approach, in which the WEU should be organized in an analogous way as the COSAC is.

## **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

### ***Questions:***

***1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?***

No specific procedures are developed.

The whole panacea of parliamentary control instruments is considered as the most designated approach, as these are:

- interpellations, questions to the government;
- debates, hearings with the government;
- international organizations (such as WTO) are especially the object of a parliamentary follow-up by the Special Committee on Globalization;
- interparliamentary cooperation.

For these international decision gremia, interparliamentary cooperation is considered as a central instrument.

In joint parliamentary meetings (European Parliament – National parliaments), the European Commission and the Council can justify their policy.

***2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences?***

***What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?***

Idem I

***3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receives reports of these special committees? If so, does your Parliament / Chamber debate these reports?***

In Belgium the composition of the two special Committees (ECS and COREG) happens as follows:

- ECS: the members of the Belgian delegation are designated by the social partners (employers and employees) in concertation with the Belgian Government. The Parliament is not implied. Reports of these Committees are not examined on a systematic basis, but the essential elements are trickling down into the parliamentary work at the occasion of hearings, interpellations, initiative reports via the MEP's who are members of the Advisory Committee on European Affairs.
- COREG: this Committee is composed by members of the regional parliaments and governments.

The federal authorities (Parliament and Government) do not intervene.

***4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community***

*participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?*

See 2.

The philosophy of a mixed Advisory Committee on European Affairs (MEP's and members of national parliaments) aims especially at guaranteeing the circulation of information from the EU-gremia to the national parliament.

*5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?*

See Chapter I, question 5

Brussels, 22 August 2008

HDH/fvst

## **Belgium: Sénat**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **General remarks:**

Before answering the questions could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:  
<http://www.cosac.eu/en/info/Treaty/>

This information is correct.

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

During different meetings of the European Affairs Committee (i.e. with the Prime Minister), the outcome was discussed.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

Since the Belgian parliament ratified before the Irish negative referendum, there are no immediate consequences. The Belgian position is that the ratification process in Europe should continue, and that a solution for the Irish No needs to be found as soon as possible.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

Meetings are organised on a regular basis with the civil society. In the past, the Senate organised several events aiming at engaging citizens in the European debate. No concrete plans exist at the moment for taking new initiatives, but this may change in the future.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

No.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

Since the adoption of the Constitutional Treaty, the staff dealing with European affairs was enlarged from 2 to 6 persons. Moreover, several briefings and work meetings have been



organised between this staff and other services in the Senate (i.a. dealing with committees, plenary meetings etc) and with political staff of the Senators in order to create awareness around the consequences of the entry into force of the Constitutional Treaty // Treaty of Lisbon.

On a practical level, a new procedure for the subsidiarity and proportionality control and the control following the Barroso initiative is in place and is currently being implemented.

Finally, considering the complicated constitutional structure of the country, a co-operation agreement was negotiated and concluded between the legislative assemblies in Belgium in order to put the Treaty of Lisbon into practice.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?

No

2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?

No

3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?

Following article 167 of the Belgian Constitution, it is the King (the government) that is in charge of international relations, commands the armed forces and agrees on treaties. It is in this framework that parliamentary control with respect to ESDP and the future CSDP is done.

This means that it is primarily the competence of the Committee on External Relations and Defence and the Committee on the follow-up of missions abroad, to go into debate with the

government and get information of the state-of-play of ongoing missions. This is done through the organisation of meetings with the competent ministers, oral and written questions, etc.

The task of the Federal Advisory Committee on European Affairs is primarily one of co-ordinating and stimulating the parliamentary control and initiatives.

**4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>3</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The Belgian Senate favours all interparliamentary co-operation, in this and other fields. As such, regular meetings between national parliaments on matters as CSDP should be encouraged.

However, it must be guaranteed that the specialists of the national parliaments and the MPs that have the competence to perform parliamentary control, are the ones that can participate in these meetings. Therefore, it is not certain that meetings at the level of European affairs committees are the best format for this, nor does a meeting at the level of the Speakers.

One could envisage a formula in which representatives of the European affairs committees and of the Defence committees come together on matters concerning CSDP. Another option is the use of the platform of the WEU Parliamentary Assembly, where specialists of all national parliaments have a seat. The current composition of this assembly however, with both EU members and non-EU members, can pose a difficulty.

The Belgian Senate believes that a thorough reflection on this issue is needed, taking all bodies and mechanisms of interparliamentary co-operation, existing and non-existing, into account.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The Belgian Senate, through its competent committees, follows these negotiations through the classic parliamentary control over government. Via auditions with members of

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<sup>3</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

government, written and oral questions etc., this control is performed. There is no prior parliamentary approval needed for the government to authorise the Commission through the Council to open negotiations.

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

The Belgian Senate, through its competent committees, follows these negotiations through the classic parliamentary control over government. Via auditions with members of government, written and oral questions etc., this control is performed. There is no prior parliamentary approval needed for the government to authorise the Commission through the Council to open negotiations.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

No on questions 1 and 2. Reports are debated when MPs deem this necessary.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The Belgian Senate follows these discussions through its competent committees and the classic parliamentary control over government.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

To be discussed in the future.

## **Bulgaria: Narodno sabranie**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

**Question:** How has your Parliament / Chamber reacted to the outcome of the Irish referendum?

**Answer:** The Treaty of Lisbon was ratified by the Bulgarian Parliament on March 21, 2008 with 195 votes in favour and 15 votes against. Most of the MP's believe that the Treaty of Lisbon is currently the best available instrument for improving the work effectiveness of the European institutions and have been disappointed with the outcome of the referendum in Ireland.

**Question:** What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?

**Answer:** The predominant opinion is that the ratification process of the Treaty of Lisbon has to continue.

**Question:** In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?

**Answer:** Seminars were organized at which Members of Parliament and experts informed the public about the positive changes which the Treaty of Lisbon envisages.

**Question:** Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?

**Answer:** The Bulgarian Parliament started publishing a bulletin on European issues – an electronic bulletin which is also printed on paper.

**Question:** Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?

**Answer:** A European Union Affairs directorate was set up within the structure of Parliament's specialized administration. There is ongoing discussion about change in the Parliament's Rules of Organisation and Procedure which will bring about the introduction of the procedure of control of the implementation of the subsidiary principle, in compliance with the corresponding protocol with the Treaty of Lisbon.

### **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

**Question:** Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of Common Security and Defence Policy/ European Security and Defence Policy (CFSP/ESDP) proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?

**Answer:** No change has been discussed so far in the Bulgarian Parliament regarding the scrutiny of ESDP implementation.

**Question:** Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?

**Answer:** Such debate has not been held.

**Question:** To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?

**Answer:** According to the current Parliament regulations, in such a situation it is possible to hold a joint session with the Committee on European Affairs and the Committee on Defence to discuss the relevant position of the Bulgarian government.

**Question:** How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>4</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?

**Answer:** Such cooperation would be useful and it should involve in a suitable way not only parliament's committees on European affairs but also those on foreign affairs and on defence.

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<sup>4</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

**Question:** Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?

**Answer:** The Committee on European Affairs holds hearings on the position of the Bulgarian government before the Council authorizes the Commission to start important negotiations within the framework of the Common Commercial Policy or within other common policies, where the Commission has exclusive competences.

**Question:** The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?

**Answer:** The government reports on its position in the Council at joint sessions of the Committee on European Affairs and the Committee on Foreign Affairs when the Council is due to adopt directives concerning negotiations held by the Commission on key aspects of the Union's external relations.

**Question:** Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?

**Answer:** According to Parliament regulations, the Government presents before the Committee on European Affairs its candidates for key appointments at the European institutions.

**Question:** The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?

**Answer:** Hearings on such common positions can be held at joint sessions of the Committee on European Affairs and the Committee on Foreign Affairs.

**Question:** Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?

**Answer:** Such changes have not been foreseen so far.

## **Cyprus: Vouli ton Antiprosopon**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

During the debate held at the plenary of the House of Representatives for the ratification for the Treaty of Lisbon, the negative outcome of the Irish referendum was discussed. However, the House of Representatives ratified the Treaty of Lisbon on the 3<sup>rd</sup> of July 2008, by majority vote, despite the outcome of the Irish Referendum.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The majority of the political parties represented in House of Representatives who have voted in favour of the Treaty of Lisbon, firmly support the efforts of its further ratification, since its entry into force is expected to provide the necessary basis for the development of the European Union and will further enhance role of national parliaments in the EU decision-making process.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The House of Representatives of Cyprus initiated a programme for communication with the citizens with regard to European matters on the 28<sup>th</sup> February 2002, following the Nice Summit and Declaration 23 on the future of the European Union with a series of thematic activities whereby organised groups representing people from all walks of life are invited to participate and express their views on European matters of interest to them. The latest activity for communication with the citizens on European matters was held in May 2008 at the House of Representatives and involved renewable energy sources.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

The House of Representatives intends to engage in further activities aimed at increasing the public's knowledge of the provisions of the Treaty of Lisbon.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**



There are no plans of reorganisation of the administration of the House of Representatives or a change in the Rules of Procedure of the House in view of the entry into force of the Treaty of Lisbon, as all matters can effectively be managed with the use of the existing structures and procedures.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

No new arrangements were adopted with regard to the scrutiny procedure of ESDP proposals.

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

A general debate concerning the provisions of the Treaty of Lisbon was held in the Cyprus Parliament during the ratification process, including the above issues. However, no changes or adaptations to the scrutiny procedure applicable to the ESDP have yet been proposed in the light of the new provisions introduced by the Treaty of Lisbon.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

Due to the fact that the Republic of Cyprus is a presidential democracy with a clear separation of powers, i.e. the executive, the legislative and judiciary branches, whereby each power cannot intervene in the work of the other, the Cyprus Parliament is not directly involved in the decision – making process on the engagement of national military capabilities in a European operation. However, the Committee of Defence of the Cyprus Parliament can invite the Minister of Defence to brief it on the matter and present the government position. The Parliament can express its position on the matter at hand to the Minister for consideration during the decision – making process.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>5</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The House of Representatives views the possibility of cooperation between national parliaments in the field of CSDP positively, as it constitutes a good opportunity for national parliaments to exchange views and discuss such matters in depth within the framework of COSAC, thereby facilitating the decision making process at the EU level. In the field of CSDP, the House of Representatives considers that one possibility could be the further development of cooperation between the WEU and COSAC, or the conduct of a broader debate on CSDP within the framework of COSAC, with the participation of the WEU, which would strengthen cooperation between national parliaments in the said field.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

Due to the fact that Cyprus is a Presidential Democracy with a clear separation of powers, a factor that essentially limits the amount of influence that the Parliament can exercise over the actions of the executive, the position formulated by the Parliament on a given matter cannot have a mandatory character. However, practice has shown that the government does, indeed, consider the views of the Parliament when representing Cyprus at the EU and the international level. When the Commission seeks the authorisation of the Council to open negotiations on a matter of particular interest to the Parliament, the latter may invite the competent Minister to attend either in person or through a representative to present the government position, to answer questions and/or submit further information concerning the issue and to hear the views of the Parliament on the said matter before the commencement of the negotiations, or at any stage of the negotiations. The Parliament can also request supplementary information from the government on the matter at any stage of the negotiations.

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<sup>5</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

The procedure followed with regard to the scrutiny of activities of the government when the Council defines the negotiation directives to the Commission on the ground of the shared competences is identical to the procedure mentioned above. At the conclusion of the negotiations, the Parliament may invite the competent Minister to present the outcome before the competent sectoral committee, in order to ascertain whether its views were taken into consideration during the negotiations. It should be duly noted that the Parliament cannot mandate the government with respect to the position taken, but in the event that the position taken departs from the position of the Parliament, this may have political cost for the government.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

The Parliament is not involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community. However, reports of the activities of such committees can be requested from the competent Ministry for examination and discussion in the competent sectoral Committee.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

During the conduct of negotiations for an agreement of particular interest to the Parliament, the Parliament may invite the competent Minister to attend a meeting of the sectoral committee(s) scrutinising the agreement to present the government position and to hear the views of the Parliament on the said matter before the commencement of the negotiations or at any stage of the negotiations. The Parliament's position in no way mandates the government to act in a specific manner, however, failure by the government to take into consideration the Parliament's views may result in political cost. However, practice has shown that the government does, indeed, consider the views of the Parliament when representing Cyprus at the EU and at the international level.

**Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

With the entry into force of the Treaty of Lisbon, and the enhancement of the role of national parliaments in the EU, it is expected that the scrutiny of agreements negotiated by the European Community will improve through the deepening of the

cooperation of national parliaments and the exchange of best practice and information.

## **Czech Republic: Poslanecká Sněmovna**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

No official resolution has been adopted by the Chamber of Deputies of the Parliament of the Czech Republic.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The ratification of the Treaty of Lisbon in the Czech Republic has been suspended pending a ruling by the Constitutional Court.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The meetings of the Committee on European Affairs are opened to the public. The committee organized several public conferences and debates on the current issues, e.g. on the Treaty of Lisbon.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

The Committee on European Affairs of the Chamber of Deputies has already held a conference on the Lisbon Treaty and is currently waiting on the results of forthcoming European Council.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

Adaptations and changes to the Rules of Procedure of the Chamber of Deputies are currently being discussed as well as the proposal of Act on the Principles of Conduct and Relations between both Chambers and in their External Relations.

### **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

### **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

#### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

According to the Rules of Procedure of the Chamber of Deputies, all matters related to the EU integration shall be discussed by the Committee on European Affairs. Nevertheless, the scope of the CFSP/ESDP agenda conducted to the functional division of the scrutinizing of CFSP/ESDP agenda. The Committee on Foreign Affairs has been involved in the scrutinizing procedure of CFSP and ESDP agenda. This procedure has already been described in above mentioned the 5<sup>th</sup> Bi-annual Report. The Committee on Defense is regularly informed about the development and progress in the ESDP agenda by the monthly issued Informative material "Selected documents on ESDP", prepared by the Parliamentary Institute.

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

No, not the Chamber as a whole. The Committee on Foreign Affairs has organized special debate on the provisions regarding the CFSP/ESDP.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

The Chamber of Deputies gives approval to all engagement of national military capabilities in international operations. The procedure was established before the Czech Republic entered the EU, so it would not be probably affected by the implementation of the new CSDP.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>6</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your**

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<sup>6</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

There is no official position to this issue, however the cooperation between parliaments on CSDP matters is welcomed. It has been mentioned that CFSP/ESDP issues are treated by the Committee on Foreign Affairs, not by the Committee on European Affairs. It seems to be necessary to create internal mechanisms for coordination of statements and positions related to the CFSP/ESDP between the both committees. The Committee on Foreign Affairs follows all former debates on relations that might be formed with the Parliamentary Assembly of the WEU but without any stance yet.

**CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

**Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

There are no special provisions. The Rules of Procedures of the Chamber of Deputies do not distinguish this particular area from the standard procedure used for deliberation of government's position that the Czech Republic will adopt on the matter being deliberated in the Council, at the meeting of the Committee on European Affairs.

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

See above.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

No.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The Chamber of Deputies follows these discussions through its competent committees, e.g. Committee on European Affairs and Committee on Foreign Affairs.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

No.



## **Czech Republic: Senát**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

There is no official resolution passed by the plenary or the EU-Affairs Committee of the Czech Senate. Přemysl Sobotka, the President of the Senate, stressed the fact the EU should respect the Irish decision, and he simultaneously emphasized that important EU goals concerning the functioning of the internal market (e.g. free movement of persons) should be implemented without any delay under existing Treaty of Nice provisions.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The conformity of the draft Treaty of Lisbon with the Czech Constitution is currently being examined by the Constitutional Court. The Court was asked on April 24<sup>th</sup> 2008 by the plenary of the Senate to investigate several issues concerning the transferred scope of EU competences and methods of Union decision-making procedure.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The European issues are debated in different ways following individual options made by the Senators. Nevertheless, the web pages and specialised publications of the Senate Office enable citizens to make themselves familiar with parliamentary scrutiny of EU affairs.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

Actually, the EU-Affairs Committee of the Senate is observing the consequences of the Irish decision. Other motions relating to the topic are expected to evolve from the upcoming meetings of the European Council.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

The envisaged changes of the Rules of Procedure of the Senate, or draft Act on the Principles of Conduct and Relations between both Chambers and in their External Relations - as the case may be – should strengthen the link between parliamentary scrutiny

and Government responsibility in EU affairs, especially in sensitive issues of the transfer of national competences (*passerelle*, flexibility clause). The envisaged changes are currently prepared to be debated by the designated bodies of both chambers.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

there are no questions for this chapter

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

Committee on Foreign Affairs, Defence and Security, which is responsible for the scrutiny of the second pillar documents, scrutinises quarterly the issues of the upcoming GAERC meeting. This arrangement enables the Committee continuous contact with the current agenda of the GAERC.

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

No.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

Senate gives approval to all engagement of national military capabilities in international operations. The procedure was established before the Czech Republic entered the EU, so it wouldn't be probably affected by the implementation of the new CSDP.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>7</sup>, which would allow COSAC to organise interparliamentary**

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<sup>7</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

There is no official stance of the Senate to this issue, however the cooperation between parliaments on CSDP matters would be probably welcomed.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

In the Czech Republic, there is a general document called Directive on negotiation of international agreements in the framework of the European Union and intrastate negotiation of these agreements that cover all agreements where the EU has competence, either exclusive or shared (most important is Article 12 that covers relations between the Government and the Parliament in this area). As the current version of this document is relatively new (January 2008), the Senate is exploring options how to scrutinize the activities of our Government. The Senate has been informed by the Government in several cases and is ready to use its competences in this area. This regards all agreements in the framework of the EU.

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

see Answer No 1.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

Currently we are not involved in communication with these special committees, so our Chamber does not debate the reports.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

We are currently exploring how the Senate could take a role towards the adoption of the common positions in the framework of WTO.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

As we are at the moment working on the model how to scrutinize current agreements so we have not dealt with the scrutiny after the Treaty of Lisbon comes to force.

## **Denmark: Folketinget**

### **Chapter 1:**

#### **Questions:**

#### **1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

No, the Folketing has not reacted to the outcome of the referendum in Ireland concerning the Lisbon Treaty.

#### **2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The Folketing has not adopted any formal position regarding the further ratification process of the Lisbon Treaty following the No in Ireland.

However the Folketing supports the conclusion of the ratification process that would eventually allow the Lisbon Treaty to come into force.

In April 2008 a large majority in the Folketing voted in favour of the Accession Bill enabling Denmark to ratify the Lisbon Treaty (90 voted in favour, 25 against).

#### **3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The Danish Parliament established in 1994 an EU-Information Centre with the objective of providing non-biased information to citizens concerning the European Union.

One main purpose of the Centre is to facilitate discussions among citizens by providing neutral information and facts about European matters.

It provides factual answers within 24 hours to questions about the EU via a hotline which everybody can contact. Furthermore the European Information Centre runs Denmark's largest website about the EU.

The European Information Centre issues a range of publications free of charge about EU. For instance the EU Information Centre prepared a booklet and a fact sheet on the Lisbon Treaty providing background information and facts about the most important elements of the new treaty.

An information campaign was conducted in January to inform the public about this option to acquire non-biased information on the Lisbon Treaty from the Folketing's EU Information Centre.

#### **4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

No.

**5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

None at the moment.

However, the Danish Parliament already in December 2004 put in place procedures to monitor the subsidiarity principle in anticipation of the early warning system provided for in the Constitutional Treaty.

However, a review of these procedures - primarily with regard to the 8 week time limit - is needed provided the Lisbon Treaty comes into force.

### **Chapter 3:**

**1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5th Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

No

**2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

No

**3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

Denmark does not participate in the elaboration and the implementation of decisions and actions of the European Union which have defence implications.

**4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>1</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

These questions have not yet been addressed by the Folketing.

## **Chapter 4:**

**1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The scrutiny of decisions in the field of the European Union's common commercial policy is conducted exactly as the scrutiny of any other decisions made by the Council.

The Danish Government is obliged to inform the European Affairs Committee about matters of *considerable importance* but act on the basis of a mandate from the Committee in the case of decisions of *major significance*.

The Government is obliged to keep the European Affairs Committee informed about progress in such negotiations provided they are of considerable importance. Furthermore the Committee may at any time summon the responsible Minister to give evidence on the matter.

**2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

The scrutiny of the Government's activities in the Council in the field external affairs, where there is shared competences is conducted in exactly the same manner as described above for decisions in the field of exclusive competences.

The decisive question for the scrutiny in the European Affairs Committee is not whether the Council acts within a field of exclusive or shared competence, but whether it concerns matters of *considerable importance* or of *major significance*.

**3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

No and no.

**4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The role of the European Affairs Committee is as described above. The Danish Government is obliged to inform the European Affairs Committee about matters of *considerable importance* but act on the basis of a mandate from the Committee in the case of decisions of *major significance*.

**5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

No



## **Estonia: Riigikogu**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum? **No official statements/decisions have been made**  
**The Foreign Affairs Committee and the EU Affairs Committee discussed the outcome of the Irish referendum on one of their joint sessions. Both Committees found that the decision of the Irish people has to be respected. Nevertheless, the Committees expect a thorough analysis from the Government of Ireland for the European Council meeting in October.**
2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon? **It should continue**
3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs? **Meetings of MPs with the general public/voters, press-statements of EU Affairs Committee etc; public meetings of the EU Affairs Committee (one was especially devoted to Lisbon Treaty with participation of the PM of the Republic, Director of EU Affairs of the Government, Vice-Undersecretary of State of the MFA for EU Affairs)**
4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged? **No**
5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon? **It is in the process of discussion, proposals should be ready by the beginning of November 2008**

### **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this chapter

### **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

#### **Questions:**

1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by

national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why? **No**

2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon? **Not as a separate issue**
3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises? **As a part of the normal scrutiny process, i.e. mandating the Ministers before Council meetings; In more general terms: according to § 128 of the Constitution of the Republic of Estonia ( § 128. The Riigikogu shall, on the proposal of the President of the Republic, declare a state of war, shall order mobilization and demobilization, and shall decide on the utilisation of the armed forces in the fulfilment of the international obligations of the Estonian state. ) and International military cooperation act § 8 part 1 ( § 8. Use of Defence Forces in other international military operations (1) The Riigikogu shall decide on the use of the Defence Forces in an operation specified in subsection 6 (2) of this Act separately for each individual case, unless otherwise provided for in an international agreement.) any sending of Estonian Defence Forces abroad falls within the competence of the Riigikogu**
4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>8</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU? **Not available**

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community** **Questions:**

1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations? **As a part of the normal scrutiny process, i.e. mandating the Ministers before Council meetings**

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<sup>8</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations? **See above**
3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports? **The EU Affairs Committee has access to the reports via Government's EU database; issue is not discussed in the plenary**
4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them? **Through the normal scrutiny system, i.e. Foreign Affairs Committee mandate to the MFA before the GAERC**
5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force? **See answer to Chapt 1 question 5**

## **Finland: Eduskunta**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

No formal reaction.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The Eduskunta has adopted the Lisbon Treaty on 11 June 2008 and the President signed the bill on 12 September 2008. The chamber has adopted no formal position on the post- Irish referendum situation.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

Generally public information on the EU is the task of Finland's EU Information Bureaux (19 regional offices), which are administratively attached to the Ministry for Foreign Affairs. The MPs are often invited to participate to the events organised by the Information Bureaux on current EU themes.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

No. No, public information is, in the Finnish understanding, not a suitable task for parliament.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

The necessary amendments to the Rules of Procedure have been drafted and approved in principle by the political groups. They will be tabled for formal approval when the likely date of entry into force of the treaty becomes known. According to the procedure

that will be introduced when the Treaty of Lisbon enters into force, EU proposals will be distributed to the members of the Grand Committee and the appropriate sector committees, who may move that the Grand Committee carries out a scrutiny check.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5th Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

No new arrangements have been necessary.

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

The ESDP/CSDP was thoroughly discussed during the ratification procedure both in the Foreign Affairs Committee and the Defence Committee. No new procedures are needed in the Eduskunta on CSDP matters because of the Lisbon Treaty.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

In Finland scrutiny of CSDP belongs in to the competence of the Foreign Affairs Committee which express the Eduskunta's view on these questions in the same way as the Grand Committee does on "community" questions. The Lisbon Treaty will not affect the current procedures.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>9</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

On CSDP matters the COFACC (Conference of Foreign Affairs Committee and Development Committee) forms already a well functioning platform for interparliamentary debates. The Eduskunta feels quite strongly that there is no need to create a new forum which would only duplicate the existing system. Moreover, in the Eduskunta CSDP matters are dealt in the Foreign Affairs Committee and there are no representatives from that committee in the COSAC delegation.

The Eduskunta is of the opinion that cooperation with the WEU falls within competences of the COFACC and there is no need for further cooperation forums.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community: Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The procedure is the same as in all other EU matters i.e. the Government is required to communicate to the Parliament all EU proposals that fall within the competence of Parliament according to the Constitution. The purpose of the scrutiny is to authorise the Government's negotiating position with respect to the proposal. In the case of external treaties, the Eduskunta's opinion is sought before the Council decides to authorise negotiations, whenever the Council (or the Member States separately) provide political guidance to negotiations and before the Council decides on the approval and signing of the external treaty.

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<sup>9</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

2. **The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

See above.

3. **Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

See above.

4. **The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

See above.

5. **Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

No changes are foreseen.

## **France: Assemblée nationale**

### **Chapitre 1 : Le traité de Lisbonne et sa ratification – Les attentes des parlements**

#### **Questions :**

##### **1. Comment votre Parlement/Chambre a-t-il/elle réagi aux résultats du référendum irlandais ?**

L'Assemblée nationale a débattu notamment de la situation créée par le référendum irlandais à l'occasion de sa **séance du 18 juin 2008** consacrée à une déclaration du Gouvernement sur la présidence française de l'Union européenne suivie d'un débat. A cette occasion, le Premier ministre François Fillon a estimé que l'Europe « *a besoin de retrouver un dessein politique, [...] au-delà des questions institutionnelles, elle doit tout à la fois nous protéger, nous séduire et nous grandir* » et rappelé son « *profond attachement au traité de Lisbonne* », insistant sur la nécessité « *d'obtenir l'indispensable ratification de tous* ». M. Jean-François Copé, du groupe UMP (majorité), a pour sa part mis en avant le « *rôle important à jouer pour dissiper le malaise des Européens* » par les parlements nationaux, qui doivent être « *associés très en amont dans la préparation des réformes* » afin « *de remettre le citoyen au cœur de l'Europe* ». M. Jérôme Lambert, du groupe Socialiste, radical et citoyen (opposition), a estimé que « *le résultat du référendum irlandais, après les « non » néerlandais et français, montre à l'évidence l'ampleur du divorce entre les peuples et la gouvernance européenne* », invitant l'Europe « *à une vaste remise en cause de ses méthodes et de ses politiques* » pour porter une « *politique sociale ambitieuse* ». M. Jean-Paul Lecoq, du groupe de la Gauche démocrate et républicaine (opposition), a salué le « non » irlandais qui confronte les « *bricolages institutionnels* » à « *la réalité de l'Europe des peuples [qui] ne sont pas amoureux du grand marché* ». M. Jean-François Sauvadet, du groupe Nouveau centre (majorité), a estimé que « *la portée du non du peuple irlandais au traité de Lisbonne ne doit pas être exagérée [...], c'est un simple coup de semonce pour l'Europe telle qu'elle s'est construite au cours des dernières années* », jugeant nécessaire de « *progresser dans la voie de l'intégration et plaider pour une Europe plus active et protectrice, qui ne soit pas perçue comme un simple grand marché* ».

Parallèlement, le **Président de l'Assemblée nationale, M. Bernard Accoyer**, a proposé, lors de la Conférence des Présidents des Parlements de l'Union de Lisbonne du 19 au 21 juin 2008, **de mettre en œuvre de manière anticipée certaines prérogatives reconnues aux Parlements nationaux** par le traité de Lisbonne, la Conférence l'invitant à faire des propositions en ce sens lors de la prochaine Conférence organisée à Paris en février 2009.

##### **2. Quelle est la position de votre Parlement/Chambre en ce qui concerne la poursuite du processus de ratification du traité de Lisbonne ?**

L'Assemblée nationale ne s'est pas formellement exprimée sur cette question. Cependant, les principaux dirigeants de la majorité (UMP et Nouveau Centre) ont manifesté leur volonté d'encourager la poursuite des ratifications afin de permettre une entrée en vigueur du traité aussi rapide que possible.



3. **De quelle façon et par quels moyens votre Parlement/Chambre s'engage-t-il/elle dans le débat avec les citoyens sur les affaires européennes ?**
4. **Votre Parlement/Chambre envisage-t-il/elle d'entreprendre de nouveaux efforts de communication eu égard à l'état actuel du processus de ratification du traité de Lisbonne ? Si c'est le cas, quelles mesures sont envisagées ?**

**Réponse aux questions 3 et 4.**

L'Assemblée nationale a saisi **l'occasion de la présidence française** de l'Union au second semestre 2008 pour consentir d'**importants efforts de communication sur l'Europe en direction des citoyens**. A cette fin, un site internet dédié au volet parlementaire de la présidence a été ouvert en juin dernier. Plusieurs documents d'information (fiches sur les institutions européennes et sur les 27 Parlements des Etats membres, etc.) ont été mis à la disposition des députés, qui ont été étroitement associés à l'organisation et à la tenue de débats décentralisés sur l'Europe dans les principales villes de France. Le fronton de l'Assemblée nationale a été illuminé par une animation sur l'Union mettant l'accent sur les principaux programmes au bénéfice des citoyens européens.

5. **Quelles mesures (modifications du Règlement, réorganisation administrative, etc.) sont déjà mises en œuvre, prévues ou en cours de discussion au sein de votre Parlement/Chambre dans la perspective de l'entrée en vigueur du traité de Lisbonne ?**

La ratification du traité de Lisbonne a coïncidé avec une profonde réforme des institutions de la V<sup>e</sup> République mise en place par la loi du 23 juillet 2008, dont l'un des objets est de renforcer les pouvoirs du Parlement.

Le titre XV de la Constitution, consacré à l'Union européenne, a ainsi été substantiellement remanié.

Dès **la loi constitutionnelle du 4 février 2008** préalable à la ratification du traité de Lisbonne, les nouveaux articles 88-6 et 88-7, applicables à compter de l'entrée en vigueur du traité, ont défini les conditions d'exercice des nouvelles prérogatives reconnues aux Parlements nationaux

– Chaque assemblée pourra émettre un avis motivé sur la conformité d'un projet d'acte législatif européen à la subsidiarité, l'avis étant adressé par le Président de l'assemblée concernée aux Présidents du Parlement européen, du Conseil et de la Commission, et notifié au Gouvernement (article 88-6).

– Le nouvel article 88-7 organise parallèlement les droits de veto sur les révisions simplifiées et sur le droit de la famille par adoption d'une motion adoptée en termes identiques par l'Assemblée nationale et le Sénat.

– Chaque assemblée pourra former un recours, transmis par le Gouvernement, devant la Cour de justice de l'Union pour violation du principe de subsidiarité.

La **loi constitutionnelle du 23 juillet 2008** a par ailleurs prévu de permettre à 60 députés ou 60 sénateurs de former ce dernier recours (article 88-6). Elle a surtout

modifié l'article 88-4 qui organise l'expression du Parlement français sur les affaires européennes.

– Les assemblées peuvent désormais adopter des « *résolutions européennes* » sur « *tout document émanant d'une institution de l'Union* » et non plus, comme jusqu'alors, sur les seuls documents qui leur étaient transmis par le Gouvernement (obligatoirement, depuis 1992, les projets d'actes européens relevant du domaine législatif français et, facultativement, depuis 1999, tout autre document susceptibles de justifier une prise de position parlementaire). En parallèle, le champ des documents européens transmis par le Gouvernement a été significativement étendu, couvrant l'ensemble des « *projets et propositions d'actes européens* ».

– Les Délégations pour l'Union européenne sont devenues des « *Commissions chargées des affaires européennes* », reflétant symboliquement l'attachement du Parlement au contrôle et à la participation aux activités de l'Union européenne.

Les modalités concrètes de mise en œuvre de l'ensemble de ces nouvelles dispositions seront déterminées à l'occasion de la **réforme des Règlements des Assemblées dont l'examen devrait débiter dans le courant de l'automne 2008.**

## **Chapitre 2 : Rapport du groupe de travail des représentants des parlements nationaux auprès de l'Union européenne, créé en vertu de la décision de la XXXIX COSAC à Brdo pri Kranju**

**Il n'y a pas de questionnaire pour ce chapitre.**

## **Chapitre 3: La participation des parlements de l'Union européenne à la politique européenne de défense**

### **Questions :**

1. Le chapitre 1 du 4<sup>e</sup> rapport bi-annuel (2005) et le chapitre 3 du 5<sup>e</sup> rapport bi-annuel (2006) avaient pour objet le contrôle des propositions en matière de PESC/PESD par les parlements nationaux. La procédure de contrôle des propositions dans le domaine de la PESD a-t-elle évolué au sein de votre Parlement/Chambre depuis cette époque ? Si c'est le cas, de quelle façon et pourquoi ?

Aucune évolution n'est intervenue.

2. Votre Parlement/Chambre a-t-il débattu des dispositions du traité de Lisbonne concernant la future politique de sécurité et de défense commune (PSDC, la nouvelle dénomination de la PESD) ? Envisage-t-il/elle des changements ou des adaptations en ce qui concerne la procédure de contrôle applicable aux questions de PESD, eu égard aux nouvelles dispositions prévues par le traité de Lisbonne ?

L'Assemblée nationale, et en particulier en son sein la Délégation pour l'Union européenne devenue Commission chargée des affaires européennes, ont accordé

une attention soutenue aux dispositions concernant la PESC et la PESD, dont ont témoigné notamment ses représentants dans la Convention de 2002.

La question des adaptations ou modifications n'est pas encore tranchée. La révision des Règlements des Assemblées liée à la réforme constitutionnelle du 23 juillet 2008 pourrait être l'occasion d'adapter les procédures applicables.

**3. Dans quelle mesure votre Parlement/Chambre participe-t-il à la prise de décision en matière d'engagement de capacités militaires nationales dans une opération européenne ? La mise en œuvre de la nouvelle PSDC aurait-elle un impact sur les pratiques actuelles ?**

La loi constitutionnelle du 23 juillet 2008 a accru les compétences du Parlement, en imposant au Gouvernement :

– d'informer le Parlement de sa décision de faire intervenir les forces armées à l'étranger, au plus tard trois jours après le début de l'intervention, en précisant les objectifs poursuivis. Cette information peut donner lieu à un débat qui n'est suivi d'aucun vote ;

– de soumettre toute prolongation de l'intervention, au-delà d'une durée de 4 mois, à l'autorisation du Parlement, l'Assemblée nationale pouvant le cas échéant décider en dernier ressort (Si le Parlement n'est pas en session à l'expiration du délai de quatre mois, il se prononce à l'ouverture de la session suivante).

Il a été fait usage de cette nouvelle disposition sur l'engagement des forces françaises en Afghanistan, le 22 septembre dernier, premier jour de la session extraordinaire du Parlement alors convoquée.

Il est encore trop tôt pour se prononcer sur la deuxième question, pour les raisons déjà exposées (révision en cours du règlement).

**4. Comment votre Parlement/Chambre envisage-t-il/elle la possible coopération entre parlements dans le domaine de la PSDC dans le cadre de l'article 10 du protocole n°1 du traité de Lisbonne sur le rôle des parlements nationaux dans l'Union européenne<sup>10</sup> qui offrirait la possibilité à la COSAC d'organiser des conférences interparlementaires, notamment, sur la politique de sécurité et de défense ? A cet égard, comment votre Parlement/Chambre envisage les rapports avec l'Assemblée parlementaire de l'UEO ?**

Dès le début de la Convention sur le traité constitutionnel, la Délégation pour l'Union européenne avait soutenu la création d'un Congrès, représentant les exécutifs et les instances parlementaires européennes, qui débattrait annuellement des grands enjeux intéressant l'opinion publique européenne. L'idée n'a pas été retenue. La France et son Parlement sont, bien entendu, favorablement disposés à l'égard d'une procédure susceptible d'atteindre le même objectif.

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<sup>10</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

L'Assemblée nationale, de même que le fait le Sénat, désigne ses représentants membres de la Délégation française à l'Assemblée de l'Union de l'Europe occidentale.

#### **Chapitre 4: Contrôle des accords négociés par la Communauté européenne**

##### **Questions:**

- 1. Certaines compétences, telles que la politique commerciale commune, ont fait l'objet d'un transfert complet des États membres vers la Communauté européenne et sont considérées comme relevant des compétences communautaires exclusives. Quel est le rôle de votre Parlement/Chambre lorsque la Communauté européenne négocie des accords sur la base des compétences exclusives ? Comment votre Parlement/Chambre exerce son contrôle sur les activités de votre Gouvernement avant que le Conseil n'autorise la Commission à ouvrir les négociations ? Comment votre Parlement/Chambre suit-il/elle les négociations ?**

La politique commerciale commune relève de la compétence communautaire exclusive.

En application de l'article 88-4 de la Constitution, la Commission chargée des affaires européennes est saisie pour avis d'un certain nombre de textes commerciaux (actes relatifs au tarif douanier commun, préférences commerciales, conventions douanières...).

A la suite de la révision de l'article 88-4, la Commission est amenée à contrôler un autre instrument de la politique commerciale, les mesures anti-dumping. Les délais d'examen par le Conseil de l'Union étant très courts, une procédure d'adoption tacite a été adoptée : si dans un délai de 72 heures après la transmission par le Gouvernement, le texte est réputé approuvé si la Commission estime qu'un examen approfondi ne se justifie pas.

Par ailleurs, la Commission peut se saisir en amont de négociations commerciales par le biais de rapports d'information qui peuvent aboutir au dépôt de propositions de résolution transmises à la Commission législative compétente et pouvant faire l'objet d'un débat en séance publique.

La Commission peut également auditionner les ministres compétents sur le déroulement des négociations.

- 2. La plus grande partie des compétences externes de la Communauté européenne est partagée avec les États membres. Comment votre Parlement/Chambre contrôle-t-il/elle l'activité de votre Gouvernement lorsque le Conseil définit auprès de la Commission les lignes directrices de négociation sur la base des compétences partagées ? Quel est le rôle de votre Parlement/Chambre durant les négociations et lors des conclusions des négociations ?**

Jusqu'à la réforme constitutionnelle du 23 juillet 2008, les compétences externes de la Communauté (dont relèvent, par exemple, les mandats de négociation), qu'elles soient partagées ou exclusives, étaient considérées, dans le cadre de la procédure constitutionnelle d'examen des textes communautaires, comme des compétences exécutives et à ce titre, n'étaient pas soumises au contrôle du Parlement sauf si le Gouvernement l'en saisissait au titre de la clause facultative de l'article 88-4 (voir *supra*), cette procédure pouvant déboucher sur une proposition de résolution. La Commission chargée des affaires européennes demeurait toutefois informée du déroulement des négociations par des auditions régulières des ministres concernés.

Désormais, le Parlement peut se saisir de ces questions dans le cadre de son droit général d'expression sur « *tout document émanant d'une institution de l'Union* ».

Le Parlement est en revanche systématiquement saisi du résultat des négociations que sont les accords internationaux, en ce qu'ils doivent être ratifiés pour ce qui relève des compétences relevant de l'Etat membre. Cependant en pratique, ces accords comprenant à la fois des sujets portant sur des compétences communautaires et des compétences des Etats membres, la ratification porte sur la totalité de l'accord.

**3. Votre Parlement/Chambre est-il/elle impliqué(e) via votre Gouvernement dans la procédure de convocation des Comités spéciaux prévus à l'article 300 du traité établissant la Communauté européenne ? Votre Parlement/Chambre est-il/elle le destinataire des rapports émanant de ces Comités spéciaux ? Si oui, votre Parlement/Chambre communique-t-il/elle ces rapports ?**

Le Parlement , et plus particulièrement la Commission chargée des affaires européennes , n'intervient pas dans la procédure d'élaboration des décisions par les comités spéciaux prévus à l'article 300, qui sont des comités d'experts . Cette procédure relève de la compétence de l'exécutif européen. Le Parlement n'est pas destinataire des rapports de ces comités ; il est seulement informé de leurs travaux au moment de la saisine au titre de l'article 88-4.

**4. La Communauté européenne peut entrer en relation avec des organisations/entités internationales et peut même en devenir membre. Dans certains cas, la Communauté européenne participe aux organisations internationales aux côtés de ses États membres. Quel est le rôle de votre Parlement/Chambre lors de l'adoption de position commune concernant des accords mis en discussion avec ou au sein de ces organisations ?**

Sur ce point également, les positions de négociations internationales sont considérées comme une compétence de l'exécutif au titre des dispositions de notre Constitution.

La Commission chargée des affaires européennes peut toutefois prendre position :

- soit en prenant l’initiative de rapports d’information sur les grands sujets et en donnant donc un avis en amont ;
- soit au moment de la discussion pour avis des textes négociés dans le cadre de la procédure de l’article 88-4.

**5. Votre Parlement/Chambre prévoit-il, lorsque le Traité de Lisbonne sera entré en vigueur, de changer sa procédure de contrôle relative aux accords négociés par la Communauté européenne ?**

La réforme constitutionnelle vise notamment la revalorisation du rôle du Parlement. Il est prématuré d’indiquer quelles procédures seront mises en place après l’adoption de la réforme du règlement et des lois organiques qui devrait intervenir au printemps 2009. Le changement le plus important sera sans doute la nouvelle procédure de contrôle qui permettra à la Commission chargée des affaires européennes de se saisir des mandats de négociations ou d’autres textes relevant des compétences exécutives dans le cadre de l’article 88-4, avec la possibilité de l’adoption d’une proposition de résolution.

## **France: Sénat**

### **Chapitre 1 : Le traité de Lisbonne et sa ratification – Les attentes des parlements nationaux et du Parlement européen**

#### **Questions :**

- 1. Comment votre Parlement/Chambre a-t-il/elle réagi aux résultats du référendum irlandais ?**

La question a été abordée lors du débat organisé en séance publique le 17 juin dernier à la veille du Conseil européen.

- 2. Quelle est la position de votre Parlement/Chambre en ce qui concerne la poursuite du processus de ratification du traité de Lisbonne ?**

A l'occasion de ce débat, le président de la délégation pour l'Union européenne du Sénat a jugé nécessaire la poursuite du processus de ratification. Le succès de celui-ci pourrait, selon lui, conduire à une nouvelle consultation du peuple irlandais, mais sur la base d'une déclaration du Conseil européen répondant aux inquiétudes qui se sont manifestées.

- 3. De quelle façon et par quels moyens votre Parlement/Chambre s'engage-t-il/elle dans le débat avec les citoyens sur les affaires européennes ?**

Les dossiers examinés par la délégation pour l'Union européenne reflètent, dans une large mesure, les attentes des citoyens à l'égard de l'Union, à l'image des débats organisés sur les émissions de carbone par les véhicules particuliers ou sur la question des services d'intérêt général. Les travaux de la délégation sont, par ailleurs, intégralement disponibles sur Internet.

- 4. Votre Parlement/Chambre envisage-t-il/elle d'entreprendre de nouveaux efforts de communication eu égard à l'état actuel du processus de ratification du traité de Lisbonne ? Si c'est le cas, quelles mesures sont envisagées ?**

La délégation a publié, avant le référendum irlandais, deux rapports sur le Traité de Lisbonne et ses conséquences. Les deux documents soulignaient les avantages indéniables que procure le traité simplifié pour la poursuite de la construction européenne, tout en mettant en avant les étapes restant à franchir en vue, notamment, d'une meilleure association des parlements nationaux.

- 5. Quelles mesures (modifications du Règlement, réorganisation administrative, etc.) sont déjà mises en œuvre, prévues ou en cours de discussion au sein de votre Parlement/Chambre dans la perspective de l'entrée en vigueur du traité de Lisbonne ?**

La ratification du traité de Lisbonne par le Parlement français a conduit à une modification de la Constitution afin de prendre en compte un certain nombre de dispositions du texte. L'article 88-6 inséré à cette occasion prévoit ainsi la possibilité pour chacune des deux chambres d'émettre un avis motivé sur la conformité d'un projet d'acte législatif européen au principe de subsidiarité et de formuler, le cas échéant, un recours devant la Cour de

justice pour violation dudit principe. L'article 88-7 autorise les deux chambres à adopter une motion en termes identiques en vue de s'opposer à toute modification des règles d'adoption d'actes au titre de la coopération judiciaire civile ou de la révision simplifiée des traités.

La révision constitutionnelle du 23 juillet 2008 a par ailleurs créé une commission des affaires européennes qui remplace la délégation pour l'Union européenne.

## **Chapitre 2 : Rapport du groupe de travail des représentants des parlements nationaux auprès de l'Union européenne, créé en vertu de la décision de la XXXIX COSAC à Brdo pri Kranju**

Il n'y a pas de questionnaire pour ce chapitre.

## **Chapitre 3: La participation des parlements de l'Union européenne à la politique européenne de défense**

### **Questions :**

- 1. Le chapitre 1 du 4<sup>e</sup> rapport bi-annuel (2005) et le chapitre 3 du 5<sup>e</sup> rapport bi-annuel (2006) avaient pour objet le contrôle des propositions en matière de PESC/PESD par les parlements nationaux. La procédure de contrôle des propositions dans le domaine de la PESD a-t-elle évolué au sein de votre Parlement/Chambre depuis cette époque ? Si c'est le cas, de quelle façon et pourquoi ?**

Non. Toutefois, la révision constitutionnelle du 23 juillet 2008 met en place un mécanisme d'autorisation parlementaire pour les opérations extérieures (voir ci-dessous).

- 2. Votre Parlement/Chambre a-t-il débattu des dispositions du traité de Lisbonne concernant la future politique de sécurité et de défense commune (PSDC, la nouvelle dénomination de la PESD) ? Envisage-t-il/elle des changements ou des adaptations en ce qui concerne la procédure de contrôle applicable aux questions de PESD, eu égard aux nouvelles dispositions prévues par le traité de Lisbonne ?**

Le rapport publié par la délégation sur le rôle des parlements nationaux en matière européenne après le Traité de Lisbonne insiste sur la nécessité d'un réel suivi interparlementaire de ces questions, qui puisse, à terme, relayer l'Assemblée de l'Union de l'Europe Occidentale.

- 3. Dans quelle mesure votre Parlement/Chambre participe-t-il à la prise de décision en matière d'engagement de capacités militaires nationales dans une opération européenne ? La mise en œuvre de la nouvelle PSDC aurait-elle un impact sur les pratiques actuelles ?**

Le nouvel article 35 de la Constitution, introduit par la loi constitutionnelle du 23 juillet 2008, oblige le Gouvernement à informer le Parlement de sa décision de faire



intervenir les forces armées à l'étranger, au plus tard trois jours après le début de l'intervention. Cette information peut donner lieu à un débat qui n'est suivi d'aucun vote. Si la durée de l'intervention excède quatre mois, le Gouvernement est tenu de soumettre sa prolongation à l'autorisation du Parlement.

La rédaction précédente de l'article se bornait à limiter l'intervention du Parlement à la seule autorisation de déclarer la guerre.

- 4. Comment votre Parlement/Chambre envisage-t-il/elle la possible coopération entre parlements dans le domaine de la PSDC dans le cadre de l'article 10 du protocole n°1 du traité de Lisbonne sur le rôle des parlements nationaux dans l'Union européenne<sup>11</sup> qui offrirait la possibilité à la COSAC d'organiser des conférences interparlementaires, notamment, sur la politique de sécurité et de défense ? A cet égard, comment votre Parlement/Chambre envisage les rapports avec l'Assemblée parlementaire de l'UEO ?**

Comme indiqué à la réponse 2, la délégation pour l'Union européenne du Sénat entend accompagner une réflexion sur les modalités d'un nouveau suivi interparlementaire des questions de PSDC. L'Assemblée de l'UEO, chargée à l'heure actuelle de ce suivi, est, en effet, doté d'un statut fragile, le traité instituant l'UEO étant arrivé à échéance en 2004 et pouvant, à ce titre, être dénoncé à tout moment.

Douze sénateurs participent, pour autant, aux travaux de l'assemblée de l'UEO, dont un est également membre de la délégation pour l'Union européenne.

#### **Chapitre 4: Contrôle des accords négociés par la Communauté européenne**

##### **Questions:**

- 1. Certaines compétences, telles que la politique commerciale commune, ont fait l'objet d'un transfert complet des États membres vers la Communauté européenne et sont considérées comme relevant des compétences communautaires exclusives. Quel est le rôle de votre Parlement/Chambre lorsque la Communauté européenne négocie des accords sur la base des compétences exclusives ? Comment votre Parlement/Chambre exerce son contrôle sur les activités de votre Gouvernement avant que le Conseil n'autorise la Commission à ouvrir les négociations ? Comment votre Parlement/Chambre suit-il/elle les négociations ?**

A l'instar de la formule retenue pour l'Organisation mondiale du Commerce, les commissions permanentes du Sénat peuvent désigner un de leurs membres pour suivre les négociations en cours et informer le Sénat sur l'évolution de celles-ci.

- 2. La plus grande partie des compétences externes de la Communauté européenne est partagée avec les États membres. Comment votre Parlement/Chambre contrôle-t-il/elle l'activité de votre Gouvernement lorsque le Conseil définit auprès de la Commission les lignes directrices de négociation**

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<sup>11</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**sur la base des compétences partagées ? Quel est le rôle de votre Parlement/Chambre durant les négociations et lors des conclusions des négociations ?**

Le rôle du Sénat s'est jusqu'à présent limité à un examen des conclusions des négociations et de l'accord qui en découle, sur lequel il émet un avis qu'il transmet au Gouvernement.

- 3. Votre Parlement/Chambre est-il/elle impliqué(e) via votre Gouvernement dans la procédure de convocation des Comités spéciaux prévus à l'article 300 du traité établissant la Communauté européenne ? Votre Parlement/Chambre est-il/elle le destinataire des rapports émanant de ces Comités spéciaux ? Si oui, votre Parlement/Chambre communique-t-il/elle ces rapports ?**

Non.

- 4. La Communauté européenne peut entrer en relation avec des organisations/entités internationales et peut même en devenir membre. Dans certains cas, la Communauté européenne participe aux organisations internationales aux côtés de ses États membres. Quel est le rôle de votre Parlement/Chambre lors de l'adoption de position commune concernant des accords mis en discussion avec ou au sein de ces organisations ?**

Le rôle du Sénat s'est jusqu'à présent limité à un examen des conclusions des négociations et de l'accord qui en découle, sur lequel il émet un avis qu'il transmet au Gouvernement.

- 5. Votre Parlement/Chambre prévoit-il, lorsque le Traité de Lisbonne sera entré en vigueur, de changer sa procédure de contrôle relative aux accords négociés par la Communauté européenne ?**

Les nouvelles dispositions découlant de la loi constitutionnelle du 23 juillet 2008 permettent au sénat et à l'Assemblée nationale d'étendre leur contrôle comme il l'entend.

## **Germany: Bundestag**

### **CHAPTER 1**

#### **Question 1**

**How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The German Bundestag approved the Treaty of Lisbon with an outstanding majority of 515 out of 564 votes. Therefore the outcome of the Irish referendum was mostly considered a backlash for the EU reform process. With the objective to proceed and accomplish the reform process the German Bundestag encouraged all member states to accomplish the ratification process.

#### **Question 2**

**What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

Please refer to question 1.

#### **Question 3**

**In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The German Bundestag is in various ways engaged in a debate with citizens about European affairs.

Concerning the Treaty of Lisbon the Committee on the Affairs of the European Union held three special hearings with experts. These hearings were open to the public and had been announced on the website of the Bundestag. In addition, several NGOs, think tanks, universities and other institutions involved in European affairs as well as the media had been invited to attend the hearings.

The Bundestag's website offers a large scale of information as well as scientific and political reports on European affairs. During the parliament's annual open house the

citizens have the opportunity to discuss European affairs with members of parliament and staff.

In May 2008 the second EU school project day was held, which is one of a variety of initiatives of the German EU presidency in 2007. On that day members of the German Bundestag, the Federal Government, of the European Parliament and the state parliaments visit schools all over the country and discuss recent EU developments. With the initiative the interest of German students in Europe shall be enhanced and the understanding for the European Union improved.

#### **Question 4**

**Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

Currently no further communication measures are taken into consideration.

#### **Question 5**

**Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

Already in September 2006 the general will to reform and improve the competences on European affairs of the German Bundestag resulted in the “Act on Cooperation between the Federal Government and the German Bundestag in matters concerning the European Union”. Subsequently parts of the administration were reorganized, a new division (division PA 1 – Europe) was founded and the rules of procedure were adapted to the Bundestag’s enlarged competences in EU-affairs.

Furthermore, during the ratification process of the Treaty of Lisbon in April 2008 parts of the German constitution (Basic Law) were revised and the “Act to extend and strengthen the rights of the German Bundestag and the German Bundesrat in EU affairs” passed. Since the Treaty of Lisbon firstly assigns direct participation rights concerning subsidiarity control and institutional decisions to the national parliaments, the legal reforms offer the

prerequisites to practice the parliament's new competences. Especially the subsidiarity proceedings of the Treaty of Lisbon require a further revision of the rules of procedure.

## **CHAPTER 2**

## **CHAPTER 3**

### **Question 1**

**Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5th Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

No new arrangements regarding the scrutiny procedure of ESDP have been adopted so far.

### **Question 2**

**Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

Concerning the Treaty of Lisbon the Committee on the Affairs of the European Union held a special hearing on common foreign and security policy (CFSP) and European security and defence policy (ESDP). In plenary, however, no separate debate was held. Nevertheless, related issues and questions were part of the general debate about the Treaty of Lisbon.

At working level currently several procedure reforms concerning the parliamentary scrutiny in common foreign and security policy, especially an information procedure between Federal Government and German Bundestag about joint actions, are discussed.

### **Question 3**

**To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

The German constitution and the "Act governing Parliamentary Participation in Decisions on the Deployment of Armed Forces Abroad" require a parliamentary approval for the deployment of armed forces abroad. Also for an armed engagement in a European operation / joint action (e.g. EUFOR RD KONGO) a parliamentary approval is generally necessary. A preliminary ruling is not permitted. The named act offers very narrow exemptions of the parliamentary approval which have not been used so far. The German Federal Constitutional Court has recently approved the requirement of a parliamentary approval.

#### **Question 4**

**How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>1</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament /Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The Committee on the Affairs of the European Union has not arrived at a final conclusion on cooperation between parliaments in the field of Common Security and Defence Policy through Art.10 of Protocol 1 of the Treaty of Lisbon yet. Therefore also the future relation with the parliamentary assembly of the WEU has not been discussed or even redefined.

### **Chapter 4**

#### **Question 1**

**Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your**

**Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The German Bundestag is involved into the exclusive community competences through the Federal Government, which is represented in the Council of the European Union, its committees and working groups. The Bundestag's right to participate in European affairs is guaranteed in Art.23 of the German constitution (Basic Law).

The Federal Government is obliged to inform the Bundestag with sufficient information about the political and legal developments of the European Union as soon as possible. The Federal Government forwards all Commission proposals concerning European Union regulations and directives to the Bundestag and informs about political objectives, the procedure and time of the decision-making process in the Council. The Bundestag has a constitutional right to state an opinion. Although the statement is not legally binding it has to be taken into consideration by the Federal Government during the following negotiations within the Council.

Within the framework of a political early-warning system on developments in EU affairs the comprehensive flow of information between Federal Government and German Bundestag is supplemented.

Furthermore, the Bundestag scrutinizes the Federal Government by hearings in committees and by the comprehensive parliamentary right to put questions. The Bundestag, moreover, sends delegations to various interparliamentary organisations and regional forums. These interparliamentary bodies also have an important role in guaranteeing the parliamentary oversight of political processes.

## **Question 2**

**The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your**

**Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

Please refer to chapter 4, question 1.

### **Question 3**

**Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

The German representatives in the Committee of the Regions are appointed by the German federal states. The representatives in the Economic and Social Committee are appointed by the Council and therefore also by the Federal Government.

A controlled information and discussion process on a legal basis between the special committees and the German Bundestag does not exist.

### **Question 4**

**The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The German Bundestag controls the German Federal Government. Only if the latter is involved in the Community's participation in international organizations, the German Bundestag is able to use its scrutiny rights as described in chapter 4, question 1.

Traditionally, the Federal Republic of Germany's foreign policy has been the responsibility of the Federal Government. This foreign policy is flanked at the parliamentary level by the Members of the German Bundestag. Apart from the under question 1 described scrutiny they exercise over the actions of the Federal Government, the classic fields of



“parliamentary foreign policy” include the Bundestag’s rights to participate in the conclusion of treaties under international law, legislative acts of the European Union and Bundeswehr deployments outside Germany.

[http://www.bundestag.de/htdocs\\_e/internat/index.html](http://www.bundestag.de/htdocs_e/internat/index.html) - top

#### **Question 5**

**Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

Since the ratification process of the Treaty of Lisbon in Germany has not been concluded yet, decisions about changes to the German Bundestag’s scrutiny procedure have not been taken.

## **Germany: *Bundesrat***

### **Chapter 1: The Treaty of Lisbon and its ratification**

#### **Question 1**

The Bundesrat has not addressed the outcome of the referendum in Ireland so far.

#### **Question 2**

In its Opinion of 15th February 2008 on the draft Ratification Bill, the Bundesrat stated that it hopes to see the ratification process proceeding rapidly and successfully in all Member States. It has not yet commented on the further ratification process after the referendum in Ireland.

#### **Question 3**

The Bundesrat has held debates on the results of the Inter-governmental Conference, the draft Ratification Bill and on the Ratification Bill and has in each instance adopted detailed Opinions.

Furthermore, the Treaty of Lisbon was also a focus of Europe Week 2008, organised from 2nd to 11th May 2008 in all 16 federal states. Numerous discussion and information events organised by the federal states, also in conjunction with the Commission and the German government, and help the general public gain a better understanding of European topics. These events aim to convey to citizens the specific ways in which the European Union impacts on everyday life and the advantages associated with this.

#### **Question 4**

The Bundesrat does not plan any additional communication measures over and above its ongoing deliberations on European topics. Please refer to the answer to Question 3 (Chapter 1) for more details on the extensive activities of the federal states.

## **Question 5**

In the course of the reform of the federal system within Germany in 2006, the written procedure was reintroduced for the Chamber of European Affairs in the light of the tight deadlines in the context of the early warning system. In particularly urgent cases the Chamber of European Affairs may take decisions instead of the plenary session of the Bundesrat. The written procedure makes it possible to take a decision even without holding a formal meeting of the Chamber of European Affairs.

At the same time as the Ratification Bill on the Treaty of Lisbon, the "Bill on extending and enhancing the rights of the Bundestag and the Bundesrat in European Union matters" was adopted. It contains provisions inter alia on broader obligations for the government to notify and provide information in the context of the subsidiarity check that is to be introduced, as well as in respect of the procedure in the case of an initiative of the European Council under Article 48 Sub-section 7 TEU (bridging clause). Entry into force of this bill is linked to entry into force of the Treaty of Lisbon. Examination of the ways in which the procedure for deliberations and other processes within the Bundesrat would need to be altered has not yet been concluded.

## **Chapter 2: Report of the working group of the national parliaments' representatives related to implementation of the early warning mechanism**

No questions

## **Chapter 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions 1 to 4**

The bill on cooperation between the Federation and the federal states in respect of European Union affairs does not apply to the EU's common foreign and security policy. There have been no changes in this respect since the 4<sup>th</sup> and 5<sup>th</sup> bi-annual reports. There were also no debates on this matter in the Bundesrat.

## **Chapter 4: Scrutiny of the agreements negotiated by the European Community**

### **Question 1**

The federal government involves the Bundesrat in the case of agreements between the European Communities and third countries, agreements between the Member States and in the case of shared-competence agreements (international agreements of the Community and other Member States with third countries) in keeping with the provisions governing participation of the Bundesrat in European policy.

This applies with certain modifications to enlargement and association agreements. The federal government keeps the Bundesrat informed on the progress of negotiations, providing this information as expeditiously as possible. The Bundesrat may already present its stance to the federal government at the stage of pre-negotiation consultations conducted by the Commission. In many cases the Bundesrat may also send its own representatives to negotiations in various bodies in the Council.

## **Question 2**

See the answer to Question 1 (Chapter 4)

## **Question 3**

The Bundesrat is not involved in setting up special Council committees under Article 300 TEEC. If the competences of the federal states are affected, the Bundesrat may however appoint its own representatives to attend meetings in these bodies. The main role of these representatives is to report on the course of deliberations. These reports play a crucial role in determining the stance adopted by the federal states and in shaping the Opinions adopted by the Bundesrat.

## **Question 4**

See the answer to Question 1 (Chapter 4)

## **Question 5**

This question is still being examined at present.

## **Greece: Vouli Ton Ellinon**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

*The Hellenic Parliament had already ratified the Treaty by a large majority, when the referendum took place in Ireland. The Irish outcome was discussed with the Committee of European Affairs, concluding that we all, not only our Irish colleagues, failed to provide the necessary information of the Treaty's benefits and to widen the public discourse so as to include all citizens.*

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

*The majority of Greek MPs considers that the ratification process should continue to the member states that have not yet ratified the Lisbon Treaty, regardless of the outcome of the Irish referendum, hoping that, in the meantime, the Irish Government will work out a solution that would enable the European Union to keep up its course and achieve the institutional reform that is so crucial for its future.*

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

*We did take some initiatives and held public debates on the Treaty that attracted good size audiences. The Parliament's TV Channel has fully covered the debates of both the relevant Committees and the Plenary's, while many MPs, of all parties were hosted on many TV Channels debating the pros and the cons of the Treaty.*

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

*See above*

5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?

*The Standing Orders of the Hellenic Parliament have been revised lately, yet the articles related with European matters have remained unchanged, as considered to fully cover all aspects related to the new Treaty.*

*A reorganization of administrative structures is being examined.*

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this chapter

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?

*Our Parliament has not adopted any new arrangements relevant to the scrutiny of CFSP/ESDP.*

2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?

*All the new arrangements foreseen in the Treaty were highlighted at the debates, preceding the vote of the bill on the "Ratification of the Lisbon Treaty", both at the level of the Special Committee that was set up for its elaboration and at the Plenary.*

3. **To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

*It is not regularly involved, particularly ex ante, though the existing legal basis could allow for such an involvement. Questions in the context of ex post parliamentary control, concerning the engagement of Greek troops in European military operations, have been submitted and debated in the plenary.*

4. **How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>12</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

*Given the fact that the WEU Assembly is presently the only ground for reinforced and structured cooperation among parliamentarians on European Defence issues we should now look seriously at our relations with it.*

*Our cooperation with WEU Assembly could be facilitated by the fact that it has recently adopted a new charter of Rules of Procedure providing among others for a new name, "European Security and Defence Assembly" and the same rights (notably voting rights) to all EU member states' parliaments. In addition, this Assembly already organizes major Conferences on topical defence issues in cooperation with each EU Presidency, bringing together ordinary members of the Assembly and Chairpersons of National Defence and EU Affairs Committees.*

*Finally, there are no plans to denounce the modified Brussels Treaty which provides the legal basis for the WEU Assembly, even if the Lisbon Treaty is fully ratified*

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

1. **Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

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<sup>12</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

*The Committee for European Affairs (or other competent committees, or jointly) call the competent Ministers occasionally to brief them on the course and outcome of negotiations (in cases of shared competence) or the mandate given to the Commission (in cases of exclusive community competence). This procedure is of consultative nature only. However after the Barroso initiative we have often hosted Ministers and influenced the National position on some major issues.*

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

*See above*

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

*The appointment of members representing our country in the aforementioned committees lies at the jurisdiction of the competent Ministries (mainly the Ministry for Foreign Affairs) and the Parliament is not involved in this process. However the aforementioned reports are available and as "Europe" gets closer to our people, the European Agenda also brings closer the Parliament to the Executive.*

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

*As Parliamentarians we do enjoy our right to freedom of expression whether we agree or disagree with the European Union's "common" positions. We believe that this only guarantees that the "common" positions are more than ministers' position. And that is why the Parliamentary debate should take place **before** the common positions are taken.*

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

*We are open to adopt to whatever empowers the provisions of the Treaty and the most effective cooperation of the European States and Parliaments.*





Hungarian National Assembly

**Committee on European Affairs**

**CHAPTER 1: The Treaty of Lisbon and its ratification**

**1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The Hungarian National Assembly ratified the Lisbon Treaty in December 2007 and strongly supports the entry into force of the Treaty in line with the conclusions of the European Council summit of June 2008. The issue of the Irish referendum was debated within the framework of the so-called Consultation Meeting which took place prior to the European Council summit of June 2008.

The invitation of the French Ambassador to Hungary to the meeting of the Committee on European Affairs, as well as the Committee on Foreign Affairs aimed to gain an overview about the main objectives and tasks of the presidency, and the possible solutions for the situation after the Irish referendum.

**2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The Hungarian Parliament and the Government consider that the required ratifications should continue.

**3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The committee meetings are generally open to the press. Moreover, the different standing committees organise regularly open-days on European topics (such as wine-reform, EU Cohesion Fund projects, environmental protection and regional development policy etc.), where NGO-s, stakeholders and citizens may have the opportunity to express their position and opinion. The committees also edit publications to bring political issues closer to the citizens.

**4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

As the Treaty of Lisbon has already been ratified in Hungary, no additional communication effort is considered necessary.

5. **Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

As the relevant parliamentary procedures in EU affairs were prepared with regard to the draft Constitutional Treaty and as the Treaty of Lisbon does not entail significant changes, no modification of the relevant rules is necessary at this point. Some changes in practice, however, are to be expected, to comply, for example, with the prospective increase in the number of subsidiarity checks. A book providing a detailed analysis of the novelties of the Lisbon Treaty has been recently published and distributed to all deputies of the Parliament.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

1. **Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

The National Assembly has not adopted any new arrangements regarding the scrutiny procedure of CFSP/ESDP proposals, i.e. it does not scrutinise CFSP/ESDP matters regarding the confidential nature of CFSP documents.

2. **Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

Parliamentary debate on the future CSDP has not been held yet, but by virtue of act on the cooperation of the Parliament and the Government in European Union affairs (hereinafter Act LIII of 2004) there is the possibility to scrutinize any EU proposals considered of significance for Hungary.

3. **To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

The Defence and Internal Security Committee, the Foreign Affairs and Hungarian Minorities Abroad Committee and the Committee on European Affairs hear regularly the competent minister on the national military capabilities in European operations. The Government forwards its report on the European military operations biannually to the relevant committees, which is then discussed in the framework of Committee meetings. At this stage, there are no reasons for any changes in the current practises.

4. **How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>13</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The National Assembly welcomes the possible new forum envisaged by Protocol 1 of the Treaty, however it should be born in mind that the contributions of such conferences shall have no binding nature.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

1. **Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

In the Act LIII of 2004 there is no special provision for EU proposals falling under the exclusive external competence of the EU. Yet, there has been no scrutiny procedure launched concerning such proposals of international agreements. However, depending on the nature and subject of the negotiations, the Committee on European Affairs may hold ministerial hearings on these issues.

2. **The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

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<sup>13</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

See reply No. 1.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

No.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The National Assembly does not exercise any special role in the adoption of the common position with relation to agreements concerning the membership of the EC in international organisations.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

At this stage, there are no changes foreseen.

## **Ireland: Houses of the Oireachtas**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

The Joint Committee on European Affairs and the Joint Committee on European Scrutiny of the Oireachtas does not propose to reply to questions on this Chapter at the current time in view of the ongoing discussions within the Irish system regarding the Lisbon Treaty and the referendum result.

1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?
2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?
3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?
4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?
5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?

### **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

### **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

#### **Questions:**

1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?

Since the 4<sup>th</sup> Bi-annual Report (2005) and the 5<sup>th</sup> Bi-annual Report (2006), the Irish Parliament (Oireachtas) has not adopted new arrangements regarding its scrutiny procedure of ESDP proposals. The only change has been the establishment of a Joint Committee on European Scrutiny which has taken over the management of the Irish Parliaments' EU scrutiny system from a sub-committee of the Joint Committee on European Affairs.

To reiterate the Oireachtas handles ESDP measures in accordance with an agreed protocol between the Government and the Parliament. A copy of the ESDP measure and an information note is provided by the Government to the Chairman of the Joint Committee on European Scrutiny in advance of the adoption of the measure (at this stage such proposed measures are confidential – Regulation EC 1049/2001). If the Chairman judges the measure to be of significant importance he/she can request a confidential briefing from the Minister or, with the Minister's agreement, a confidential presentation to the Joint Committee.

When the measure is adopted and is no longer classified as confidential, the Minister submits the final text of the measure to the Oireachtas in the normal way. At this stage the measure would be considered by the Joint Committee on European Scrutiny.

The Joint Committee on European Affairs also considers CFSP and ESDP related issues in the context of its monthly exchange with the Minister for Foreign Affairs prior to each General Affairs and External Relations Council.

**2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

In accordance with the Irish Constitution, the Treaty of Lisbon was the subject of a referendum on 12 June 2008. Therefore, there was a national debate concerning the content of the Treaty, including its articles in respect of the CFSP and the CSDP. The Oireachtas held an extensive debate on the Lisbon Treaty when considering the referendum Bill, which included consideration of the Treaty's articles concerning the CFSP and the CSDP.

The Oireachtas is not considering at this time any changes or adaptations with regard to its scrutiny procedure applicable to ESDP in light of the new provisions of the Treaty of Lisbon.

**3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

The Oireachtas is centrally involved in the decision-making process on the engagement of national military capabilities in a European operation. This is ensured by the 'triple lock' provision which sets out that a Government decision, parliamentary approval and UN authorisation is required before contingents of the Irish Defence Forces could become engaged in an ESDP operation. The implementation of the new CSDP, subject to the ratification of the Treaty of Lisbon, will not have an impact on this practice.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>14</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The organisation of interparliamentary conferences on matters relating to the CSDP are good occasions to allow parliamentarians throughout the EU to exchange views and information on the development of the CDSP, and the EU's CFSP in general. However, it should be highlighted that Article 10 of Protocol 1 also states that contributions from such a conference shall not bind national parliaments and shall not prejudice their position. This is a very important point as the holding of conferences concerning CSDP and any possible outcome from these conferences should respect and be careful not to compromise the defence policies of certain Member States.

Ireland is not a full member of the WEU but has observer status.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**
- &**
- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

In relation to questions 1 and 2:

Some International agreements require ratification by all member states. In Ireland's case this involves formal consideration in plenary session and such important issues frequently arise in plenary debate in the Oireachtas. Detailed consideration of international treaties may be referred by the plenary to an appropriate Committee for report prior to a decision by the plenary.

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<sup>14</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

Additionally the Oireachtas Joint Committee on European Affairs receives a detailed briefing from the Minister for Foreign Affairs prior to each General Affairs and External Relations Council and such issues are therefore frequently considered in this context also.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

The Oireachtas is not involved in any way in the scrutiny of this activity.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The Joint Committee on European Scrutiny as part of the Oireachtas Scrutiny Procedure receives information from the government and considers all proposed Council decisions including those involving the membership of international organisations.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

The Joint Committee on European Affairs and the Joint Committee on European Scrutiny of the Oireachtas does not propose to reply this question at the current time in view of the ongoing discussions within the Irish system regarding the Lisbon Treaty and the referendum result.



## **Italy: Camera dei Deputati and Senato della Repubblica**

### **Chapter 1**

#### **1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The Italian Parliament ratified the Lisbon Treaty on 31 July 2008 (the bill was approved unanimously both in the Senate (286 in favour out of 286 voters) and in the Chamber (551 in favour out of 551 present). Consequently, the Law authorizing the ratification of the Treaty was enacted on 2 August 2008.

The Italian Parliament did not take any official position on the Irish referendum.

#### **2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

On 31 July 2008 – during passage of the ratification bill – the Chamber of Deputies adopted a recommendation asking the Italian Government to promote the conclusion of the ratification process.

#### **3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

On passing the ratification bill, the Senate and the Chamber of Deputies adopted 2 recommendations (respectively on 23 July and 31 July 2008) engaging the Government to ensure broad and effective public information on the Lisbon Treaty and the Charter of Fundamental Rights.

#### **4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

No specific measure were considered. See also answer 3.

#### **5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

**Senate and Chamber staff are considering possible changes to the Rules of procedure.**

### **Chapter 3**

**1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5th Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

With respect to the 4th and 5th biannual reports of 2005 and 2006, no changes have been made so far to scrutiny procedures of CFSP and ESDP proposals. Such scrutiny is

performed by the Senate and Chamber Foreign Affairs and Security Committees on the basis of a procedural instrument known as "communications of the Government". In the framework of their overall authority to control the Government, these committees debate foreign and defence issues – also in the framework of Italy's membership of the EU – in *ad hoc*, often joint sittings convened on prominent questions of the day. The latest such sitting was held on 26 August to debate the situation in Georgia. Such debates may also be held in the Senate or Chamber plenary.

**Civil and military ESDP missions are scrutinised by the Senate and the Chamber when the budgets of such missions are tabled before Parliament for consideration.**

**2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

Deliberations on ESDP-related issues are part of a broader debate held during the consideration of the bill to ratify the Lisbon Treaty, passed by the Senate on 23 July 2008 and by the Chamber on 31 July of the same year.

Following consideration in committees, the bill was scrutinised by either house of parliament in consultation with the Foreign Affairs Committees – which received the opinions of other standing committees, amongst which Defence and European Affairs.

The Senate Defence Committee welcomed the amendments made to the Treaty in defence-related issues and issued a positive opinion. The European Affairs Committee raised some objections on the new provisions on the "solidarity clause". Such objections were later included in a recommendation passed by the whole Senate, engaging the Government to "*strictly implement the solidarity clause foreseen in the Lisbon Treaty, in order to ensure peace and justice among nations, in full compliance with the values enshrined in Article 11 of the Italian Constitution*". Another recommendation passed in the Senate requests the Government to be more active in the field of defence and foreign policy.

An assessment is being made on the possible ways to implement the Lisbon Treaty, but no firm conclusions have been reached.

**3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

Decisions on military operations are typically made by the Government which informs Parliament of such decisions. In turn, Parliament provides a contribution under §1 above. It is not yet clear whether the new CSDP will have an impact on current practices.

**4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament/Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

Meetings of national and EP foreign affairs and defence committees, to be held either in the country holding the EU presidency (COFACC) or in the European Parliament (like on

20 August 2008), are a best practice which may be further improved following the entry into force of the new Lisbon Treaty. ESDP and CFSP may be included by future EU presidencies in the agenda of individual COSAC meetings, as is now the case with the liberty, security and justice space.

## Chapter 4

**1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

No instruments are foreseen in the Italian system enabling Parliament to scrutinise the European Community when it negotiates agreements on the ground of such exclusive competence. In Italian parliamentary practice, Parliament has never scrutinised Government action **before** the Council authorizes the Commission to open the negotiations.

Therefore, the Italian Parliament **monitors the negotiation of agreements by the Commission** through fact-finding surveys, guidance and control of government action, including the scrutiny of European draft legal instruments, statutory information provided to Parliament by the Government, relations with European institutions and cooperation with other EU Parliaments.

**2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

Please refer to §1 above.

3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?

There are no precedents on the involvement of the Italian Parliament in the appointment of the special committees under Article 300(1) of the EC Treaty.

**4. The European Community can establish relations and even become a member of international organizations/entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

Also in this case, there is no precedent for a role of Parliament.

## **Latvia: Saeima**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?

**The Saeima respects the decision of the Irish voters and supports the efforts of the government and parliament to analyze the results. The decision to form a bi-cameral subcommittee to the EAF signals the political will of the Irish Parliament to seek a positive resolution in support of the Lisbon Treaty and the concept of a more effective EU.**

2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon.

**The fact that the ratification process, with a few exceptions, is almost complete, attests to the conviction in the EU that, in the face of serious economic and security challenges, accomplishing institutional reforms is not an option but a necessity.**

3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?

**The EAC is the only committee in Parliament that has its own newsletter – EuroNews, published by the Saeima EU Information Center, which has been in operation since 1997, and is a model for similar centers in Georgia, Moldova and even Uzbekistan.**

#### **The Center:**

- **Prepares a weekly bulletin “Eiropas” (Euronews) on EU issues and other publications;**
- **Maintains a multifunctional web page [www.eiropas.lv](http://www.eiropas.lv) and the Saeima specialized EU information system;**
- **Operates hotline/phone service Eiropas +371 6 7211111;( where citizens can ask any question regarding EU affairs, Latvia's role in the EU, etc. )**
- **Prepares press releases after each EAC meeting.**

**Meetings of the European Affairs committee are also open to public, if not decided otherwise by the chair of the EAC. If ordinary citizens wish to attend committee meetings, they can contact the EAC secretariat to obtain a pass. However this happens very rarely.**

**All EAC meeting agendas can be found on the Saeima webpage.**

**Three or four times a year the EAC organizes joint meetings with different NGOs, to hear their opinion on latest EU activities and also to discuss issues, which are of crucial importance to NGO.**

**The chair and individual members of Parliament also participate in conferences, round table discussions and policy forums to talk about EU affairs.**

4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?

**Saeima will continue to use already existing means of communications at the moment, significant attention is paid to the treaty ratification progress and updated information is communicated to the citizens via the Saeima European information center or the Saeima Press office.**

5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?

**Currently there are no changes put in place, but , in anticipation of the more active role of national parliaments under the Lisbon treaty, standing committees are regularly invited to participate in deliberations on positions affecting their areas, especially before the drafting of a directive or regulation, as well as in performing subsidiarity and proportionality checks.**

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?

**While the Saeima has not adopted new scrutiny procedures of ESDP proposals, ruling on them as part of the Government's position in the European Council, we are going to be holding hearings in the EAC to assess both the Government's, the Saeima Defence, anticorruption and internal Affairs committee and NGO activities in anticipation of the Lisbon Treaty's provisions regarding CFSP.**

**The EAC has a coordinating role to ensure that the government positions regarding ESDP have been shared with all interested parties, and their interests observed or their objections noted.**

2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?

**There was no special debate outside of the debate on the ratification of the Lisbon Treaty as a whole. However, recently the Saeima has approved the National Security Concept paper and, where necessary, ESDP has been addressed.**

3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?

**The Participation of the National military capabilities is established within the Law concerning the National Armed Forces of Latvia in International Operations. This is section 5. *(1) Units of the National Armed Forces of Latvia may be assigned, in accordance with a decision of the Saeima, to the supervision of the international organisation or state which is leading the international operation - for temporary performance of international operations, in accordance with the regulations determined by the decision of the Saeima.***

**In the Saeima, the Presidium refers the proposed bill to the appropriate committee, which rules on the legislation. If the decision is positive, the bill is then referred to the full assembly for a vote.**

**Until the French presidency proposal regarding ESDP strategy is published, there are no plans to change the existing scrutiny procedure.**

4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>15</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?

**The problems with implementation of ESDP/CSDP have been threefold (not in order of importance):**

1. **A weak military dimension – too small a rapid reaction force and numerous logistical failures;**
2. **The lack of a concrete political strategy which defines the mission;**
3. **An identity crisis characterized by uncertainty whether ESDP is a rival, extension of NATO or complimentary to NATO.**

**Hopefully, the French presidency's new security strategy will answer some of the above questions, but it should not prevent COSAC from organizing inter parliamentary conferences on the same issues. Because EU-NATO cooperation has been as elusive as realizing the full potential of ESDP/CSDP, closer relations between**

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<sup>15</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**COSAC and NATO PA might bring larger dividends in the form of a common security strategy that avoids duplication yet maximizes the political and military power of both these organization, while developing the structures of cooperation that already exist.**

**Basically, the WEU is NATO –PA without the USA and Canada. While the WEU could provide additional capacity to COSAC to organize conferences, we must avoid duplication and streamline deliberations on security issues. COSAC has the advantage that its members see security and defence issues in a broader context in their own parliaments than WEU members. In anticipation of CSDP, we should think about strengthening COSAC. A functional audit of the WEU would be welcome as well.**

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?

**The Saeima reviews EU negotiations on these agreements by adopting the national position, which is prepared by the government, thus giving a mandate to the government to get involved in the negotiations. Where the Commission has the exclusive role, government is entitled by the national position to observe the Latvian interests.**

2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?

**Please see the answer to the first question.**

3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?

**If the appointment of special committees is discussed on the level of the Council of Ministers, the government prepares the position on this question which is then adopted by the European Affairs committee of the Saeima. Saeima does not receive reports from these special committees.**

4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?

**During the accession negotiation to the GATT each chapter, accordingly to topic, was discussed in the various committees of the Saeima. Currently the parliamentary bills about GATT 21 and EPA are reviewed in the Foreign Affairs committee, as also are the agreements, both bilateral or on community level, as parliamentary bills in the Foreign Affairs committee, after which they are voted on in the plenary session.**

**On the Doha round negotiation, the Ministry of Foreign affairs is preparing a position, which is then presented to the Europeans Affairs and Foreign Affairs committees. Positions are also prepared for minister level meetings within the Doha round, etc.**

**Concerning the EMU, the EAC reviews the position regarding EMU@10, so the members of the parliament have the possibility to follow the processes within the EMU.**

5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?

**No, there are no plans to review the existing scrutiny system regarding the above mentioned issues.**



## **Lithuania: Seimas**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

Members of Parliament have expressed their regret about the outcome of the Irish referendum at various meetings including meetings of the Committee on European Affairs.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The Seimas of the Republic of Lithuania ratified the Treaty of Lisbon on the 8<sup>th</sup> of May, 2008. The Committee on European Affairs expects that ratification process will continue.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

A European Information Office was established in the Seimas in 2002. The mission of the Office is to provide the information about the European Union and about the role of the Seimas in European integration processes. The Office is open not only for the Seimas members and staff, but also to the general public. The visitors of the Office may take part in various conferences, seminars, listen to lectures and presentations on the most crucial European Union issues, use the library or search for the information about the European Union on the Internet. Organised groups of students or organisations are also very welcome. There is also a possibility to get answers to the questions about the EU by e-mail, hotline.

As regards the debates with citizens, the Office presents a platform for various meetings between the MPs and the general public. Together with the specialised committees of the Seimas, the Office organizes the “European Week” discussions on the current issues of the European Union and Lithuanian membership in the EU. Nearly all the events organized by the Office, including the “European week” discussions are transmitted directly by the Internet in order to raise the public awareness on the EU issues. Other bodies as the Group for Lisbon Strategy Observation and Seimas European Club uniting members of the Seimas and Lithuanian MEPs are also present in the Seimas.

4. **Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

The Seimas of the Republic of Lithuania has prepared, in cooperation with other Lithuanian institutions, an action plan to raise awareness about the Treaty of Lisbon in Lithuania. Different activities identified in the plan had to be implemented during the winter and spring of 2008. Meanwhile, after the Irish rejection of the Treaty, no additional communication efforts have been undertaken.

5. **Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

Currently, the Seimas does not officially consider any procedural or organisational changes in relation to the provisions under the Treaty of Lisbon. In this respect, the Parliament's relations with the Government and respective procedures were established in the Seimas Statute before the ratification of the Constitutional Treaty with regard to its provisions. Before considering any new changes, first and foremost, with regard to needed in work under current procedures.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

1. **Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

The Seimas of the Republic of Lithuania has not approved any new arrangements for the scrutiny procedure of ESDP proposals.

2. **Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

The debates on provisions of the Treaty of Lisbon were held at the Seimas plenary sittings during the ratification of the Treaty, while the committees discussed the provisions thoroughly and fully within their competence. Furthermore, the provisions of the Treaty of Lisbon regarding CFSP and ESDP were debated by the Committee on National Security and Defence. Indeed, further discussions will be needed upon the enforcement of the Treaty of Lisbon and in pursuit of due implementation of its mechanisms.

**3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

The decision concerning the departure of military units of the Republic of Lithuania and their engagement in the territories of other states and concerning the arrival of military units of other states and their engagement on the territory of the Republic of Lithuania is adopted by the Seimas of the Republic of Lithuania passing a resolution upon submission of the President of the Republic of Lithuania. The Seimas adopted the resolution, on 26 June 2008, *“Concerning the Participation of Lithuanian Military Units Assigned to NATO Rapid Reaction Forces and European Union Battle Group and of Lithuanian Military Personnel Performing Service at Headquarters of NATO and the European Union in International Operations Approved by the North Atlantic Council or Council of the European Union”*, which provided the limits of personnel assigned to the NATO and EU forces. Decisions on specific military capabilities in ESDP missions has to be adopted by the Minister of National Defence within the mandate approved by the Seimas, CFSP and ESDP issues for deliberation in the Seimas falls to the competence of the Committee on Foreign Affairs and the Committee on National Security and Defence is also involved. Recently, a proposal has been put forward at the Seimas to approve the mandate for the participation of military units in international operations on a yearly basis. Though the Seimas rejected the proposal, a decision was made to strengthen parliamentary control in this field, i.e. it was decided that the Seimas Committee on Foreign Affairs would host, in cooperation with the Committee on National Security and Defence and Commission for NATO Affairs, joint biannual sittings, which would include the President of the Republic of Lithuania or its representative as well as leadership of the Ministry of National Defence and Ministry of Foreign Affairs and cover the important issues of Lithuania’s participation in international operations and immediate plans.

The implementation of the new ESDP will have no major impact on the decision-making process concerning the departure of the Lithuanian military units and their engagement in the territories of other states.

**4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>16</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your**

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<sup>16</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The Seimas of the Republic of Lithuania has not been considering this issue. In the opinion of the Committee on Foreign Affairs responsible for the scrutiny of ESDP matters, such a possibility deserves more careful consideration with the view of identifying and defining the most effective methods of such cooperation. The organisation of the parliamentary conferences on ESDP issues with participation of the members of the parliamentary committees responsible for ESDP scrutiny would be welcomed.

**CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**  
**Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The legal acts of the Republic of Lithuania defining the participation of the Seimas of the Republic of Lithuania in considering EU affairs do not provide for a separate specific procedure, which would be applied for scrutinising the Government's activities in the aforementioned areas. The functions of formulating and representing Lithuania's positions on the issues pertaining to the negotiations carried out by the European Commission in the areas within the EU exclusive competence are largely within the competence of the executive. The Lithuanian Seimas participates in the process following the general procedure adopted for the consideration of EU affairs, i.e. expresses its opinion through two major committees – the Committee on European Affairs and the Committee on Foreign Affairs.

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

The scrutiny of the Government's activities is carried out in the aforementioned fields following the general procedure governing the Seimas participation in the consideration of EU affairs. Usually the Government presents to the Committee on European Affairs and/or the Committee on Foreign Affairs its position regarding negotiating directives prior to the EU Council meetings, where these issues are considered. These committees also hear and assess the Government's reports after the EU Council meetings.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

Following the effective procedures, the Seimas of the Republic of Lithuania does not directly participate in appointing the members into special committees specified in Article 300 of the Treaty Establishing the European Community. The Statute of the Seimas, however, provides for the possibility that, when necessary, the Seimas committees and their members may at any time request the Government to present additional information about the proposals to adopt legal acts of the European Union and other documents of the European Union debated in the institutions of the European Union or the Government itself or its working groups.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

When necessary, the Seimas of the Republic of Lithuania may address the Government with the request to submit all the necessary information on the progress of the discussions on these agreements. The Committee on European Affairs and/or the Committee on Foreign Affairs may submit the Seimas opinion regarding the Government's position on these issues.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

The current procedures provide for the opportunity to monitor the progress of the negotiations carried out on behalf of the European Community and the agreements negotiated making use of the mechanisms for scrutinising the Government's activities. Before considering the adequacy of the procedures and the need for new changes, first and foremost, it is foreseen to gain more experience while working in accordance with the current procedures.

## **Luxembourg: Chambre des Députés**

### **Chapitre 1 : Le traité de Lisbonne et sa ratification – Les attentes des parlements nationaux et du Parlement européen**

#### **Questions :**

- 1. Comment votre Parlement/Chambre a-t-il/elle réagi aux résultats du référendum irlandais ?**

**Réponse :** La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a procédé en date des 18 et 21 juin 2008 à un échange de vues avec le Ministre des Affaires étrangères et de l'Immigration, en l'occurrence avant et après le sommet du Conseil européen des 19 et 20 juin 2008.

- 2. Quelle est la position de votre Parlement/Chambre en ce qui concerne la poursuite du processus de ratification du traité de Lisbonne ?**

**Réponse :** Il existe un large consensus au sein de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration en faveur de la continuation du processus de ratification du Traité de Lisbonne, avec l'objectif que les élections européennes de 2009 puissent être organisées sur cette base.

- 3. De quelle façon et par quels moyens votre Parlement/Chambre s'engage-t-il/elle dans le débat avec les citoyens sur les affaires européennes ?**

**Réponse :** En préparation du *référendum* du 10 juillet 2005 sur le Traité établissant une Constitution pour l'Europe, la Chambre des Députés a organisé entre avril et mai 2005 trois auditions publiques transmises par la chaîne télévisée parlementaire (« Chamber TV ») consacrées aux sujets suivants : la démocratie dans l'Union européenne (démocratie participative, droits de l'homme, droits démocratiques des citoyens et rôle des Parlements nationaux), l'Europe sociale et écologique ainsi que l'engagement de l'Union européenne pour la paix (PESC, PESD, lutte contre la pauvreté, coopération au développement). La Chambre des Députés a par ailleurs organisé quatorze tables rondes dans toutes les régions du pays.

L'accent est particulièrement mis sur le contact avec la *jeunesse*, en recherchant le dialogue à travers des auditions au Parlement et à travers des forums de discussion organisés dans les écoles.

Le 13 mai 2005, la Chambre des Députés a ouvert ses portes à la « Convention jeunes sur la Constitution européenne » et a accueilli plus de quatre-vingt jeunes qui ont pris part aux groupes de discussion thématiques et au débat en plénière qui s'en suivait.

En date du 6 mai 2006, dans le cadre de la Journée de l'Europe, des représentants de quatorze lycées et lycées techniques du Luxembourg ont participé à un Parlement des Jeunes organisé par la Chambre des Députés. Le résultat des travaux a été présenté lors d'une séance plénière en présence du Président de la Chambre des Députés ainsi que de plusieurs députés.

Les députés et les députés européens assistent par ailleurs régulièrement à des tables rondes dans les écoles, à l'instar du forum organisé le 7 février 2007 au Lycée technique Michel Lucius.

Dans le contexte du 50<sup>ème</sup> anniversaire du Traité de Rome, la Chambre des Députés a lancé ensemble avec le Centre Virtuel de la Connaissance sur l'Europe (CVCE) et en collaboration avec le Ministère de l'Education Nationale et de la Formation Professionnelle (MENFP) un concours pour jeunes de 14 à 18 ans. L'objectif du concours était de promouvoir l'éducation à la citoyenneté européenne et de sensibiliser les jeunes aux questions européennes. Les jeunes ont été invités à rédiger un scénario intitulé « Europa feiert séng 50. Mir wënschen... » (« L'Europe fête ses 50 ans. Nous souhaitons... »).

Le 10 mars 2007, les députés et les députés européens ont de nouveau rencontré des jeunes dans les locaux de la Chambre des Députés. Les sujets suivants étaient à l'ordre du jour des six ateliers thématiques : le futur du traité constitutionnel, la démocratie et la société civile en Europe, le modèle social et économique, le développement durable, la jeunesse et l'éducation ainsi que l'Union européenne et la mondialisation.

En date des 9 novembre 2007, 18 janvier et 22 février 2008, la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a accueilli plusieurs classes de lycées et de lycées techniques ainsi que des étudiants de l'Université du Luxembourg pour discuter sur les défis de l'Europe du XXIème siècle.

**4. Votre Parlement/Chambre envisage-t-il/elle d'entreprendre de nouveaux efforts de communication eu égard à l'état actuel du processus de ratification du traité de Lisbonne ? Si c'est le cas, quelles mesures sont envisagées ?**

**Réponse :** Il est envisagé d'organiser un débat à la Chambre des Députés vers la mi-octobre afin de reprendre les entretiens déjà menés avec le public lors du référendum organisé au sujet de la ratification du Traité de Lisbonne. De même, il est projeté d'organiser une réunion-débat avec les citoyens dans chacune des quatre circonscriptions électorales. Les Présidents des groupes parlementaires ont été invités à proposer des sujets et à communiquer les noms de leurs représentants. La possibilité d'émissions télévisées traitant chaque fois un sujet concret afin de faire comprendre la politique européenne aux citoyens est également étudiée.

**5. Quelles mesures (modifications du Règlement, réorganisation administrative, etc.) sont déjà mises en œuvre, prévues ou en cours de discussion au sein de votre Parlement/Chambre dans la perspective de l'entrée en vigueur du traité de Lisbonne ?**

**Réponse :** La Chambre des Députés n'a pas modifié son règlement intérieur dans la perspective de l'entrée en vigueur du Traité de Lisbonne.

Par contre, le suivi des dossiers européens sera renforcé, et en particulier le suivi des propositions de directive et des propositions de règlement. Un programme informatique est en cours d'élaboration pour améliorer la gestion des dossiers et il est envisagé de charger un membre du Service des Relations internationales de faire des travaux de recherche et d'assurer le relais entre le Service des commissions parlementaires et la « cellule européenne » du Service des Relations internationales.

De surcroît, un protocole entre le Gouvernement et le Parlement concernant le traitement des dossiers européens est en voie de finalisation.

Pour rappel, la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration fait un premier tri des documents publiés par la Commission européenne, sur base de listes établies par le Service des Relations internationales. Les documents jugés sans intérêt politique, économique, législatif ou financier particulier pour le Luxembourg, respectivement des documents dont la procédure est déjà trop avancée sur le plan européen sont classés comme « documents A ». Les « documents B » sont des documents qui méritent un examen plus détaillé. Les documents B sont communiqués aux commissions sectorielles compétentes, qui demandent le cas échéant la position du Gouvernement, en particulier pour les dossiers qui ont un impact important sur le Luxembourg.

## **Chapitre 2 : Rapport du groupe de travail des représentants des parlements nationaux auprès de l'Union européenne, créé en vertu de la décision de la XXXIX COSAC à Brdo pri Kranju**

**Il n'y a pas de questionnaire pour ce chapitre.**

## **Chapitre 3: La participation des parlements de l'Union européenne à la politique européenne de défense**

### **Questions :**

- 1. Le chapitre 1 du 4<sup>e</sup> rapport bi-annuel (2005) et le chapitre 3 du 5<sup>e</sup> rapport bi-annuel (2006) avaient pour objet le contrôle des propositions en matière de PESC/PESD par les parlements nationaux. La procédure de contrôle des propositions dans le domaine de la PESD a-t-elle évolué au sein de votre Parlement/Chambre depuis cette époque ? Si c'est le cas, de quelle façon et pourquoi ?**

**Réponse :** Il n'y a eu aucun changement depuis lors.

- 2. Votre Parlement/Chambre a-t-il débattu des dispositions du traité de Lisbonne concernant la future politique de sécurité et de défense commune (PSDC, la nouvelle dénomination de la PESD) ? Envisage-t-il/elle des changements ou des adaptations en ce qui concerne la procédure de contrôle applicable aux questions de PESD, eu égard aux nouvelles dispositions prévues par le traité de Lisbonne ?**

**Réponse :** A ce stade, aucun changement n'a été discuté.

- 3. Dans quelle mesure votre Parlement/Chambre participe-t-il à la prise de décision en matière d'engagement de capacités militaires nationales dans une opération européenne ? La mise en œuvre de la nouvelle PSDC aurait-elle un impact sur les pratiques actuelles ?**



**Réponse :** Le Ministre de la Défense est régulièrement invité à assister à une réunion de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration pour donner des explications sur les missions auxquelles l'armée luxembourgeoise participe. Suivant la loi modifiée du 27 juillet 1992 relative à la participation du Grand-Duché de Luxembourg à des opérations pour le maintien de la paix (OMP) dans le cadre d'organisations internationales, l'avis de la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration doit être demandé pour toute participation luxembourgeoise à une opération de maintien de la paix et le projet de règlement grand-ducal afférent est également soumis à l'avis de la Conférence des Présidents de la Chambre des Députés.

L'éventuel impact de la nouvelle PSDC sur cette procédure n'a pas encore été discuté.

- 4. Comment votre Parlement/Chambre envisage-t-il/elle la possible coopération entre parlements dans le domaine de la PSDC dans le cadre de l'article 10 du protocole n°1 du traité de Lisbonne sur le rôle des parlements nationaux dans l'Union européenne<sup>17</sup> qui offrirait la possibilité à la COSAC d'organiser des conférences interparlementaires, notamment, sur la politique de sécurité et de défense ? A cet égard, comment votre Parlement/Chambre envisage les rapports avec l'Assemblée parlementaire de l'UEO ?**

**Réponse :** La COSAC ne devrait pas multiplier ses réunions respectivement ne devrait pas organiser des conférences consacrées exclusivement à la politique de sécurité et de défense, mais réserver au contraire ce volet à l'Assemblée parlementaire de l'UEO spécialisée en cette matière.

#### **Chapitre 4: Contrôle des accords négociés par la Communauté européenne**

##### **Questions:**

- 1. Certaines compétences, telles que la politique commerciale commune, ont fait l'objet d'un transfert complet des États membres vers la Communauté européenne et sont considérées comme relevant des compétences communautaires exclusives. Quel est le rôle de votre Parlement/Chambre lorsque la Communauté européenne négocie des accords sur la base des compétences exclusives ? Comment votre Parlement/Chambre exerce son contrôle sur les activités de votre Gouvernement avant que le Conseil n'autorise la Commission à ouvrir les négociations ? Comment votre Parlement/Chambre suit-il/elle les négociations ?**

**Réponse :** La Chambre des Députés est informée sur les dossiers par le Ministre compétent si elle en fait la demande ou si le Ministre souhaite connaître la position de la Chambre des Députés respectivement d'une commission parlementaire.

- 2. La plus grande partie des compétences externes de la Communauté européenne est partagée avec les États membres. Comment votre Parlement/Chambre contrôle-t-il/elle l'activité de votre Gouvernement lorsque**

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<sup>17</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**le Conseil définit auprès de la Commission les lignes directrices de négociation sur la base des compétences partagées ? Quel est le rôle de votre Parlement/Chambre durant les négociations et lors des conclusions des négociations ?**

**Réponse :** Comme indiqué en réponse à la question précédente, la Chambre des Députés est informée sur les dossiers par le Ministre compétent si elle en fait la demande ou si le Ministre souhaite connaître la position de la Chambre des Députés respectivement d'une commission parlementaire. Un dossier qui est plus particulièrement suivi par la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration est le Programme de Doha pour le développement. Les Ministres de ressort rencontrent régulièrement les députés pour expliquer l'état d'avancement des négociations.

- 3. Votre Parlement/Chambre est-il/elle impliqué(e) via votre Gouvernement dans la procédure de convocation des Comités spéciaux prévus à l'article 300 du traité établissant la Communauté européenne ? Votre Parlement/Chambre est-il/elle le destinataire des rapports émanant de ces Comités spéciaux ? Si oui, votre Parlement/Chambre communique-t-il/elle ces rapports ?**

**Réponse :** La Chambre des Députés n'est pas impliquée dans la procédure de convocation et n'est pas destinataire des rapports des comités spéciaux.

- 4. La Communauté européenne peut entrer en relation avec des organisations/entités internationales et peut même en devenir membre. Dans certains cas, la Communauté européenne participe aux organisations internationales aux côtés de ses États membres. Quel est le rôle de votre Parlement/Chambre lors de l'adoption de position commune concernant des accords mis en discussion avec ou au sein de ces organisations ?**

**Réponse :** Voir réponse à la première question.

- 5. Votre Parlement/Chambre prévoit-il, lorsque le Traité de Lisbonne sera entré en vigueur, de changer sa procédure de contrôle relative aux accords négociés par la Communauté européenne ?**

**Réponse :** Aucune modification n'est prévue pour le moment.

## **The Netherlands: Eerste Kamer**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

**1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The Dutch law for the approval of the Lisbon treaty was adopted by the House of Representatives in the beginning of June 2008. A majority of the Senate was of the opinion that the Dutch ratification process should be finalised before the summer recess of July 2008. Several arguments were considered for the dealing with the Treaty in such a (relatively) short period of time. One of these was the (majority's opinion of the) need for the continuation of the ratification process after the non-vote in Ireland. The Senate approved the Treaty of Lisbon during her last meeting day before recess, 8 July 2008.

**2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The (majority of the) Senate supports the decisions made by the European Council and the agreed time-frame regarding the further ratification process of the Treaty of Lisbon.

**3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

As mentioned in previous questionnaires the Senate holds her debates in public and has her own specific website regarding the European integration process, the European activities of the Senate and with special webpage about the Treaty of Lisbon. The Senate will hold an open to the public symposium in October 2008 about the relation EU- Russia. In preparation of this symposium the Dutch Advisory Council on International Affairs was asked to prepare a report on the future EU-Russia relation and to what extent and how the Dutch government and parliament can contribute.

**4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

The communication efforts of the Senate are at the moment not specifically targeted at the current state of play of the ratification process. The Senate is considering efforts with regard to Europe in general.

**5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

As stated in our answers to the previous questionnaire for the COSAC bi-annual report, the Senate is reflecting on her own procedures as regards to the scrutiny of

European policies and legislative proposals. This reflection is also inspired by the new competences and role of parliaments as foreseen in the Treaty of Lisbon.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There is no question for this chapter

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?

No new procedures are adopted.

2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?

The new provisions of the Treaty regarding the CSDP and ESDP were discussed in the general debate of the Senate with the Dutch government on the Treaty of Lisbon. Special attention was paid to f.e. the institutional balance in the EU (role and mandate of the High Representative), the need to speak with one voice in foreign affairs and the need for more (defence)cooperation between the EU and NATO.

3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?

Article 100 of the Dutch Constitution states that the government needs to inform parliament before the deployment of our national military capabilities abroad. In practice, this information-obligation is an informal assent-procedure. The Senate deals with these matters after the House of Representatives discussed possible deployments. If national military capabilities are involved in EU-operations, the same approach and procedures are used.

4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>18</sup>, which would allow COSAC to organise interparliamentary

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<sup>18</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The Senate is of the opinion that the current joint parliamentary meetings on these topics as well as the conferences of the chairmen of the committees on Defence of the EU-member states provide a satisfactory forum to discuss defence and military matters. The Senate also has a delegation to the Parliamentary Assembly of the WEU. Representatives of the WEU could/are invited to the above mentioned meetings and conferences.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The scrutiny procedures used by the Senate for decisions under the exclusive competence of the Community are almost identical to the ones used for other EU-decisions. The Dutch government informs parliament on the proposed mandate of the Commission to negotiate. If the Senate deems it necessary the mandate is scrutinized by the responsible committee in the Senate and this commission can consult with the government through written questions or oral deliberations.

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

As stated above, the Senate has at the moment one procedure to scrutiny European policies and legislative proposals. This procedure is also used with regard to decisions being taken in the fields of shared competences.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

The Senate is not explicitly involved in the appointment of the committees nor receives proactively the reports of these committees. If the Senate would like to discuss these reports, the government can be asked to send the report to parliament.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

A majority of the Senate is of the opinion that the EU should speak (as much as possible) with one voice in international fora. Fine-tuning the statements of the European Community and the statements of the member states is regarded as advisable. The common positions are being sent to parliament or found on the websites of the EU and can be discussed with government.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

As for now, no new procedures are foreseen. It could however be considered that the scrutiny procedure of the Senate will be changed after having gained some experience with the new provisions of the Treaty of Lisbon.

## **Poland: Sejm**



### SEJM OF THE REPUBLIC OF POLAND EUROPEAN UNION AFFAIRS COMMITTEE

CHAIRMAN  
*Andrzej Grzyb*

Warsaw, September 15<sup>th</sup>, 2008

#### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

**1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

There was no formal discussion on the outcome of the Irish referendum.

**2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

There is no formal opinion.

**3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The Sejm of the Republic of Poland is engaged in the European debates in various ways. Since 2004 Chamber have effected substantive changes in her rule of procedure, including the establishment of special committee – the European Union Affairs Committee (EUAC) of the Sejm. The EUAC not only provides information on the participation of the Republic of Poland in the European Union's activities, cooperates in the UE law-making decisions, in the implementation of the EU law or in expressing opinion on the candidates for certain EU posts, but also organizes conferences regarding important issues at present as well as the other parliamentary committees. That kind of Committee meetings are carried out with the participation of various group of citizens, NGO's, foundations, social associations i.e seminar organized together with Amato Group and the conference on Climate Package.

The European Union Division in the Chancellery of the Sejm acts as the Secretariat of the EUAC, which has at its disposal a special database tailored to its needs. It contains the documents which the Committee deals with, as well as the Committee's opinions, surveys, expert opinions, government and the Committee's agendas etc. The scrutiny database is accessible on-line for all

the citizens and allows anyone to review what the EUAC is working on in European Union matters.

One of the important elements of European information for citizens is the European Information and Documentation Centre. The Chancellery of the Sejm has established the European Information and Documentation Centre (OIDE) in order to facilitate access to needed sources and documentation concerning all aspects of the functioning of the European Union. OIDE informs about the European Union, its structures, the main lines of its activities, the debate on the future of Europe and the European constitution. OIDE operates also IPEX database.

**4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

Works are now in progress and the details are not yet known.

**5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

The implementation of the Treaty of Lisbon requires changes to the rules of procedures of the Sejm of the Republic of Poland and to the Act of 11 March 2004 on co-operation of the Council of Ministers with the Sejm and the Senate in matters related to Republic of Poland's membership in the European Union (Co-operation Act). These processes are going to influence on the structure and the system of administration work. Discussion on necessary changes is still in progress.

**CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

**1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5th Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

No, there are no new arrangements.

**2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

No, the Sejm of the Republic of Poland has not hold a debate on the provisions of the Treaty of Lisbon regarding CFSP/ESDP. This topic is foreseen in the EUAC agenda in the second part of the year 2008.

**3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practices?**

According to Polish Constitution (art. 116) the Sejm of the Republic of Poland shall declare, in the name of the Republic of Poland, a state of war and the conclusion of peace. The Sejm of the Republic of Poland may adopt a resolution on a state of war only in the event of armed aggression against the territory of the Republic of Poland or when an obligation of common defense against aggression arises by virtue of international agreements. Referring to art. 117 of the Constitution



and the statute on the principles for deployment or stay of the Armed Forces of the Republic of Poland beyond the borders of the country, the right to use Armed Forces beyond the borders of Poland belongs to President of the Republic of Poland. On account of this the Sejm of the Republic of Poland does not participate in using national military capabilities beyond Poland, including for European operation. However, in certain circumstances the Sejm of the Republic of Poland can be empowered to issue a mandate for government in EU negotiations on decisions concerning military EU operations. According to the Act of 11 March 2004 the Council of Ministers refers to the Sejm and the Senate the proposals of EU legal acts (not only those initiated by the Commission as in the Protocol no 9 on the role of national parliaments in the European Union, annexed to the TEU and TEC) immediately after having received them. The relevant organs of both chambers may express their opinions on these proposals (Article 6). In the case of the Sejm, the relevant organ is the European Union Affairs Committee (The Standing Orders of the Sejm). According to the same Act, the position of the Council of Ministers regarding the proposal "should be based on the opinion of the relevant organ of the Sejm". If the position of the Council of Ministers does not take into account the opinion of the relevant organ of the Sejm, a member of the Council of Ministers is obliged to explain immediately the reason of the discrepancy to the relevant organ of the Sejm (Article 10). Therefore, it can be assumed that if a proposal of an act within the area of the CFSP is being prepared in the Council and if such proposal is referred by the Council of Ministers to the Sejm, the European Union Affairs Committee of the Sejm is empowered to issue an opinion on this proposal.

The implementation of the CSDP is not going to have impact on the current practices.

**4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>1</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

Interparliamentary conferences on CSDP matters would make a significant forum of confrontation and creating various views, better understanding of national parliaments' positions. Furthermore, these conferences would also make deeper and effective cooperation in CSDP area. Even though the interparliamentary conferences would not have direct effect, they would be an important factor that could consolidate the EU in matters of CSDP.

Function of the Assembly of the WEU is different from the EU. The Assembly of the WEU goes beyond the EU institutional frames and concentrate not only on the common security (according to the Treaty of the European Union – the common security is security of EU and member states) but especially on the European security. This term refers to countries – members of the EU and NATO.

There are two possibilities. First one is the integration of parliamentary conferences of Assembly of WEU and EU. But in this case the rank of union goal could recede into the background. The alternative is to leave the Assembly of the WEU in its present form and consider some form of cooperation between the Assembly (external to EU) and interparliamentary, union conferences. Right answer depends on the perspective for the Assembly of the WEU, in the light of taking over by EU the function of crisis management.

**CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

**1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament/ Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

No, the Sejm of the Republic of Poland is not involved at this stage.

**2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

The European Union Affairs Committee does not take part in negotiations.

**3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

No, the Sejm of the Republic of Poland is not involved.

**4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The Sejm of the Republic of Poland does not play any role in this adoption.

**5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

At present the Sejm of the Republic of Poland is working on new procedures concerning all the EU legislation decision – making process according to the Treaty of Lisbon.

Chairman

/-/ Andrzej Grzyb

## **Poland: Senat**



SENATE OF THE REPUBLIC OF POLAND  
THE EUROPEAN UNION AFFAIRS COMMITTEE

Warsaw, 11 September 2008

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

#### **1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The Senate plenary has not taken any official position on the negative result of the Irish referendum on the Lisbon Treaty. It should be stressed however that the Senate passed an act on the ratification of the Lisbon Treaty with 74 votes in favour and 17 votes against, with the total number of 97 senators present.

During the study visit to the EU institutions in Brussels on 1- 2 July 2008 the Senate EU Affairs Committee met, among others, with Mr Hans Gert Pottering, president of the European Parliament, and Mr Gay Mitchell, an Irish MEP who supported the Irish referendum Yes campaign. The senators inquired about the reasons of the rejection of the treaty, as well as the possible action to be taken by the Irish government and the EU institutions.

#### **2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

On 21 June 2008 the conference of national parliaments' presidents in Lisbon adopted a document expressing their support for the ratification process to be continued in other member states, despite the rejection of the Lisbon Treaty in Ireland. Deputy Speaker Mr Marek Ziółkowski, who represented the Senate, stressed in his contribution that we should learn what the Irish' expectations were and how we might help them in the present situation.

#### **3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

Senate committees organise a great variety of EU-related conferences and seminars attended by parliamentarians, government representatives, academics and non-governmental organisations. For example, this year the following conferences, among others, were held in the Senate:

- EU environmental policy – its implementation and access to financial resources
- Financial support for agriculture and rural areas in the period 2007-2013
- Treaty of Lisbon – ratification process and its implications (conference co-organised with the government and the Sejm).

It is also a routine practice for senators to meet in their constituencies with various social groups, e.g. with young people.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

No.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

The possible entry into force of the Treaty of Lisbon will make it necessary to make amendments both in the so-called “cooperative act”, which deals with the cooperation between the government and the Sejm and the Senate in matters related to Poland’s EU membership, and the rules of procedure of each chamber. It will be also indispensable to formulate a new legal basis to enable the Sejm and the Senate to exercise their newly acquired powers resulting from the Protocol on the application of principles of subsidiarity and proportionality. Changes will have to be introduced to the rules of procedure of the Sejm and the Senate to make it clear whether the opinions on the compliance with the subsidiarity principle - because of their special status - should be adopted by the plenary of each chamber or their authorised EU committees. Legal expert opinions on possible changes in this respect are being prepared now.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

No.

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

At the moment expert opinions are being prepared to assess the potential for the Senate to join the scrutiny procedure of ESDP proposals in the light of the new provisions of the Treaty of Lisbon.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

This particular area does not fall within the Senate's competence.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>19</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

On March 15 2007 the Foreign Affairs Committee and the National Defence Committee of the Senate adopted a joint position which stated that in order to pursue priority goals of CFSP/CSDP Poland should seek allies among those EU member states which might have similar approach towards the future of CFSP/CSDP, share our historical experiences and the same understanding of the origin of threats to global security.

Since the issues of CFSP/CSDP are dealt with by the Foreign Affairs Committee and the National Defence Committee, it would be advisable to consider how to make these two Senate committees cooperate with COSAC and to avoid the overlapping of COFACC's and WEUA's functions.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The Senate has no powers to scrutinize the government's activities in this particular area.

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of**

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<sup>19</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

The Senate has no powers to scrutinize the government's actions at this stage. The chamber has no competence in this area.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

In Poland it is the government that is responsible for the appointment of special committees. The Senate is not involved in the procedure and it does not receive these committees' reports, either.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The Senate has no competence to act at this stage.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

No.

Accepted by:

Edmund Wittbrodt  
Chairman  
EU Affairs Committee  
Senate of the Republic of Poland

## **Portugal: Assembleia da República**

### **Questions:**

1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?

*The Assembly of the Republic (AR) approved the Treaty of Lisbon on 23 April 2008. The Treaty was ratified by the President of the Republic on 9 May.*

*After the result of the Irish referendum, the matter was discussed during the plenary sessions held on 2 July. Here the majority of the parties represented in the Parliament (Socialist Party, Social-Democratic Party and Democratic and Social Centre/Popular Party) expressed its due respect for the outcome of the Irish referendum, underlining the need for a common approach to defining the path the EU should, reckoning that the ratification process should continue proceed in the other Member States. Nevertheless, the other parties that hold seats in parliament (Portuguese Communist Party, Left Block and Ecological Party “The Greens”) considered that the due respect for the result of the Irish referendum determines the end of the ratification process.*

2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?

*The majority of the parties represented in the Parliament (Socialist Party, Social-Democratic Party and Democratic and Social Centre/Popular Party) has pronounced itself for the need of a common EU decision, always with due respect for the result of the Irish referendum. The other parties that hold seats in parliament (Portuguese Communist Party, Left Block and Ecological Party “The Greens”) considered that the due respect for the result of the Irish referendum determines the end of the ratification process.*

3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?

*During the Treaty of Lisbon parliamentary ratification process, the Assembly of the Republic's European Affairs Committee (CAE) approved a program to provide information about and publicise the Treaty of Lisbon. This included a cycle of conferences, public consultation of representative bodies from several sectors of civil society, and from the Legislative Assemblies of the autonomous regions of the Azores and the Madeira Islands and Local Authority Associations, as well as the publishing of a consolidated version of the text of the Treaty, to be distributed at the abovementioned conferences with the aim of making the text available in an intelligible form.*

*After Portugal had ratified the Treaty and the result of the Irish referendum was known, the CAE returned to its normal activities but participated, whenever asked, in debates on the Treaty of Lisbon that were put on by other institutions. An example of this is the*

*participation of three CAE members in a debate on the Treaty of Lisbon, organized by the Penafiel Municipal Assembly, on 29 September 2008.*

4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?

*The EAC considers that the need to debate and clarify the content of the Treaty does not end with its ratification and therefore foresees the organization of at least two other conferences about this subject in the current legislative session.*

5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?

*In 2006, the AR passed Law No. 43/2006, dated August 25, which deals with the AR's monitoring, assessment and pronouncement within the scope of constructing the EU. The AR is already ready to deal with the mechanisms included in the Treaty of Lisbon.*

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?

*In 2003, the Assembly of the Republic passed a law which regulates the way in which it scrutinizes the involvement of Portuguese military contingents abroad – Law No. 46/2003, of 22 August. According to this law, the Government keeps the Assembly informed about these missions through detailed weekly reports and by supplying any other up-to-date or urgent information. The Law directly allocates this competence to the National Defence Committee.*



2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?

*Yes, at the time that the National Defence Committee's formal opinion on the motion for resolution No. 68/X – Approval of the Treaty of Lisbon was approved. The Committee intends to continue scrutinizing these subjects, in as much detail as possible. Law 46/2003, of 22 August, which deals with the AR's scrutinizing, appraising and decision making procedures as part of the EU construction process was already prepared with dealing with the mechanisms included in the Treaty of Lisbon in mind.*

3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?

*As mentioned in Item 1, the Assembly of the Republic scrutinizes, through the National Defence Committee, the involvement of Portuguese military contingents abroad, especially with respect to the ESDP, in accordance with the terms of Law No. 46/2003, of 22 August. The Government is responsible for any decisions and must, as a rule, notify the Assembly in advance. The Government must then keep the Assembly informed of the missions through detailed weekly reports and by supplying any other up-to-date or urgent information (which often takes place during the Minister of National Defence's hearings at the Committee).*

4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>20</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?

*The National Defence Committee considers it very important for Parliaments to cooperate in matters of defence policy. This must be done through the respective Defence Committees, more specifically at the Conferences of the Presidents of these Committees. Considering the political process to extinguish the WEU, there does not appear to be any need to develop this relation.*

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred

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<sup>20</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?

*In the light of the Parliament's Rules or Procedure (RoP), the competences with regard to this matter fall within the remit of the Committee on Foreign Affairs and Portuguese Communities (CNECP), notwithstanding the role of the Plenary and other Committees can play whenever deemed appropriate. The CNECP does not follow on a systematic basis the Government's negotiations at the European Council dealing with these matters. Nevertheless, at any moment of the negotiations Members of Parliament can, through the mechanisms of political supervision foreseen in the RoP: ask the Government to provide the Parliament with all the relevant information, via written questions or requests; hold at least four mandatory hearings with the Minister responsible for the matter in question; require a plenary debate; and hold parliamentary hearings in the Committees.*

2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?

*The CNECP does not scrutinize the Government's negotiations at the European Council dealing with these matters. However, the above mentioned mechanisms of political supervision may be used whenever deemed appropriate.*

3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?

*The CNECP does not scrutinize the Government's negotiations at the European Council dealing with these matters. However, the above mentioned mechanisms of political supervision may be used whenever deemed appropriate.*

4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?

*Portugal's joining and participation in international organisations is negotiated by the Government, which submits the respective international agreements /conventions to the Assembly of the Republic, for approval. The CNECP is responsible for issuing a formal opinion about these international agreements /conventions so that the Assembly of the Republic can approve them in a plenary assembly. As part of the constitutional ratification process, these agreements are then submitted to the President of the Republic, who is to give the final signature.*

5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?

*The Parliament does not envisage, for the time being, any possible changes in the scrutiny system.*

## **Romania: Camera Deputatilor and Senatul**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The Parliament of Romania has ratified both the Constitutional Treaty and the Lisbon Treaty, by an overwhelming majority, reflecting the huge support of the EU by Romania's population, even now, almost two years after the country's accession.

No declaration or other official document was issued, to avoid adding to the tension provoked by the Irish vote and thus contribute to contain the spreading of the interpretation of the situation as a crisis.

From a National perspective, the Parliament of Romania, supports the strategy of the Government to always try to find the right balance between the National interest and the European Union's objectives, adopting constructive positions in all EU decision making activities.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The Parliament of Romania considers that the ratification process should continue according to member states' Parliaments own schedule.

With regard to the Irish ratification, we think that neither the Member States nor the EU institutions would be entitled to take action or propose measures, with a view to influence the outcome of the ratification, otherwise than in the frame of a dialogue with the Irish authorities. Any such action would collide with the EU principles and objectives, not to mention relevant provisions in the Treaties.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The debate on EU topics has been organised by the Parliament of Romania according to facts and figures showing a great support by the population of the EU and its policies. Under these circumstances, the main focus stays on magnifying the advantages of Romania's European accession and further political integration of the Union.

Efforts are being made to clarify / explain to the public particular topics, ranging from general EU issues (future of Europe, strategic objectives, a better understanding of EU institutions functioning, the decision making process, EU policies, etc.) to more specific issues (the pros and cons to certain measures envisaged by the EU, absorption of EU

funds, make good use of legal provisions and programmes promoting freedoms and rights for EU citizens, etc.).

The European Affairs Committee achieves the above mentioned by organising meetings with the participation of representatives from various layers of the society (academics, NGOs, press, etc.), inviting such representatives to committee's meetings, organising stages for college students, attending (members and staff) to meetings organised by other institutions, responding to day to day questions and information requests made by citizens. In the same time, the members of the committee manage communication campaigns and dialogue with electors in their respective constituencies.

The Chamber of Deputies' web page hosts a forum on Romania's accession to the EU.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

No. There is no need to advertise the Treaty of Lisbon to a public massively supporting it. Intervening in the Irish ratification, other than in co-operation with the Ireland's authorities is neither appropriate nor useful. See other details in questions 1-3.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

The Rules of procedure of the European Affairs Committee, including provisions in the Lisbon Treaty are foreseen to be adopted by the plenary sitting of the Chambers. Following their adoption, the rules of procedures of both Chambers together with the rules of procedures of the staff will be amended.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this chapter

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

N/A. Romania was not a member of the EU and did not answer the questionnaire.

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

No such debate was held. The Parliament's decision setting up the European Affairs Committee (EAC) and the draft Rules of procedure of the European Affairs Committee grant the committee the right to express an opinion on behalf of the Parliament leaving the EAC the choice to submit certain documents to the decision of the plenary sitting of the Chambers. The EAC may draft opinions on CSDP matters, taking into consideration the opinions of the specialized committees, but these opinions are amongst the most likely to be submitted to the approval of the plenary sitting of the Chambers.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

The draft Law on cooperation between the Parliament and the Government of Romania in European Affairs has been adopted by the European Affairs Committee, but the approval by the Parliament is still pending. The draft Law allows the Parliament to examine whichever EU proposal it deems of utmost importance, including the engagement of national military capabilities in a European operation.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>21</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The Parliament of Romania is in favour of COSAC organising interparliamentary conferences, including those on CSDP matters.

COSAC's relation with the Parliamentary Assembly of the WEU could take place in the same framework described in art. 1, 10.1 and 13 of COSAC's Rules of procedure.

## **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

### **Questions:**

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<sup>21</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

1. **Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The draft Law on cooperation between the Parliament and the Government of Romania in European Affairs gives the Parliament the power to mandate the Government on any negotiating item in the EU Council.

In practice, due to the great number of EU proposals, the selection of proposals to be examined will depend on their importance for the country. Involving the Parliament in the decision on opening of negotiations on agreements on matters of exclusive community competences will depend on the stake of that particular action.

2. **The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

Standard procedure of mandating systems: selection of proposals to be submitted to Parliamentary scrutiny, consultation / talks with Government (representatives), opinion of the specialised committees, opinion of the European Affairs Committee, possible request of debate and decision of the plenary sitting of the Parliament, issue of the mandate to the Government, amending the initial mandate following negotiations in the EU Council, report by the Government representatives on the outcome of the negotiations.

3. **Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

No. The legal framework of the cooperation between the Parliament and the Government of Romania in European Affairs was not formally adopted. In practice the Government would inform the Parliament on request, but no such request was made.

4. **The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What**

**is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

Same as in question no. 3.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

Changes to our scrutiny procedure on the agreements negotiated by the European Union, after the Treaty of Lisbon comes into force, are envisaged. This operation can be done only after the formal adoption, implementation and assessment of the effectiveness of our scrutiny system.



## **Slovakia: Narodna Rada**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 6. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The Speaker of the National Council of the Slovak Republic as well as many deputies expressed their deep disappointment over the result of the Irish referendum. However, the decision of the Irish people was legitimate and democratic and therefore we fully respect it.

- 7. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

It is necessary to find a solution of the situation and to continue the ratification process of the Lisbon Treaty in the remaining countries.

- 8. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The parliament engages in a debate with citizens through different ways, e.g. the so called "Open Day" in the National Council, which is held on 1<sup>st</sup> September, speeches of deputies at different occasions, seminars held in the premises of the National Council.

- 9. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

Currently we do not prepare any specific activities concerning the ratification process but we are ready to support any such initiative that would contribute to a successful solution of the situation aiming at ratifying the Lisbon Treaty.

- 10. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

So far the National Council of the Slovak Republic has not prepared any legislative nor administrative changes with a view to the entry into force of the Treaty of Lisbon.

### **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

In previous COSAC Bi-annual Reports (*4th as of 2005 and 5th as of 2006*) we focused on the European Affairs Committee scrutiny competence concerning CFSP/ESDP proposals. In this light we can establish that no new arrangements in the Committee scrutiny competence have been adopted since then and our Committee continues (likewise as before) to scrutinize all the items put on the agenda of the respective GAERC session. (When the GAERC agenda is completed with ESDP dossier, the relevant Minister (for Foreign Affairs or Defence) is obliged to present to the Committee the proposal for the position of the Slovak Republic with regard to each item put on the agenda of the respective GAERC session. After having sought and obtained the Committee's approval, the Minister is entitled to submit the official position of the Slovak Republic in the EU Council.) However, as regards the scrutiny of the Slovak Parliament concerning CFSP/ESDP missions (led by the EU), the rules for its scrutiny competence and its agreement on Slovakia military forces' dispatch and deployment continue to abide by the respective provisions of the Constitution of the Slovak Republic.

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

The debate in the plenary of the National Council of the Slovak Republic that accompanied the ratification of the Lisbon Treaty did not touch upon the core of the future CSDP. So far we are not considering any changes or adaptation in this regard.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

Slovak Parliament is involved in the process of scrutiny and approving Slovakia military forces' dispatch and deployment abroad according to the relevant provisions of the Constitution of the Slovak Republic. We will be considering (on the basis of the recommendations made by the relevant ministries) amendment of relevant legal instruments as regards the field of CSDP including the possibilities of a more active involvement of the parliament into these processes.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European**

**Union<sup>22</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

Slovak Parliament has backed the Lisbon Treaty as such and on this basis they welcome any Lisbon Treaty efforts (materialized through relevant articles and protocols) leading to a possible strengthening of CSDP dossier. Slovak Republic has repeatedly held that the Lisbon Treaty makes the EU processes more effective, efficient, transparent and democratic and therefore Slovakia has endorsed the Lisbon Treaty in its complexity, just as it backed the Constitutional Treaty and in the interest of preserving the substance of the Constitutional Treaty in its successor treaty Slovakia upheld at the IGC 2007 minor concessions leading finally to the consensus on the Lisbon Treaty. The Slovak parliament is open to any suggestions leading to possible strengthening interparliamentary relations including the Parliamentary Assembly of the WEU.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

Slovak Parliament / Committee on European Affairs does not participate in the process of negotiating agreements on the ground of the exclusive competence of the Community nor we scrutinize the activities concerning opening the negotiations. The Committee on European Affairs scrutinizes activities of the Ministry of Economy of the Slovak Republic only in cases of anti-dumping proceedings by means of positional materials approved by the ministry or proposals for Council regulations imposing anti-dumping duties.

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

Slovak Parliament nor its Committee on European Affairs are engaged in the process of ex-ante scrutiny.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty**

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<sup>22</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

Analogous to the previous case, i.e. Slovak Parliament nor its Committee on European Affairs are engaged in the process of ex-ante scrutiny relating to the appointment of special committees under the Article 300 of the Treaty establishing the European Community. Likewise, we do not receive reports of these committees.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The Committee on European Affairs is not involved in the adoption of the common position for the discussions about the respective agreements.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

So far we can not predict any possible scrutiny procedure modification.

## **Slovenia: Državni zbor**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

**1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The outcome of the Irish referendum was unfortunately negative but somehow expected. It happened during the Slovenian EU Council presidency. And one of our major priority was - the monitoring of Lisbon Treaty ratification process. At that time the position of Slovenia and of the Slovene parliament was that the ratification process in member states' should go on as planned.

The speaker of The National Assembly of the Republic of Slovenia expressed regret over the referendum outcome, giving a speech on this year's June's Conference of the Speakers in Lisbon, stressing how much indeed the Treaty would be needed and appealing to parliaments not yet having ratified the new founding treaty to do so.

**2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

As already mentioned The National Assembly of the Republic of Slovenia is of firm belief that the ratification process as was envisaged at the signing of the document in December 2007 is to be preserved and solutions for the Irish "no" are to be found.

**3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

European affairs are presented to the public through regular press conferences, held at the end of each weekly session of the Committee on EU Affairs. The committee's chair inform the public of the outcome of each of these sessions, being that according to the law they are not held public. In addition to that Committee on EU Affairs held many session which were opened to the public and where experts were invited. Committee dealt with current important issues which were high on the EU agenda at that moment, such as climate change, Lisbon strategy, Lisbon Treaty, Energy, Euro, Schengen area...The main goal was to initiate many fruitful public debates on EU subjects and to bring EU issues closer to the public.

**4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

Due to the fact that the ratification procedure in our parliament is already completed and due

to the fact that a matter is solely in the hands of member states' national legislation, the National Assembly of the Republic of Slovenia is not considering to undertake any additional communication efforts and no new measures are envisaged.

**5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

While it is being acknowledged that the new Lisbon Treaty needs further implementation clarifications in order for the new role of national parliaments to truly come to life, the National Assembly of the Republic of Slovenia for the time being disposes of no structure-wise novelties.

**CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

**CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

**Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since?**

No.

**If so, which ones and why?**

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- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)?**

No.

**Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

No.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation?**

The decision on the engagement of the national military capabilities in an European operation is, in accordance with the Defence Act, within, the competence of the government. Committee on Foreign Policy discusses a proposal to establish an ESDP operation before it is adopted at the EU Council. The government later informs the

Committee on Foreign Policy on the decision regarding the engagement of Slovenian military capabilities in such operations.

**Would the implementation of the new CSDP have an impact on the current practises?**

No.

**4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>23</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP?**

So far, the possibility of a cooperation between parliament as envisaged in Article 10 of the protocol 1 of the Treaty of Lisbon has not been discussed before the Committee on Foreign policy.

**In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The possible relation with the Parliamentary Assembly of the WEU has not been a subject of political discussion before the Committee on Foreign Policy.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

**1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

According to the Act on Cooperation between The National Assembly and the Government in EU Affairs Government sends the proposal of the positions of the Republic of Slovenia to Parliament. The proposal is then discussed within the working body responsible which sends the opinion to the competent working body-Committee on EU Affairs. The Committee on EU Affairs then adopts the position of the Republic of Slovenia on the matter. If the given mandate changes substantially then Government is obliged to send new proposal to the National Assembly. If the competence is completely transferred from Member State to the EU (exclusive competence) then there is no need for ratification process in National Assembly.

**2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives**

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<sup>23</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

According to the Act on Cooperation between The National Assembly and the Government in EU Affairs Government sends the proposal of the positions of the Republic of Slovenia to Parliament. The proposal is then discussed within the working body responsible which sends the opinion to the competent working body-Committee on EU Affairs. (In the field of the CFSP the competent working body is Committee on Foreign Policy). The Committee on EU Affairs then adopts the position of the Republic of Slovenia on the matter. If the given mandate changes substantially then Government is obliged to send new proposal to the National Assembly. So the main task for the National Assembly is to monitor the progress during the negotiations and to adopt the new position of the Republic of Slovenia when is necessary. Sometimes at the end of negotiations the ratification is needed in the National Assembly.

**3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

No.

**4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

According to the Act on Cooperation between The National Assembly and the Government in EU Affairs government sends the stand points for the forth coming EU Council (GAERC for example) in the National Assembly where the matter is discussed within the competent working bodies, Committee on Foreign Policy (CFSP) and the Committee on EU Affairs (enlargement of the EU). These stand points are usually adopted or confirmed in closed session of the above mentioned committees. In the session also the position of the Republic of Slovenia regarding the common position of the EU is presented and in this way the National Assembly of the Republic of Slovenia is informed about the negotiations and also about the progress.

**5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

No.



## **Slovenia: Državni svet**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The National Council has not made any official response to the outcome of the Irish referendum.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

It is necessary to find a solution of the situation and to continue the ratification process of the Lisbon Treaty in the remaining countries.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

Through open parliamentary sessions and public conferences with civil society.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

Currently no.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

No new measures are foreseen. There are only unofficial discussions how the National Council should cooperate with the National Assembly and other parliaments in regard to the Treaty of Lisbon, especially its Protocol 2.

### **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

### **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

#### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

No new arrangements have been adopted.

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

This subject was not discussed neither in the plenary session nor in the commissions sessions which were held prior to the ratification of the Lisbon Treaty. So far no changes or adaptation in this regard are considered.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practices?**

The National Council may express its position and present it to the National Assembly and to the Government. The implementation of the new CSDP would not have any impact on the current practice.

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>24</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

There is no official position on this issue.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

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<sup>24</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

The National Council does not scrutinize the activities of the competent ministry before the negotiations are open and it does not participate in the process of negotiating agreements on the ground of the exclusive competence. It is involved only indirectly when discussing the economic policy with the competent ministries.

- 2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

The National Council is involved indirectly when discussing the policies and legislation with the ministries and in the process of ratification of these agreements in Slovenian parliament.

- 3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

No.

- 4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The National Council is not involved in these proceedings directly, but it expresses its general opinion on certain policies when it discusses them with the competent ministry.

- 5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

No.

## **Spain: Cortes Generales**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

*The majority in Parliament has reacted with preoccupation to the outcome of the Irish referendum.*

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

*As an example of its willingness to continue with the ratification process, the Cortes Generales granted the authorisation to conclude the Lisbon Treaty on July, 15<sup>th</sup>, after the Irish referendum had taken place .*

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

*The Spanish Parliament organises Parliamentary Conferences in order to engage in a debate with citizens about European Affairs.*

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

*The Spanish Parliament is considering undertaking such efforts in relation with the European Union in general, although not specifically about the ratification process of the Treaty of Lisbon, as Spain has already ratified it.*

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

*In the current Parliament, the Joint EU Committee has created a working group on the consequences for the Cortes Generales of the Treaty of Lisbon. This working group has the mandate to submit proposals in relation to the enforcement by the Cortes of the Protocol on the application of the principles of subsidiarity and proportionality. The proposals will take into consideration the recommendations on the matter approved by the former Parliament in December 2007.*

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

*At the present moment, no new arrangements have been implemented.*

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

*At the present moment, no new arrangements have been implemented.*

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

*According to the Organic Act 5/2005, in all foreign operations involving Spanish troops in which national defence or the national interest are not directly involved, the Congress of Deputies has to be consulted prior to the sending of the troops and the Congress has to grant an authorisation.*

*It is unlikely that the new CSDP will have an impact on this practice as established by the said Organic Act.*

- 4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>25</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

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<sup>25</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

*These issues have not yet been discussed.*

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

1. **Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

*The scrutiny of the Government's actions in relation to commercial policy is within the mandate of the Standing Committee on Industry, Tourism and Trade, and occasionally, of the Standing Committee on Foreign Affairs.*

2. **The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

*The main instrument for the scrutiny of the Government actions in relation with these issues are the accounts rendered by a member of the cabinet before a Committee or before the Plenary.*

3. **Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

*The Cortes Generales are not involved in these matters.*

4. **The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

*The Cortes Generales do not have a specific position on the issue.*

5. **Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

*A working group has been created within the Joint EU Committee in order to submit proposals regarding the application of the new Protocols to the Lisbon Treaty. According to its mandate, the working group will present its report to the Committee on December, 31<sup>st</sup> at the latest.*

## **Sweden: Riksdagen**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

**1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The result gave rise to debates and informal discussions, but there has been no formal reaction from the Riksdag as an institution.

**2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

There has been a clear majority for continuing the ratification process. A Government bill on the Treaty of Lisbon was presented to the Riksdag in July. The Government bill was referred to the Committee on Foreign Affairs and will be scrutinized the coming months. A committee report is envisaged to be presented to the Chamber in the autumn of 2008 and a decision is expected to be taken by the Chamber also in the autumn.

**3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The Riksdag administration together with the information office of the European Parliament in Sweden arrange debates on EU issues in focus. Nine debates were arranged in 2007 and eight debates in 2008. These debates are open to the public, who can ask the panel questions. The panel consists of both MP:s and MEP:s

**4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

A public debate of the kind mentioned under question 3 was organised on 18 September. No additional measures are planned at this point.

**5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

No measures are put into place yet. The Riksdag Board has appointed an investigator who will look into the issue of subsidiarity control, as well as other provisions in the Treaty related to national parliaments. Other measures regarding the Treaty of Lisbon will be handled during the scrutiny of the Government bill. See question 1.2 above.

### **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.



### **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

#### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

The arrangements regarding scrutiny procedures of ESDP proposals still stands as explained in the 4th and 5th Bi-annual Reports of COSAC.

However, as described in previous Bi-annual Reports, there has been an overall alteration in the Swedish EU-scrutiny system which concerns all policy areas. These changes are in general that the Riksdag both gives mandate and scrutinises documents. The parliamentary committees have consultations with the Government on specific matters. The final negotiating mandate is given by the committee on EU affairs before decisions in the Council of Ministers and the European Council. The specialised committees examine and adopt statements on the Green and White Papers and other documents. Regarding the deliberations in the Committee on EU Affairs one could describe it as a pre- and post Council scrutiny.

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

During 2008 the Committee on Foreign Affairs held deliberations with the government concerning the new European Security Strategy and received oral information from the government regarding the External Action Service envisaged in the Treaty of Lisbon.

No new scrutiny procedures applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon have been discussed within the Committee on Foreign Affairs.

The issue has neither been debated by the Committee on Defence or the Riksdag as such.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

Swedish armed forces may be committed to battle or dispatched abroad provided the Riksdag consents thereto; the action is permitted under an act of law which sets out the prerequisites for such action or a duty to take such action follows from an international agreement or obligation which has been approved by the Riksdag.

According to the Swedish Act (Lag 2003:169) on armed forces on duty abroad, the Swedish government can, following a demand from the UN or a decision in the OSCE, decide to place

armed forces to the disposal of a peacekeeping operation abroad. A government decision according to this act of law does not need consent by the Riksdag.

A negotiating mandate is given by the committee on EU Affairs prior to all kinds of decisions taken by the Council of Ministers

**4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>26</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

Questions which concern the CSDP are regularly discussed within the framework of the Conference of Foreign Affairs Committee Chairpersons of the Parliaments of the Member States (COFACC). As concerns the relation with the Parliamentary Assembly of the WEU the Riksdag has the status of permanent observer. The Swedish delegation participates in a limited extent and only in plenary sessions. The Swedish parliament's relation with the Parliamentary Assembly of the WEU is currently being analysed.

**CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

**Questions:**

- 1. Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The Committee on Industry and Trade is responsible for matters relating to trade policy. This is an area where the European union has exclusive competence. The Committee on Foreign Affairs is responsible for certain foreign trade issues and international economic cooperation.

Regarding the WTO the Committee on Industry and Trade has several times pointed out that there is a need for some kind of parliamentary influence in the World Trade Organization (WTO), for instance through the meetings in the International Parliamentary Union (IPU).

Openness about the negotiations in WTO is required from parliament. Government informs the parliament frequently in the plenary chamber, in the Committee on Industry and Trade and in the Committee on Foreign Affairs. Prior to a decision taken by the Council of Ministers the Government is given a negotiating mandate by the Committee on European Union Affairs. The new administrative procedures in parliament for dealing with EU-matters give the parliamentary members more information earlier and possibilities to react, e.g. in trade matters.

Also, government has a reference group for WTO matters. A couple of times during the year there are meetings, initiated by the Ministry for Foreign Affairs, with representatives from industry, trade

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<sup>26</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

unions, various NGO:s and deputy secretaries from the parliament. The aim of the meetings is to elucidate current WTO matters from different angles. Representatives from the Ministry for Foreign Affairs inform the participants about the work in government and within the EU institutions in special areas, whereafter the participants have possibilities to present their questions and points of views.

Furthermore a number of parliamentary members are invited by the government to participate in the government delegation at important trade meetings. This has been the case at WTO meetings in Seattle, Doha, Cancun and Hongkong.

Every year the government presents a written communication to parliament about the activities in the EU during the last year. In this communication many areas including the development in the EU trade policy and the Swedish priorities are presented.

**2. The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

Prior to or during the negotiating process it is possible for the sectoral committees, within their respective field of responsibility, to confer with the Government on positions or request information.

A negotiating mandate is given by the committee on EU Affairs prior to all kinds of decisions taken by the Council of Ministers.

The Government may not conclude a binding international agreement without a Riksdag approval, if the agreement presupposes an amendment of law or if it is of major significance.

**3. Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

No.

**4. The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

As stated above a negotiating mandate is given by the committee on EU Affairs prior to all kinds of decisions taken by the Council of Ministers.

Prior to meetings in international organizations the sectoral committees can, within their respective field of responsibility, confer with the Government on positions or request information. For example, in preparing the annual and spring meetings of the World Bank and the IMF the committee on Foreign Affairs together with the committee on Finance, confer with the Government.

**5. Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

See above, question 1.2 and 1.5.

## **United Kingdom: House of Commons**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

**1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

- Debate following Government statement on 16 June, HC Deb 16 June 2008 cc 704-5 at <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080616/debtext/80616-0008.htm#0806163000003>
- European Affairs Debate, HC Deb 18 June 2008 c 950 at <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080618/debtext/80618-0004.htm#08061894000184>
- debates following statements on the June European Council (HC Deb 23 June 2008 c23 at <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080623/debtext/80623-0004.htm#08062311000153> and HL Deb 23 June 2008 c 1239 at <http://www.publications.parliament.uk/pa/ld200708/ldhansrd/text/80623-0004.htm#08062330000008>)

**2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The European Union (Amendment) Bill was give its third reading in the House of Commons on 11 March 2008, paving the way for ratification: votes for 346; votes against 206.

**3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

No direct debate. Select Committee and other parliamentary debates/views on EU affairs are all published on the Parliament website.

**4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

**5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

The Deputy Leader of the House told the Commons on 26 February 2008 that Parliament would decide on how Parliament would be involved in the operation of the Treaty of Lisbon's orange and yellow card systems contained in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, adding that the Government would work with both Houses "to ensure that there is an effective mechanism" and also "an opportunity for a decision before the Lisbon Treaty comes into force" (HC Deb 26 February 2008 c 977).

Re. Ordinary Revision Procedure, Clauses 5 and 6 of the *European Union (Amendment) Bill* allow Parliament to control decisions on the use of the new Treaty revision provisions by mandating the Government to support a decision on the use of the new provisions only following parliamentary approval.

Clause 5 concerns amendments to the EU founding Treaties, which will be the new TEU, TFEU and Euratom once the Treaty of Lisbon comes into force. Under this Clause, amendments agreed under the Ordinary Revision Procedure must be approved by an Act of Parliament, as are those currently agreed under Article 48 TEU. The Explanatory Notes comment that "Any increase in the competences of the EU will therefore be subject to prior Parliamentary approval".

Clause 6(2) of the Bill takes account of the new Treaty revision and 'passerelle' procedures in Article 48(6) and (7), setting out a process for obtaining parliamentary approval for draft decisions under Articles in the list in subsection (1). Parliamentary approval means that each House agrees a motion approving the Government's intention to vote for or support the adoption of a specified draft decision under one of a list of Lisbon Treaty Articles.

Clause 6(3) provides that a motion may include a "disapplication provision" to preclude the requirement for further parliamentary approval should the draft decision be amended by the Council. Parliamentary approval will be required for the basic principle of whether to move from unanimity to QMV in the areas listed in Clause 6(1). However, in the event of amendments other than the principle of changing or not changing to QMV – subsidiary amendments to a draft, such as the date of a move to QMV – the Minister may certify it as an amended draft decision and agree to it without having to bring it back to Parliament for a further motion. Not every motion seeking approval will have a disapplication provision in it ("may include provision disapplying subsection (1)"), so presumably, other forms of amendment could be in order. An amendment to remove the disapplication provision is not an amendment that rejects the principle of the draft decision and could be seen as a delaying tactic rather than opposition to the principle.

## **CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

## **CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

### **Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

This was considered by the European Scrutiny Committee. ESC 25<sup>th</sup> Report 2006-07 at

<http://www.publications.parliament.uk/pa/cm200607/cmselect/cmeuleg/41-xxv/4114.htm>

- 2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

Third Report from the Foreign Affairs Committee, 2007-08, "Foreign Policy Aspects of the Lisbon Treaty", HC 120, Session 2007-8 at <http://www.publications.parliament.uk/pa/cm200708/cmselect/cmfaaff/120/12003.htm>. This report was debated in the Commons on 20 February 2008 c 369 (Treaty of Lisbon

(No. 5)) at <http://www.publications.parliament.uk/pa/cm200708/cmhansrd/cm080220/debtext/80220-0006.htm>.

- 3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

At present defence of the realm and the deployment of British military forces in all circumstances are conducted under the Royal Prerogative. In constitutional terms, therefore, the Government has liberty of action in this field and Parliament has no formal role in approving such action. However, successive Governments have undertaken to keep Parliament informed, both of the decision to use force and of the progress of military campaigns. Parliamentarians and the House of Commons Defence Select Committee also perform a scrutiny role.

In March 2008 the Government did, however, publish a number of recommendations that would provide Parliament with a formal role in approving the deployment of military forces in certain situations of armed conflict. A detailed House of Commons Resolution giving Parliament a role in the decision-making process is expected to be presented and debated toward the end of 2008.

The implementation of the CSDP provisions in the Lisbon Treaty will have no influence upon the practice of approval for the deployment of the British forces either under the existing system or under any of the new proposals.

4. **How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>27</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The House of Commons may, if it wishes, question or debate the Government's intended position. The Government is not required to obtain a specific mandate from the House of Commons.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

1. **Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

Because the UK Government observes the confidentiality of draft negotiating mandates, the proposals are not deposited in parliament by the Government for scrutiny. So we do not see draft EC/EU agreements with third countries and international organisations until the negotiations have been completed and the Council is asked to adopt Decisions approving the agreements and authorising the President of the Council to arrange for signature on behalf of the EC/EU.

2. **The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

When the Commission defines negotiating directives for shared competence agreements (e.g Partnership and Cooperation Agreements (PCAs) and Economic Partnership Agreements (EPAs), the Scrutiny Committees consider them and may recommend further debate in the European Committee or on the Floor of the House. PCAs are implemented as Community Treaties by Order under Section 1 of *European Communities Act 1972*, eg "Draft European Communities (Definition of Treaties) (Partnership and Cooperation Agreement)

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<sup>27</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>



(Republic of Tajikistan) Order 2007” (See Order at [http://www.opsi.gov.uk/si/si2007/draft/ukdsi\\_9780110778150\\_en\\_1](http://www.opsi.gov.uk/si/si2007/draft/ukdsi_9780110778150_en_1)).

3. **Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

Not that I know of.

4. **The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The parliamentary EU scrutiny committees consider proposals for EC/Member State accession to/ratification of international agreements. The agreements may be debated by Parliament after being laid under the “Ponsonby Rule”. For example, see 2002/970/EC: Council Decision of 18 November 2002 concerning the conclusion on behalf of the European Community of the International Cocoa Agreement 2001 (an extension of an earlier cocoa agreement); Cm 2418, Miscellaneous 26 (1993), “International cocoa agreement 1993”, European Scrutiny Committee Third Report, 31 October 2001, at <http://www.parliament.the-stationery-office.co.uk/pa/cm200102/cmselect/cmeuleg/152-iii/15221.htm>.

5. **Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

For comment on the procedure for the adoption of international (including EU) treaties, see the Government’s response to the Procedure Committee’s 2<sup>nd</sup> Report of 1999-2000 on the “Parliamentary scrutiny of treaties” (HC 210) at <http://www.fco.gov.uk/en/about-the-fco/publications/treaties/practice-procedures/>. See also SN/IA/4693, “Parliamentary scrutiny of treaties”, 10 April 2008 at <http://www.parliament.uk/commons/lib/research/notes/sn-ia-04693.pdf>. A list of EU treaties adopted under the procedure described in the note is on the FCO website at <http://www.fco.gov.uk/en/about-the-fco/publications/treaty-command-papers-ems/treaty-command-papers-by-subject/eu-agreements>.

## **United Kingdom: House of Lords**

### **CHAPTER 1: The Treaty of Lisbon and its ratification - Expectations of national parliaments and the European Parliament**

#### **Questions:**

- 1. How has your Parliament / Chamber reacted to the outcome of the Irish referendum?**

The House of Lords has made no official reaction to the result.

- 2. What is your Parliament's / Chamber's position regarding the further ratification process of the Treaty of Lisbon?**

The House of Lords has no official position. However the House itself passed the Bill to enable the UK Government to ratify the Treaty on 18 June 2008. This was after the result of the Irish referendum was known.

- 3. In which way and by which means does your Parliament / Chamber engage in a debate with citizens about European affairs?**

The House of Lords devotes considerable resources – 80 members supported by 25 staff – to considering European affairs, through the Select Committee on the EU and its seven sub-committees.

The Committee conducts inquiries on the basis of calls for evidence which are public and to which any member of the public can respond.

Committee meetings to take evidence are usually open to the public to attend.

Committee reports are available to the public in hard copy and are published on the internet.

Plenary debates on European affairs are open to the public to attend.

- 4. Is your Parliament / Chamber considering to undertake any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

The House of Lords has no such plans.

- 5. Which measures (e.g. changes to the rules of procedures, reorganisation of the administration etc.) are already put into place, are foreseen or are under discussion at your Parliament / Chamber with a view to the entry into force of the Treaty of Lisbon?**

No official decisions have been taken. No decisions are likely before the Lisbon Treaty is ratified by all Member States.

**CHAPTER 2: Report of the working group of the national parliaments' representatives to the EU, created by the decision of the XXXIX COSAC**

There are no questions for this Chapter.

**CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy**

**Questions:**

1. **Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

No.

2. **Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

Yes, a debate was held on the foreign and defence policy aspects of the Treaty in the House of Lords as part of the debates on the Bill to enable the Government to ratify the Treaty.

3. **To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

The House of Lords currently has no part in the decision-making process with regards to the deployment of national armed forces abroad, whether in a European or other context. Decision-making authority on such matters rests with the executive, although the House of Lords may debate them. However, the EU scrutiny procedures of the House of Lords apply to the adoption of Joint Actions by the Council of the European Union under the Common Foreign and Security Policy, including those authorising EU-led military operations. The House of Lords EU Committee can use its scrutiny procedures to, for example, request further information from the Government about a proposed operation and express its views, but it has no say on the decision to deploy British armed forces as part of such an operation. On 25 March 2008 the Government published a draft Constitutional Reform Bill which includes a section on the deployment of the armed forces, but there are no plans to give the House of Lords a significantly enhanced role in this respect.

4. **How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European**

**Union<sup>28</sup>, which would allow COSAC to organise interparliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

Neither the House of Lords nor its EU Committee have taken formal positions on this issue.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

##### **Questions:**

**1) Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?**

The House of Lords European Union Committee undertakes scrutiny of EU documents on behalf of the House. Under procedures agreed between the Committee and the Government, negotiating mandates are not normally subject to scrutiny (having regard to their confidential nature) but the Government informs the Committee of the main points of a mandate, once agreed, while respecting any confidentiality as to the details. The Committee does not usually follow the course of negotiations. If negotiations result in an agreement, a proposal to apply the agreement provisionally following signature is normally scrutinised, and the proposal to conclude the agreement on behalf of the European Community is subject to scrutiny.

**2) The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?**

The procedure outlines above in answer to Question 1 applies.

**3) Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

The House has no involvement in the appointment of special committees under Article 300, and does not receive reports of those committees. In principle, such reports may be debated in the House, for example, on a motion tabled by the Government, but we are not aware of any debate of this kind.

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<sup>28</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

**4) The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The normal arrangements for scrutiny of EU documents apply. The proposal for a common position is subject to scrutiny.

**5) Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

No decisions have been taken on possible procedural changes which may be necessary in consequence of the coming into force of the Treaty of Lisbon.

## **European Parliament:**

### **CHAPTER 1:**

#### ***1. How has the European Parliament reacted to the outcome of the Irish referendum ?***

##### *Before the referendum*

In the run-up to the Irish referendum the European Parliament had sent a number of political messages showing its strong interest in favour of a rapid ratification of the Lisbon treaty. For instance, several resolutions related to the annual budgetary procedure underlined Parliament's expectation that the treaty would enter into force early in 2009 and hence have considerable effects on the expenditure in some budget lines such as communication policy or the execution of policies within the Area of Justice, Liberty and Security.

The resolution of 24 April 2008<sup>29</sup> also stressed that the implementation of the new treaty will require the European Parliament, the Council and the Commission to agree on the modifications to the relevant budgetary and legislative instruments and a new set of rules to ensure a smooth running of the new budgetary procedure while fully respecting the new interinstitutional balance between the three institutions as laid down in the Lisbon Treaty. As to Parliament's own budget, the resolution of 10 April 2008<sup>30</sup> considered that the Parliament's increased responsibilities following a ratification of the Treaty of Lisbon should be of prime concern for the formulation of the 2009 budget, especially as regards its role as lawmaker on an equal footing with the Council. It stressed that Parliament's role as one arm of the budgetary authority of course remains, but with changed provisions as regards both expenditure classification and budgetary procedures.

In foreign and security policy the Parliament also expressed detailed proposals. In its resolution of 5 June 2008<sup>31</sup> Parliament welcomed the improvements brought about by the Treaty of Lisbon regarding external action, the CFSP and the ESDP, which is to become the CSDP, and stressed that the new Treaty significantly enhances the external action of the Union and its role in international relations, and that it raises the Union's visibility and its capacity to act effectively on the world stage.

At the committee level, the Committee on Constitutional Affairs initiated a series of reports. The chairman, acting as rapporteur, prepared a draft report on Parliament's new role and responsibilities implementing the Treaty of Lisbon, for which he requested all other committees to submit their opinions. Most committees have in the meantime delivered their opinions. However, for obvious political reasons the report was put on hold. It could be quickly submitted to the plenary once a way forward for the ratification has been clarified. Other reports have been envisaged by the committee but are also held back at this moment (see below).

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<sup>29</sup> P6\_TA(2008)0175

<sup>30</sup> P6\_TA(2008)0115

<sup>31</sup> P6\_TA-PROV(2008)0254

### *After the referendum*

The European Parliament's reactions after the Irish popular vote can be grouped in rapid political assessments, on the one hand, and medium-term strategic responses, on the other.

- Immediate reactions

A few days after the referendum President Pötering opened the Strasbourg plenary part-session on 16 June 2008 by saying that the referendum result of 13 June 2008 confronted the EU with one of the most difficult challenges in its history. He declared that the Lisbon Reform Treaty allowed the EU more democracy, greater ability to act and greater transparency and reminded MEPs that it derived from the Constitutional Treaty, which itself was drafted by a Convention meeting in public and comprising members of national parliaments and the European Parliament.

The President insisted that the ratification process must continue without reservation and called upon the Irish Government to submit proposals as to how progress beyond this difficult phase in European politics could be made. He undertook for the European Parliament to devote all its energies to overcoming these challenges. It remained the EP's goal to see the Lisbon Treaty enter into force before the elections of June 2009. President Pötering promised resolutely to defend these principles at the European Council of 19 and 20 June 2008.

Two days later, on 18 June 2008, MEPs debated the forthcoming European Council after the No vote in Ireland. All groups in the House accepted and respected the outcome of the vote in Ireland. Most political groups underlined the need to continue the ratification processes and to respect those Member States that had already ratified the Lisbon Treaty. After the European Council, on 23 June 2008, President Pötering welcomed as a strong political signal the call by European Heads of State and Government for the Lisbon Treaty ratification process to go ahead in those countries that had not yet ratified. President Pötering added: "Now the Irish Government must further analyse the results of the Referendum. I really hope that on this basis at the next Summit on 15 October it will be possible to make concrete proposals and possibly outline a timetable of how to proceed. The aim is that the Treaty will have entered into force in time for the European Parliament elections in June 2009."

- Strategic positions

Over the past few months activities concerning the progress of ratification were carried on mainly at the Committee level of the Parliament. However, in the plenary the new President of the Council Nicolas Sarkozy made it clear from the outset of his term that "Europe [could] not be condemned to inaction" by the Irish referendum (speech to the European Parliament on 10 July 2008). He emphasised that without Lisbon there could be no further enlargement: enlargement required new institutions. Most EP groups supported the Presidency's institutional priorities.

The Committee on Constitutional Affairs followed a two-pronged approach: on the one hand, the impression to coerce the Irish people towards ratification was to be avoided. On

the other hand, several political issues could not wait to be prepared in order to be ready on the day the treaty would come into force. Some such issues are the development of the relations between the European Parliament and national parliaments under the Treaty of Lisbon (rapporteur: Elmar Brok), the impact of the Lisbon Treaty on the development of the institutional balance of the European Union (rapporteur: Jean-Luc Dehaene), the preparation of the implementation of the new Citizens' Initiative (rapporteur: Sylvia Kaufmann), or the perspectives for developing the civil dialogue under the Treaty of Lisbon (rapporteur: Genowefa Grabowska). Under the guidance of Richard Corbett, a further report is under preparation to adapt the Rules of Procedure of the European Parliament to the entry into force of the Lisbon treaty.

All these topics are at the moment dealt with with some discretion. For some of them, workshops have been organised by the committee in order to absorb the expertise of academics and civil society on these issues. However, no formal draft report has yet been submitted to the committee.

Another group of reports is indirectly related to the Lisbon treaty but appeared less risky with a view to the completion of the ratification process. Hence the committee adopted, on 11 September 2008, a report on the use of the symbols of the Union by the Parliament, proposing a change of Parliament's Rules of Procedure to the effect of using the flag, the anthem and the motto at certain occasions (rapporteur: Carlos Carnero González). The Parliament also streamlined its system of creating political groups in view of the 2009 elections (resolution of 9 July 2008<sup>32</sup>).

The Committee on Budgets has prepared a draft report on the financial aspects of the Reform Treaty (rapporteur: Catherine Guy-Quint) which is awaiting adoption for similar reasons.

Finally, Parliament has started to prepare itself for the new legal framework of the Lisbon treaty at the administrative level. A series of training sessions have been organised for officials and the new provisions brought by the Lisbon treaty have been prominently discussed in several publications such as the upcoming paper edition of the European Parliament Fact Sheets.

## ***2. What is the European Parliament's position regarding the further ratification process of the Treaty of Lisbon?***

The European Parliament continues to emphasise at various levels that all Member States, including the national parliaments, and the European institutions should work responsibly together with the Irish government on finding a solution to overcome the consequences of the referendum. The October European Council should identify the ways and means which would still make it possible for the Lisbon Treaty to enter into force in advance of the European elections in June 2009. The European Parliament is fully committed to addressing the challenges resulting from the Irish vote and it expects to be involved in all aspects of the process involving the other institutions. On the basis of the clear political agreement of all Member States at the last European Council ratification should be completed as planned.

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<sup>32</sup> P6\_TA-PROV(2008)0351



At the moment, 24 Member States have concluded parliamentary ratification. In two of them the President still has to sign the ratification bill. Sweden will very probably ratify in autumn 2008, whereas the Czech Republic intends to wait for a solution of the Irish impasse before it ratifies. It is still uncertain how the Irish situation will evolve. New ideas circulate such as parallel ratification of some aspects by referendum and others by a parliamentary vote. The October European Council meeting will be a crucial step in this context.

Please find below the contribution of DGCOMM to the 10th biannual report, which has also been submitted directly to Directorate D in your DG.

**Question 3: In which way and by which means does the European Parliament engage in a debate with citizens about European affairs?**

Through its activities the Directorate-General engages itself in communication with EU citizens through three main channels:

- (1) Targeted communication. The Task of the Media Directorate is to nurture the interests of the media (written press and audiovisual) and to communicate directly with the European public opinion through the modern means of internet-based communication tools: the Parliament internet site and the Parliament WEB TV. The written tools include publications distributed on paper to journalists in the press rooms in Brussels and Strasbourg, sent to mailing lists and published on the Press Service Web page. The Directorate works directly with journalists answering their questions and offering assistance in the press room. Press events: press conferences and briefings are organised to accredited journalists. The Audio-visual Unit aims at improving and increasing audiovisual coverage of the Parliament's activities and events by lending technical assistance to the Media, increasing the production and dissemination of audiovisual items and improving the access to Parliament's AV products.

The direct communication with citizens has become increasingly important. The number of visitors in the EP Internet site, available in 22 languages, has increased by about 40% from 2006 to 2007. The Parliament WEB TV which has been launched on 17 September this year will be an additional tool in communicating messages on the EP point of view on European affairs to viewers across Europe and worldwide.

- (2) Decentralised communication. To make sure that the institutional message is duly adapted and interpreted so that it can be understood in the 27 Member-States of the Union DG COMM maintains a network of 33 Information Offices. They carry out communication activities not only in the capital cities but also in the provinces. In 2007 the total number of actions carried out by the offices amounted to 2200. A special communication tool Citizens' Forum answers to the demands of the political authorities to "go local" (Conference of Presidents, January 2006). The main objective of the citizens' fora is to ensure a permanent dialogue and debate with citizens and to develop channels to feedback of citizens' views and expectations, when possible, in interaction with national, regional and local elected bodies. In 2007 DG COMM organised 68

citizens' fora, many of them outside the capitals or in cooperation between several information offices (cross-border events). In 2008 the total number of these events close to citizens is expected to rise to around one hundred.

- (3) Interactive communication "down to the top". The Unit for Visits and Seminars receives visitors to the Parliament's premises. In 2007 we received 266,681 visitors in the Parliament's three workplaces in over 7,000 groups. The Unit's main communication tools are conferences offered to visitors' groups, a large number of which are groups officially invited by MEPs and sponsored by the Parliament, and seminars bringing together targeted audiences of citizens and panels of MEPs to discuss topical issues. The Unit for Correspondence with Citizens replies to citizens' letters related to matters within the European Parliament's competences, in 2007 26,286 letters in web form, post or fax were replied.

You will find attached the annual activity report 2007 of my Directorate-General for any further more detailed information.

**Question 4: Is the European Parliament considering undertaking any additional communication efforts with a view to the current state of play of the ratification process of the Treaty of Lisbon? If yes, which measures are envisaged?**

The Lisbon Treaty has been an important subject for the EP communication work and an integral part of the activities of the Directorate-General. Most of the communication work carried out by the services based in Brussels and the decentralised services in Member States has reflected the prediction of increased powers for the European Parliament under the new Treaty provisions. Most of the information offices have organised seminars and citizens' fora specially dedicated to the subject in 2007 and the first half of 2008, whereas some information offices have produced specific brochures or opened a specific section on the Treaty on their internet page.

Information offices in countries where the ratification is still pending consider pursuing new actions in the forthcoming period: either in the form of further public debates or additional communication actions on the Internet. The scope and form of these activities depends on the evaluation of the political sensitivity of the issue in the country concerned. Regardless of the status of ratification, all information offices keep responding positively to individual citizens' requests for more information regarding the Lisbon Treaty.

The Directorate-General for Communication envisages responding to the new needs to communicate the significance of the new Treaty once it has entered into force. In the period before the European Elections in June 2009, the communication activities are centred on the theme of the institutional election campaign in accordance with the communication strategy approved by the Bureau of the Parliament in October 2007.

Francesca R. RATTI

cc: Mr D. HARLEY - Deputy Secretary-General

**Note in response to Chapter 3 of the COSAC Questionnaire "CHAPTER 3: Involvement of the parliaments of the European Union in European Defence Policy"**

This chapter will present the systems operated by national parliaments and the European Parliament for scrutiny of the European Security and Defence Policy (ESPD). Taking account of the information on this contained in the 4<sup>th</sup> and 5<sup>th</sup> Bi-annual Reports of COSAC, it will first highlight the new developments on ESDP that have occurred in the scrutiny systems of national parliaments since. Secondly, it will focus on the provisions of the Treaty of Lisbon regarding Common Security and Defence Policy (CSDP, the new designation of ESDP) and how these would affect the way parliaments deal with this area. Beyond the changes that might be foreseen by each parliament in its own scrutiny system, particular attention will also be paid to the cooperation between parliaments through the possible implementation of Article 10 of Protocol 1 of the Treaty of Lisbon which would allow COSAC to organise inter-parliamentary conferences, in particular, on matters of CSDP. In this respect, a closer look will be taken at the relation that might be formed with the Assembly of the WEU.

**Questions:**

- 1. Chapter 1 of the 4th Bi-annual Report (2005) and Chapter 3 of the 5<sup>th</sup> Bi-annual Report (2006) dealt with the scrutiny of CFSP/ESDP proposals by national parliaments. Has your Parliament / Chamber adopted new arrangements regarding its scrutiny procedure of ESDP proposals since? If so, which ones and why?**

A new Inter-institutional Agreement (IIA) between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management came into effect on 1 January 2007.<sup>33</sup> According to this agreement the European Parliament (AFET and BUDG committees) holds meetings with the Presidency represented by the Ambassador Chairing the Political and Security Committee (PSC) at least five times a year and prescribes for the timely transfer of information in order to facilitate the adoption of the annual CFSP budget. The exchanges also provide AFET/SEDE an additional opportunity to scrutinise ESDP. In addition to the IIA, the Presidency reaffirmed this principle in an exchange of letters stating that "Timely information on planned individual CFSP/ESDP actions and decisions will continue to be provided also in future, in regular contacts with the European Parliament."<sup>34</sup>

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<sup>33</sup> Official Journal of the European Union C 139/1, Inter-institutional Agreement (IIA) between the European Parliament, the Council and the Commission on budgetary discipline and sound financial management, 14 June 2006 (came into effect 1 januray 2007)

<sup>34</sup> Letter on behalf of the Council of the European Union from Ulla-Maj Widenroos, Finnish Presidency, Coordinate Minister for Finance of Finland, addressed to Mr Brok and Mr Lewandowski, respectively Chairs of the Committee on Foreign Affairs and Budgets, 29 November 2006.

There has also been a regular scrutiny of CFSP/ESDP-related documents in the framework of the Inter-institutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy.<sup>35</sup>

**AFET has already indicated that both IIAs should be reviewed and updated in order to define their working relations in external action, including the sharing of confidential information, on the basis of Articles 15 and 295 of the Treaty on the Functioning of the EU and Article 36 of the EU Treaty, at such time as the Treaty of Lisbon comes into force.**

AFET's Sub-Committee on Security and Defence (SEDE) has initiated a practice of adopting Recommendations (article 21 TEU) ahead of deployment of all major ESDP operations. The European Parliament has formally expressed its position ahead of the EUFOR RD Congo, and more recently (twice) before the deployment of EUFOR Chad/RCA and before an expected deployment of a civilian ESDP monitoring mission in Georgia.

AFET/SEDE delegations have scrutinised ESDP operations *in situ* including EUFOR RD Congo, EUFOR Chad, EUFOR Althea and EULEX Kosovo as well as visits to the Nordic and HELBROC Battlegroups.

AFET/SEDE have adopted internal emergency consultation procedures to discuss potential ESDP operations. These procedures have been successfully activated during the summer wars of 2007 and 2008 in preparation for the European Parliament's response to the crises in Lebanon and Georgia.

In summer 2008, an emergency meeting was convened to discuss the evolving crisis in Georgia (with the French Presidency and Georgian Foreign Minister) and for the first time representatives of national parliaments were invited. The discussion included a first reflection on a possible ESDP contribution to an *international mechanism*.

Finally, pending a formal decision there will be a new AFET/SEDE "Annual Report on the implementation of ESS and ESDP" in addition to the "Annual Report on CFSP".

**The role of AFET/SEDE in preparing the European Parliament's position before deployment of ESDP operations and in organising debates (open to interested national parliaments) on issues of international crisis management (e.g. Georgia) has shown that the EP's internal procedures can respond to the speed of ESDP decision-making and can monitor (in real time) unfolding crises. Lessons have been drawn on how to improve the EP's response to ESDP and international crises and recommendations for further changes to internal procedures and relations with national parliaments have been introduced in recent resolutions (see below).**

<sup>35</sup> OJ C298, Inter-institutional Agreement of 20 November 2002 between the European Parliament and the Council concerning access by the European Parliament to sensitive information of the Council in the field of security and defence policy (2002/C 298/01), pp. 1- 3, 30 November 2002

**2. Did your Parliament / Chamber hold a debate on the provisions of the Treaty of Lisbon regarding the future Common Security and Defence Policy (CSDP, the new designation of ESDP)? Is it considering any changes or adaptations with regard to its scrutiny procedure applicable to ESDP issues in the light of the new provisions of the Treaty of Lisbon?**

Yes, several debates and dedicated discussions in AFET, SEDE, BUDG and AFCO in preparation of the adoption of European Parliament's position. There have also been specific AFET/SEDE debates with national parliaments on the Lisbon Treaty.

Consultations with experts have also taken place including a dedicated Workshop on "the Impact of the Lisbon Treaty on ESDP". This workshop included expert presentations, and the dissemination of an independent study by the Centre for the Democratic Control of the Armed Forces (DCAF) *on Parliamentary Oversight of Civilian and Military ESDP missions: the European and National Levels*.

In respect of the decision of the Irish electorate, the European Parliament has suspended its work on several important dossiers that would further outline the EP's position on the Lisbon Treaty and CFSP/CSDP. This includes dedicated reports in AFET on the External Action Service and an opinion on the Lisbon Treaty.

Nevertheless, the Annual Report on CFSP and a dedicated report (expected to become annual) on the Implementation of the ESS and ESDP do include proposals for improving the scrutiny of ESDP, including:

- Is of the view that Parliament should more systematically adopt positions on each successive stage of CFSP and ESDP decision-making; recommends that, in order to enhance their democratic legitimacy, common positions and joint actions should where appropriate take into account, and contain references to, those positions adopted by Parliament;
- Stresses that Parliament should continue to adopt a recommendation or resolution prior to the launch of any ESDP operation (including the launch of a Battle Group), in close consultation with national parliaments, in order to have a European Parliament position available before an ESDP operation; is of the opinion that, in order to ensure flexibility when Parliament is not in plenary session or rapid deployment is deemed necessary, its Rules of Procedure should be adapted with a view to authorising its responsible committee to adopt that recommendation or resolution on its behalf;
- Asks the Council to include a reference to the recommendation or resolution adopted by Parliament in the Joint Action authorising an ESDP operation, thus demonstrating that the Council is seeking additional democratic legitimacy for its external actions through parliamentary decisions;

**3. To what extent is your Parliament / Chamber involved in the decision-making process on the engagement of national military capabilities in a European operation? Would the implementation of the new CSDP have an impact on the current practises?**

The primary responsibility for decision-making on the deployment of military forces takes place at the national level with varying degrees of involvement (including equal decision making, consultation, and post-hoc scrutiny) of national parliaments. The European Parliament is involved under article 21 of the TEU in its scrutiny role in relation to deliberations in the council under the Common Foreign and Security Policy. The Presidency and High Representative support this role by making policy statements on the preparation and deployment of all ESDP operations. There have also been public and *in camera* briefings with the Ambassadors of the Political and Security Committee and Director-General of the EU Military Staff.

In addition meetings between the European Parliament and national parliaments provide for a further exchange of information to support one another's roles in the decision making process. The European Parliament's SEDE has also been invited to inspect preparations for the ESDP Battlegroups and 3 out of the 5 Multinational Operational Headquarters (Potsdam, Mont Valerian and Larissa) made available to the EU by its Member States.

The new CSDP reflects the current role of the European Parliament and goes beyond it by specifically tasking (in article 36) the European Parliament to scrutinise and provide its views on the main aspects and basic choices, including the military dimension, of the new Common Security and Defence Policy.

**4. How does your Parliament / Chamber consider the possible cooperation between parliaments in the field of CSDP through Article 10 of the Protocol 1 of the Treaty of Lisbon on the role of national parliaments in the European Union<sup>36</sup>, which would allow COSAC to organise inter-parliamentary conferences, in particular, on matters of CSDP? In this respect, how does your Parliament / Chamber envisage the relation that might be formed with the Parliamentary Assembly of the WEU?**

The European Parliament considers strengthening relations with national parliaments in the field defence policy as of high importance and is actively engaged to improve cooperation with national parliaments. Following the first meeting between the European Parliament's Committee on Foreign Affairs (AFET) and the Chairs of Foreign affairs and Defence Committees (or their representatives) in the aftermath of the tragic events of September 11th 2001, the European Parliament's AFET has subsequently convened at least one meeting a year. The 10th such joint meeting of AFET and Chairs of Foreign Affairs and Defence Committees of national parliaments took place in May 2008 and the 11th such meeting is already scheduled for November 2008.

AFET's Annual report on CFSP and the AFET/SEDE report on the Implementation of the ESS and ESDP confirm the importance that the EP places in its relationship with national parliaments. The two reports also set out some indicators on how this could be strengthened, including *inter alia*:

- Points out that the European Parliament, through its contacts with the national parliaments (Conference of Foreign Affairs Committee Chairs (COFACC), Conference of Defence Committee Chairs, NATO Parliamentary Assembly) and through the future implementation of the Protocol to the Lisbon Treaty on the role

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<sup>36</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2008:115:0201:0328:EN:PDF>

of national parliaments, is the legitimate body at European level in which parliamentary scrutiny, monitoring and control of ESDP should take place;

- In the light of the new potential in CFSP and ESDP, which is to become the Common Security and Defence Policy, afforded by the Treaty of Lisbon, wishes to foster closer collaboration between the relevant committees of the European and national parliaments and the NATO Parliamentary Assembly;
- Stresses that Parliament should continue to adopt a recommendation or resolution prior to the launch of any ESDP operation (including the launch of a Battle Group), ***in close consultation with national parliaments***, in order to have a European Parliament position available before an ESDP operation; is of the opinion that, in order to ensure flexibility when Parliament is not in plenary session or rapid deployment is deemed necessary, its Rules of Procedure should be adapted with a view to authorising its responsible committee to adopt that recommendation or resolution on its behalf;
- (underlining) that Council-Parliament relations also need to be reconsidered in order to take account of the major reforms of the future CSDP and of Parliament's strengthened powers of scrutiny, following the transfer of the remaining Western European Union competences to the EU; in this regard, welcomes provisions for closer cooperation between the European Parliament and national parliaments;

**With the demise of the WEU and transfer of its core functions to the EU (codified in the Nice Treaty and confirmed in the Lisbon Treaty with the provision for the European Union of an Article V commitment (see text box below on the Lisbon Treaty and Mutual Defence)), the Committee on Foreign Affairs (AFET) adopted the following position in an Opinion to the Committee on Constitutional affairs:**

**"In the light of the new potential in CFSP and ESDP afforded by the Treaty of Lisbon, wishes to foster closer collaboration between relevant committees of the European and national parliaments, including parliamentary observers from non-EU NATO members together with members from the NATO Parliamentary Assembly; further, proposes that the Western European Union Parliamentary Assembly be wound up on the coming into force of the Treaty of Lisbon".<sup>1</sup>**

This position is consistent with the *Leo Tindermans' Report on the European Union* of 29 December 1975 presented to the European Council in Luxembourg on 2 April 1976 which stated that "A consequence of the Parliament's new authority will be an increase in its powers, which will take place gradually in the course of the progressive development of the European Union....." and therefore:

**"The extension of the competences of the European Union and consequently those of the European Parliament to matters hitherto discussed in the Assembly of the Western European Union, leads one to question the need to maintain the activity of the parliamentary institution of the WEU".** (Bulletin of the European Communities No. 1/76, European Union, Report by Mr Leo Tindermans Prime Minister of Belgium to the European Council, 29 December 1976)

### **Text box: The Lisbon Treaty and Mutual Defence**

The full text of the Lisbon Treaty's mutual assistance article 28A.7 [42.7] TEU states that:

*"if a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter. This shall not prejudice the specific character of the security and defence policy of certain Member States.*

*Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation".*

This can be compared to that of article V of the 1954 modified Brussels Treaty which states that:

*"If any of the High Contracting Parties should be the object of an armed attack in Europe, the other High Contracting Parties will, in accordance with the provisions of Article 51 of the Charter of the United Nations, afford the Party so attacked all the military and other aid and assistance in their power".*

There are striking similarities in the first part of the Lisbon Treaty text with that of the modified Brussels Treaty. This is not an accident if one recalls that the Lisbon Text (as discussed in the context of the 2004 IGC) was designed to satisfy three groups of states:

- **those seeking a mutual defence commitment** which could be satisfied with the part of the article stating that *"if a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all the means in their power, in accordance with Article 51 of the United Nations Charter."*;
- **those seeking to protect their traditional neutral status** (such as Ireland, Austria and Sweden) which could be satisfied with the clause *"This shall not prejudice the specific character of the security and defence policy of certain Member States"; and*
- **those wanting to ensure that the article would not undermine NATO** which could be satisfied with the reminder that *"Commitments and cooperation in this area shall be consistent with commitments under the North Atlantic Treaty Organisation, which, for those States which are members of it, remains the foundation of their collective defence and the forum for its implementation".*



Most observers agree that the Lisbon Treaty formula matches the guarantee of the Brussels Treaty and goes beyond it with a reference to NATO thereby calling into question (as was seen during the debates in the Convention) the need for the continuation of the modified 1954 Brussels Treaty. This further strengthens, as originally foreseen by the Tindermans' Report on European Union, the AFET position that the WEU Assembly should be wound up.

#### **CHAPTER 4: Scrutiny of the agreements negotiated by the European Community**

**Question 1:** Some competences, such as the common commercial policy, have been completely transferred by the Member States to the European Community and are referred to as exclusive community competences. What is the role of your Parliament / Chamber when the European Community negotiates agreements on the ground of these exclusive competences? How does your Parliament / Chamber scrutinize the activities of your Government before the Council authorizes the Commission to open the negotiations? How does your Parliament / Chamber follow these negotiations?

Formally, the European Parliament is not associated neither to the opening of negotiations nor to the negotiations themselves, be it for exclusive or shared competences.

The Parliament is normally consulted by the Council before the conclusion of the agreement, except when this is a commercial agreement. But the role of the Parliament may differ depending on the content of the agreement. Parliament's consent to the decision to conclude an agreement is required for the conclusion of association agreements, agreements establishing a specific institutional framework by organising cooperation procedures, agreements with important budgetary implications for the EU or agreements which would imply the modification of an act adopted under the co-decision procedure.

Nevertheless the Framework Agreement on relations between the European Parliament and the Commission foresees some transmission of information. Its paragraph 19 states that the Commission should provide "*early and clear information to Parliament both during the phase of preparation of the agreements and during the conduct and conclusion of international negotiations. This information covers the draft negotiating directives, the adopted negotiating directives, the subsequent conduct of negotiations and the conclusion of the negotiations.*" All agreements are concerned, including trade agreements. Following an exchange of letters between both institutions, the International Trade Committee is informed on negotiations by the Commission. The meetings are held *in camera*.

The Framework Agreement also states that some EP Members could be included as observers in delegations negotiating multilateral agreements, when the Commission represents the European Community.

**Question 2:** The greatest part of the European Community's external competences is shared with Member States. How does your Parliament / Chamber scrutinize the activities of your Government when the Council defines the negotiation directives to the Commission on the ground of the shared competences? What is the role of your Parliament / Chamber during the negotiations and at the conclusion of the negotiations?

The European Parliament has no competence to intervene when negotiations directives are defined and when the negotiations are in progress. Nonetheless the Framework Agreement

clearly states that the Parliament is informed by the European Commission (*cf. previous answer*). The Parliament can also make political comments through resolutions. The fact that the Parliament has to give its assent to an external agreement gives of course more weight to its comments during the negotiations phase.

**Question 3: Is your Parliament / Chamber, through your Government, involved in the appointment of the special committees under Article 300 of the Treaty Establishing the European Community? Does your Parliament / Chamber receive reports of these special committees? If so, does your Parliament / Chamber debate these reports?**

The European Parliament is not involved in appointing the special committees under Article 300 and do not receive any report.

**Question 4: The European Community can establish relations and even become a member of international organizations / entities. In some cases the European Community participates in the international organization alongside the Member States. What is the role of your Parliament / Chamber in adoption of the common position when agreements are being discussed with these organizations or within them?**

The European Parliament has no legal role in the adoption of the common position for negotiations of agreements within international organisations to which the European Community belongs although it should be immediately and fully informed. Nevertheless if membership involves financial considerations, the EP has a "say" through the budgetary procedure.

**Question 5: Does your Parliament / Chamber foresee any changes to your scrutiny procedure on the agreements negotiated by the European Community after the Treaty of Lisbon comes into force?**

The Lisbon Treaty should reinforce Parliament's involvement in the process, especially as far as the common commercial policy is concerned.

The Lisbon Treaty unifies in Article 218 TFEU the procedure for concluding international agreements. However the responsibility to open negotiations, designate a mandate, possibly a negotiator, and possibly a special committee, will still lie in the Council's hands. As previously, the EP will have to give its consent for the conclusion of association agreements, agreements establishing a specific institutional framework by organising cooperation procedures and agreements with important budgetary implications for the EU but also for "*agreements covering fields to which either the ordinary legislative procedure applies, or the special legislative procedure where consent by the European Parliament is required*". The EP would as well have to give its consent to a potential EU's accession to the European Convention for Human Rights.

The common commercial policy will be decided under the "ordinary legislative procedure" (equivalent to the current co-decision procedure), therefore the consent of the European Parliament will become the normal procedure for trade agreements. As a result, the EP would be formally informed about how the negotiations are proceeding and should also be informed of the work of the 133 Committee. At present even the formal consultation of the EP before the conclusion of an agreement is excluded when it comes to agreements concluded in the field of the common commercial policy.