October 2007

Annex to the

8th biannual report

of COSAC:

National Parliaments'

replies to the questionnaire

Prepared by the COSAC Secretariat and presented to:

XXXVIII Conference of Community
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QUESTIONNAIRE: 8TH BIANNUAL REPORT

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

This chapter will aim to provide a short presentation of the different scrutiny systems of European Union Affairs in the National parliaments of the 27 member states. There will be a particular focus on how the national parliaments see their influence vis-à-vis to their governments, but this chapter also focuses on other aspects of the EU scrutiny. An attempt is made to categorise different scrutiny systems by looking at what the national parliaments are scrutinising (documents and/or procedures), who are the subjects of the scrutiny (their respective governments and/or EU -institutions) and at what point during the EU decision making process the national parliaments come in to the process and when the scrutiny is considered to be completed.

Questions:

Before answering could you please check the following link on the COSAC website in order to verify that the information displayed there concerning your country/parliament is correct?
http://www.cosac.eu/en/info/scrutiny/countryspecific/

In case of mistakes/omissions please notify the secretariat.

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

(While answering this last question please have a look at the 3rd biannual report http://www.cosac.eu/en/documents/biannual/)

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

The expected Intergovernmental Conference (IGC) in the second half of 2007 will discuss among other things the role of National Parliaments in any future institutional settlement. In its contribution to the EU Institutions, the XXXVII COSAC in Berlin insisted that "the National Parliaments and the European Parliament will be kept fully involved and that their views will be duly taken into account" and formulated a number of concrete expectations with regard to the role of National Parliaments in the European Union. The purpose of this chapter is to gather information on which role National Parliaments wish to

assume in the future institutional system of the EU. Concrete statements and suggestions which are formulated with a view to the negotiations could be compiled and possibly prepared as COSAC´s input into the IGC.

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

This Chapter seeks to analyse the role and involvement of National Parliaments in the Lisbon Process. The most important areas of policy and practice for the revitalisation of the European economy fall almost exclusively within the competence of the Member States, whereas the EU has a more coordinating role to play. Nevertheless the Lisbon Strategy has very often been discussed at EU rather than at national level.

The focus of the chapter would be on whether and how parliaments can influence the definition of policies and the setting of priorities and to which extent they are involved in the so-called "open method of coordination" through which the Member States can steer their policies towards certain common objectives. A further point of interest would be to consider in how far National Parliaments monitor the implementation of the Lisbon strategy and to which extent they claim ownership of it by putting the issue on their parliamentary agendas. Finally, it will also be analysed whether and in how far the revision of the Lisbon Strategy in 2005 had any influence on the role and participation of National Parliaments in the process.

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

CHAPTER 4: MEDITERRANEAN DIMENSION OF THE EUROPEAN UNION

The aim of this chapter is to provide background information on the Mediterranean Dimension of the EU, in order to inform the discussion that will take place at the XXXVIII COSAC. The chapter intends to look into the concept of the Mediterranean Dimension, its development and the challenges it faces.

There will be no questionnaire on this Chapter.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

The Inter-institutional Agreement between the Commission, Council and the European Parliament on the new financial perspective 2007 - 2013 is a financial framework for the Commission when it formulates the legislative package that sets out details of the funding of EU programmes. The legislative package then enters into either the co-decision or assent procedure between the Council and the European Parliament.

The aim of this chapter is to establish, whether and how National Parliaments are involved in this decision making process. Have they been informed by their respective governments on the developments in the inter-institutional decision-making procedure? Do they monitor the EU financial programmes? How are they involved in the priority setting for the respective funds? Do they monitor the allocation of funds at the national level? The discussion at the chairpersons meeting will further help to orientate the direction of this chapter to provide information on the best practises of the National Parliaments in this field.

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

5. ***Any other observations?***

FUTURE TOPICS THAT CAN BE DISCUSSED IN COSAC MEETINGS

In accordance with Articles 7 and 7.1 of the Rules of Procedure, the Portuguese Presidency **invites delegations to present proposals about topics that can be discussed in future COSAC Meetings.**

These proposals will be compiled by the Secretariat in a short document, with the purpose of establishing a list of topics that COSAC might discuss in the near future, should the forthcoming Presidencies - who are not bound by this list in any manner - wish to do so.

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Austria

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

   Primarily documents emanating from EU institutions form the basis of the agendas of the Main Committee or its Permanent Subcommittee on EU affairs of the National Council or the EU affairs Committee of the Federal Council.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

   Primary subject is the Austrian government as legal provisions so far only provide the competence to issue binding statements vis-à-vis government. Of course by this, though not directly, also European institutions are scrutinized as well..

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

   This may vary, in particular according to urgency. In general, scrutiny may start after the Commission has presented a proposal. It may take place at any time of the EU decision making process and usually comes to an end when a final decision has been taken in Brussels. Implementation of the national level would rather be scrutinized by a sectoral committee.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

   Yes, it is guaranteed by the Austrian Federal Constitution that government has to follow any binding statement of parliament on EU issues.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

   Although a specific document serves as the basis for debates in the committees the outcome of a meeting may be to give a mandate to an Austrian minister for Council negotiations. Therefore the distinction into "document based" and "mandating" systems still applies for Austria (mandating system).

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

   The expectation of the majority of the Austrian parliament has always been to safeguard the substance of the Constitutional Treaty. As the results of the European Council under German presidency were, in general, appreciated by government and parts of the opposition in an EU plenary on 6 July 2007 it may be presumed that the IGC 2007 should stick to the mandate given.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

   In addition to the "yellow card" a new procedure already called "orange card" will be introduced. Furthermore those stipulations, eg. with regard to enlargement and justice and home affairs, as already envisaged by the constitutional treaty will come into effect.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

   Developments in the framework of the Lisbon Strategy have been subject of parliamentary debates on various occasions and based on a number of documents provided by the Austrian Federal Government. The Lisbon Strategy was in particular debated during own EU plenary meetings of the National Council on 29 September 2005 and on 30 March 2006. When another EU plenary was held on the priorities of the German EU presidency on 7 March 2007 the Lisbon Stratedy formed a significant part of the debate.

   On the level of the Main Committee the Lisbon Strategy uses to be discussed before European Councils in springtime (last time on 6 March 2007).

   For the 3rd time reports of members of the Austrian Federal Government on parts of the Commission's Working and Legislative Programme (in their respective field of competence) have been sent to parliament and debated in sectoral committees. In particular, the Lisbon Strategy was dealt with in reports of a large number of ministers such as prime minister, minister of economy, agriculture/forestry/environment and water, minister of social affairs and consumer protection, minister of finance and minister of science and research.

   A joint report on research and technology for 2007 was presented by the ministers of science and research and traffic, innovation and technology to parliament.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

   Parliament is involved in the above mentioned ways. In addition, the European Commission's delegation discussing the latest developments in the implementation of the Austrian national reform programme held a meeting with Austrian MPs at parliament on 21 June 2007.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

Not in the form of new types of debates on the Lisbon Strategy. However, as the revision of the strategy lead to the necessity to elaborate national reform programmes which themselves are subject of progress reports of the Commission the necessity for debate has been growing. Apart from formal debates within parliament there are certainly contacts and discussions between MPs and members of government on the party level.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The Austrian Parliament did scrutinise the development of and the decision on the multi-annual financial framework. The EU´s financial perspectives were dealt with by the Main Committee on 13 December 2005 (in conjunction with the European Council on 15-16 December 2005) and they are also discussed on the occasion of the presentation of the report of the Austrian Minister of Finance on the Legislative and Work Programme of the Commission which eventually makes reference to the multi-annual framework.

In general, EU financial matters are dealt with in the EU-committee, the finance committee and in the EU-plenaries of the Austrian parliament, which are entirely devoted to the discussion on EU-matters). In addition, if needed, EU-matters can be dealt with in any plenary (question hour etc.) and on the occasions of the chancellor´s and/or ministers presentations before Parliament. (e.g. on the position of the Austrian government on the forthcoming or recent Council meeting or on the working programmes of the presidencies).

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

So far, the Austrian Parliament has not scrutinised the spending programmes in a formal and institutionalised way. Nevertheless, also the financial aspects of the different spending programmes are topics for discussion in the relevant committees (e.g. on the occasion of the presentation of the Commission´s LWP regarding science and technology, transport etc. by the Minister in charge)

Please also see the answer to question no. 1.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

So far the annual budget has not been scrutinized in a formal way by the Austrian Parliament but is subject of discussion on many occasions (e.g. in the respective committees, the EU plenaries). In a wider sense the EU budget may be discussed when dealing with the annual Austrian budget containing Austria's contribution to the EU.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

   This is not yet decided.

5. ***Any other observations?***

   Matters regarding the EU financial programmes and allocation of funds are also subject of detailed questions of MPs to government.

Belgium: Chamber of Deputies

CHAPITRE 1: VUE D'ENSEMBLE DU SYSTEME DE CONTROLE DE L'UE PAR LES PARLEMENTS NATIONAUX DES 27 DE L'UE

Questions:

1. ***Qu'est-ce que votre parlement contrôle en priorité (documents émanant des Institutions de l'UE, documents présentant la position des gouvernements dans leur négociation) ?***

   La Chambre des représentants de Belgique essaie de contrôler deux circuits de décisions. D'une part, elle examine les documents émanant de la Commission européenne et d'autre part, les documents et les activités du Conseil (= gouvernement).

2. ***Qui est le principal sujet de contrôle (Gouvernement et/ou Commission européenne etc.) ? Pourquoi ?***

   Le contrôle principal du Parlement fédéral belge s'exerce particulièrement sur les activités du gouvernement même. Le suivi des activités de la Commission européenne a davantage une fonction d'orientation et d'influence (*« policy shaping »)* sur les politiques européennes qu'une fonction de contrôle des activités de la Commission.

3. ***A quel stade du processus décisionnel de l'UE votre parlement commence-t-il son contrôle et à quel moment est-t-il considéré terminé ? (Phase pré législative, à la suite d'une proposition législative de la Commission, en réaction d'un mémorandum de votre Gouvernement, avant la réunion (groupe de travail) du Conseil, après que la décision ait été prise au niveau de l'UE et que celle-ci ait été implantée dans la législation nationale) ?***

   L'on considère le contrôle parlementaire comme un processus continu (il ne s'interrompt pas et ne se termine pas).

   L'on peut décrire le *« policy cycle »* de la façon suivante :

   - Formulation des enjeux et des problèmes :

     Rôle des acteurs sociaux, rôle des gouvernements et des parlements nationaux (influence, action, proactivité).

   - Elaboration de l'agenda :

     Rôle des acteurs formels au niveau européen (Conseil européen, Commission européenne).

   - Processus législatif formel

     Rôle de la Commission européenne, du Conseil européen ainsi que des parlements nationaux (contrôle de la subsidiarité).

   - Mise en œuvre des politiques européennes

     - Commission européenne
     - Gouvernements et parlements nationaux

- Transpositions des directives
    - Rôle parlementaire
- Exécution des politiques
    - Contrôle parlementaire de l'exécution de ces politiques (= évaluation de ces politiques via des questions et des interpellations)

- L'évaluation des politiques donne à nouveau lieu à la formulation des problèmes de sorte que le « cycle politique » est fermé.

4. Considérez-vous avoir de l'influence sur les décisions prises soit à l'échelle nationale soit à celle de l'UE ? Comment l'évaluez-vous ?

Il s'avère difficile d'évaluer l'influence qu'exerce le parlement à l'échelle nationale et à celle de l'UE. En effet, il s'agit la d'un problème méthodologique.
Une influence directe et explicite des parlements est en général limitée, même au sein des parlements nationaux qui exercent un contrôle systématique des activités du gouvernement (« scrutiny ») parce qu'ils sont souvent fort dépendants des services gouvernementaux.

L'influence des parlements se manifeste surtout dans la phase de *« policy shaping »* (en opposition au *« policy making: formal process »*).

La *« policy shaping »* est un phénomène de «construction sociale» à laquelle contribuent de nombreux acteurs tels que les ONG, les groupes d'intérêt, les parlements et les gouvernements.

5. Le troisième rapport bisannuel proposait un système éventuel de classification regroupant les différents systèmes de contrôle utilisés. Seriez-vous d'accord avec la catégorisation utilisée à cet usage, divisant les parlements nationaux dans le dit « procédurier » et « document » systèmes de base. Votre Parlement est-il dans la catégorie adéquate ?

La distinction entre « procédurier » et *« document-oriented control »* est une trop grande simplification de la méthode parlementaire. En effet, le contrôle parlementaire est beaucoup plus différencié.
D'autres méthodes de contrôle exercées par les parlements sont possibles. Citons entre autres :

- *Commission-oriented / versus Council-oriented*
- *Ex ante-oriented / versus ex post-oriented*
- *Systematic scrutiny / versus main (or selected projects) policy lines*
- *System-oriented (focused on EU-structures / versus policy-oriented (focused on various policy sectors)*
- *Focused on own government / versus focused on the whole EU-system*
- *Scrutiny / versus traditional parliamentary control (questions and interpellations to the government)*
- *Focused on subsidiarity and proportionality / versus general analysis (impact on own political and economic system,…)*
- *Individual approach / versus joint approach from national parliaments*

CHAPITRE 2 : LES ATTENTES DES PARLEMENTS NATIONAUX EN VUE DE LA CIG

Questions:

1. ***Au sujet du Traité de Réforme qui doit être négocié à l'occasion de la Conférence Intergouvernementale, quelles sont les attentes de votre Parlement, en particulier en ce qui concerne le futur rôle des parlements nationaux ?***

   La Chambre des représentants de Belgique s'attend à un (des) Traité(s) qui reprenne(nt) au moins les acquis de la Constitution européenne.

   Quant au rôle futur des parlements nationaux, la Chambre n'est pas favorable à une procédure de subsidiarité et de proportionnalité trop formelle et trop rigide (par exemple : carte rouge, quorum des parlements nationaux, validation du rejet des parlements nationaux par le Parlement européen ou le Conseil, etc.) qui est inapplicable dans la réalité.

   Le plus important est un véritable dialogue entre les parlements nationaux et les institutions européennes. Ce dialogue devrait également permettre de sensibiliser les parlementaires nationaux aux affaires européennes.

2. ***Si le Traité de Réforme reprend les stipulations concernant les parlements nationaux et le système d'alerte précoce accordé au mandat de négociation, comme accepté lors du Conseil européen du mois de juin 2007, quel impact prévoyez-vous pour les parlements nationaux ?***

   Le système d'alerte précoce constituera un moment décisif (*momentum*) pour la plupart des parlements nationaux au sein desquels les affaires européennes sont considérées comme une compétence exclusive du Parlement européen. Les parlements nationaux seront alors structurellement impliqués dans le processus législatif européen.

CHAPITRE 3 : MONITORING PARLEMENTAIRE DE LA STRATEGIE DE LISBONNE

Questions:

1. ***Votre parlement bénéficie t-il d'une influence sur la définition des politiques et de la mise en place des priorités dans le cadre de la Stratégie de Lisbonne ? A quel niveau votre Parlement est-il impliqué dans la dite « méthode de coordination » ?***

   La Chambre des représentants de Belgique exerce une influence sur la Stratégie de Lisbonne (plan d'action national) via des auditions de ministres compétents au sein des commissions réunies compétentes en ce qui concerne les matières abordées.

2. ***Votre Parlement s'investit-il dans la mise en application de la Stratégie de Lisbonne, en particulier au sujet de la mise en place du Programme national de Réforme et les sujets en découlant tel que le Rapport national des Progressions ?***

   Voir question 1

3. ***La révision de la stratégie de Lisbonne en 2005 a-t-elle eu une influence sur le rôle et la participation de votre parlement dans ce processus ?***

   Le Parlement est davantage impliqué grâce au Plan d'action national.

CHAPITRE 5: LE MONITORING DES PROGRAMMES FINANCIERS DE L'UE PAR LES PARLEMENTS NATIONAUX: ARRANGEMENT DES PRIORITES ET ALLOCATIONS DES FONDS.

L'accord interinstitutionnel entre la Commission, le Conseil et le Parlement européen pour la nouvelle perspective financière 2007 – 2013 est une feuille de route légale concernant la Commission quand elle élabore un paquet législatif détaillant le financement des programmes de l'UE. Cet ensemble législatif se situe à un niveau décisionnel ou à une procédure de l'avis conforme entre le Conseil et le Parlement européen.
Le but de ce chapitre est d'établir si oui et comment les Parlements Nationaux se trouvent engagés dans cette procédure décisionnelle. Sont-ils informés par leur gouvernement respectif sur les développements de la procédure des décisions institutionnelles internes ? Décident-ils les programmes financiers de l'UE ? Comment sont-ils impliqués dans la priorité donnée aux fonds respectifs ? Ont-ils un pouvoir décisionnaire pour l'allocation des fonds à un niveau national ? La conférence des présidents devra résoudre ces difficultés en dictant une ligne de conduite offrant une meilleure approche à toutes ces questions relevant de la compétence des Parlements nationaux.

1. ***Votre Parlement contrôle-t-il le cadre financier multi-annuel (perspective financière)? Une commission sectorielle était-elle impliquée dans ce contrôle? Si oui, quel était son rôle ? Quel était le rôle du comité sectoriel responsable du contrôle du budget?***

   Le cadre financier fait l'objet d'un suivi parlementaire via les pré- et postbriefings des Conseils européens par le Premier ministre au sein du Comité d'avis fédéral chargé de Questions européennes.

2. ***Votre parlement contrôle-t-il les programmes de dépense (le Septième Programme-cadre, le Réseau transeuropéen pour le Transport et l'Energie, Galileo, le Programme communautaire pour l'Emploi et la Solidarité, etc...)? Lesquels de ces programmes énoncés ci-dessus ont-ils fait l'objet d'un contrôle?***

   Non.

3. ***Votre Parlement contrôle-t-il le budget annuel de l'UE? Le contrôle du cadre financier multi-annuel et des programmes de dépenses apporte t-il, quand il est exécuté, une valeur ajoutée au contrôle du budget annuel de l'UE ? Merci de préciser.***

   Non. Le contrôle budgétaire est considéré comme une compétence du Parlement européen et de la Cour des comptes européenne.

4. ***Votre Parlement a-t-il les plans pour le contrôle du budget de révision de l'année 2008-2009 ? Merci de préciser.***

   Non.

5. ***Autres commentaires?***

Belgium: Senate

CHAPITRE 1: VUE D'ENSEMBLE DU SYSTÈME DE CONTRÔLE DE L'UE PAR LES PARLEMENTS NATIONAUX DES 27 DE L'UE

Remarque préalable : *A cause des négociations gouvernementales le Sénat n'a pas encore pu composer un nouveau Comité d'avis fédéral chargé des Affaires européennes. Pour cette raison, ce questionnaire a été complété au niveau fonctionnaire et ces réponses n'ont pas été vérifiées au niveau politique.*

Questions:

1. ***Qu'est-ce que votre parlement contrôle en priorité (documents émanant des Institutions de l'UE, documents présentant la position des gouvernements dans leur négociation) ?*** Le Sénat belge examine en priorité les documents envoyés par la Commission européenne.

2. ***Qui est le principal sujet de contrôle (Gouvernement et/ou Commission européenne etc.) ? Pourquoi ?*** Pour l'instant le principal sujet de contrôle est la Commission européenne. Mais il y a, au sein du parlement, l'ambition d'étendre ceci aux documents préparé par le Gouvernement.

3. ***A quel stade du processus décisionnel de l'UE votre parlement commence-t-il son contrôle et à quel moment est-t-il considéré terminé ? (Phase pré législative, à la suite d'une proposition législative de la Commission, en réaction d'un mémorandum de votre Gouvernement, avant la réunion (groupe de travail) du Conseil, après que la décision ait été prise au niveau de l'UE et que celle-ci ait été implantée dans la législation nationale) ?*** Le Sénat belge commence son contrôle après une proposition législative de la Commission et considère que celui-ci est terminé quand la proposition repasse devant la Commission.

4. ***Considérez-vous avoir de l'influence sur les décisions prises soit à l'échelle nationale soit à celle de l'UE ? Comment l'évaluez-vous ?*** L'avis du Sénat par rapport à une proposition législative est également envoyé au Gouvernement qui l'emmène au Conseil européen. Il n'y a pas de garantie que le Gouvernement défende ces commentaires. Il est donc possible d'avoir une certaine influence, mais celle-ci reste limitée.

5. ***Le troisième rapport bisannuel proposait un système éventuel de classification regroupant les différents systèmes de contrôle utilisés. Seriez-vous d'accord avec la catégorisation utilisée à cet usage, divisant les parlements nationaux dans le dit « procédurier » et « document » systèmes de base. Votre Parlement est-il dans la catégorie adéquate ?*** Le Sénat belge suit le « système de base document ».

CHAPITRE 2 : LES ATTENTES DES PARLEMENTS NATIONAUX EN VUE DE LA CIG

Questions:

1. ***Au sujet du Traité de Réforme qui doit être négocié à l'occasion de la Conférence Intergouvernemental, quelles sont les attentes de votre Parlement, en particulier en ce qui concerne le futur rôle des parlements nationaux ?*** Le Sénat espère obtenir un résultat qui se rapproche le plus possible du contenu du Traité constitutionnel.

2. ***Si le Traité de Réforme reprend les stipulations concernant les parlements nationaux et le système d'alerte précoce accordé au mandat de négociation, comme accepté lors du Conseil européen du mois de juin 2007, quel impact prévoyez-vous pour les parlements nationaux ?*** L'impact sera probablement important et il y aura un intérêt et un engagement plus grand par rapport au processus décisionnel européen.

CHAPITRE 3 : MONITORING PARLEMENTAIRE DE LA STRATÉGIE DE LISBONNE

Questions:

1. ***Votre parlement bénéficie t-il d'une influence sur la définition des politiques et de la mise en place des priorités dans le cadre de la Stratégie de Lisbonne ? A quel niveau votre Parlement est-il impliqué dans la dite «méthode de coordination » ?*** Le Sénat n'est pas vraiment impliqué dans cette procédure. Le Sénat a seulement la possibilité d'exercer le contrôle parlementaire classique en cette matière.

2. ***Votre Parlement s'investit-il dans la mise en application de la Stratégie de Lisbonne, en particulier au sujet de la mise en place du Programme national de Réforme et les sujets en découlant tel que le Rapport national des Progressions ?*** Le programme et le rapport sont contrôlés par le biais d'auditions publiques avec le ministre concerné.

3. ***La révision de la stratégie de Lisbonne en 2005 a-t-elle eu une influence sur le rôle et la participation de votre parlement dans ce processus ?*** Non.

CHAPITRE 5: LE MONITORING DES PROGRAMMES FINANCIERS DE L'UE PAR LES PARLEMENTS NATIONAUX: ARRANGEMENT DES PRIORITÉS ET ALLOCATIONS DES FONDS.

1. ***Votre Parlement contrôle-t-il le cadre financier multi-annuel (perspective financière)? Une commission sectorielle était-elle impliquée dans ce contrôle? Si oui, quel était son rôle ? Quel était le rôle du comité sectoriel responsable du contrôle du budget?*** Le Sénat n'est pas compétent en matière de budget. A l'avenir cette tâche sera effectuée par le Comité d'avis fédéral chargé des Affaires européennes, éventuellement avec des auditions publiques avec des membres de la Cour des Comptes européenne, de la Commission européenne, etc.

2. ***Votre parlement contrôle-t-il les programmes de dépense (le Septième Programme-cadre, le Réseau transeuropéen pour le Transport et l'Energie, Galileo, le Programme communautaire pour l'Emploi et la Solidarité, etc...)? Lesquels de ces programmes énoncés ci-dessus ont-ils fait l'objet d'un contrôle?*** Ce contrôle ce fait seulement dans le cadre du contrôle parlementaire sur les documents européens. Aucun programme n'a fait l'objet d'un contrôle pour l'instant.

3. ***Votre Parlement contrôle-t-il le budget annuel de l'UE? Le contrôle du cadre financier multi-annuel et des programmes de dépenses apporte t-il, quand il est exécuté, une valeur ajoutée au contrôle du budget annuel de l'UE ? Merci de préciser.*** Non, cfr. questions précédentes.

4. ***Votre Parlement a-t-il les plans pour le contrôle du budget de révision de l'année 2008-2009 ? Merci de préciser.*** Non, cfr. questions précédentes

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Bulgaria:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Question: ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

Answer: *The Bulgarian Parliament is scrutinizing drafts of the significant EU legislation acts, together with the Government's negotiation positions. In addition the Chamber and the European Affairs Committee hold briefings with the Prime Minister and the Ministers before important sessions of the European Council and the EU Council.*

Question: ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

Answer: *The Government is the primary subject of the scrutiny. The Government participates in the adoption of the EU laws. In this way the Parliament has shifted to the Government a part of its legislative responsibilities and now has the right to control the use of the ceded power.*

The European Commission is also an object of scrutiny but only in accordance with the correct implementation of the subsidiarity and proportionality principles.

Question: ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

Answer: *The scrutiny starts after receiving in Parliament the EU draft documents, mostly Commission legislative proposals, supplemented by the Government's negotiating positions. The scrutiny is considered to be completed when the scrutinised EU acts are adopted by the EU Council and the Government has maid its report to the Parliament about its participation in the decision making process.*

Question: ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

Answer: *Our Parliament has influence mainly on the Government's position in the EU Council during the decision making process there. Our Parliament doesn't have the formal right to impose its opinion on the Government but it is a matter of political responsibility that the Government takes into account the recommendations of the Parliament.*

Question: ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Answer: *The EU scrutiny system used in the Bulgarian Parliament could be characterised more as document based but it also has some features of the procedural based system, taking into account the briefing of ministers carried out in the chamber and in the EU Affairs Committee before the Council sessions .*

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IG

Question: ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

Answer: *We expect that the Reform Treaty will keep the main achievements of the Constitutional Treaty and will give more flexibility and transparency to the decision making process.*

Especially with regard to the role of the national parliaments we expect that the new treaty will make possible a more robust subsidiarity and proportionality test of the draft EU legislation. If a majority of national parliaments are opposed to a given Commissions proposal it should be withdrawn by the Commission.

Question: ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

Answer: *The national parliaments should develop a common approach to the subsidiarity and proportionality tests and exchange best practices. They will also need additional capacity to manage the new tasks. Particularly our Parliament will have to increase the staff in the EU Division of the Administration.*

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Question: ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

Answer: *The Parliament is monitoring definition of policies and setting of priorities in the framework of the Lisbon Strategy using its common instruments of Parliamentary control, namely by addressing questions to the ministers, opening debates on enquiries, conducting hearings of members of the Government etc.*

The ministers involved in the open method of coordination inform the European Affairs Committee about the main commitments taken by the Government. The Committee expresses its opinion and makes recommendations.

Question: ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

Answer: *The Government periodically informs the European Affairs Committee about the implementation of the Lisbon Strategy and the national goals and commitments included in the National Reform Program.*

The European Affairs Committee conducts every year a hearing of the responsible Ministers on the National Progress Report.

Question: ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

Answer: *This question is not relevant to Bulgaria which became a member of the EU only in 2007.*

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Question: ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

Answer: *The new multi-annual financial framework will be scrutinized in the European Affairs Committee as well as in the specialist committees. The final opinion will be elaborated in the European Affairs Committee.*

Question: ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Answer: *The European Affairs Committee has a Subcommittee which has the task to monitor the proper use of the financial resources obtained from the EU Structural Funds. In this aspect the Subcommittee scrutinises also the development of the spending programmes and the involvement of the Bulgarian Government in the adoption and implementation of these programs.*

Question: ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

Answer: *Our Parliament hasn't yet scrutinised the EU annual budget.*

Question: ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

Answer: *The European Affairs Committee intends to scrutinize the 2008-2009 Budget Review.*

Question: ***Any other observations?***

The EU Affairs Committee considers the scrutiny of the EU budget matters as a very important issue and intends to increase its efforts in this direction in the future

Czech Republic: Chamber of Deputies

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

   The Committee on European Affairs of the Chamber of Deputies of the Czech Parliament deliberates the EU/EC documents on the basis of the Government's preliminary position to the EU/EC document in question.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

   The primary subject of scrutiny in relation to EU/EC documents in the Committee on European Affairs of the Chamber of Deputies of the Czech Parliament, is the Government of the Czech Republic.

   The Government fulfills its obligation to inform Parliament, as provided for under Article 10b of the Czech Constitution and in accordance with Article 109a (1) Rules of Procedure of the Chamber of Deputies, by submitting EU/EC documents to the Chamber of the Deputies via the Committee on European Affairs. The Committee on European Affairs deliberates EC/EU documents without undue delay on the basis of the Government's preliminary position, which is usually in the form of a framework position.

   The EU documents that are chosen by the members of the Committee to be deliberated in greater detail, are then deliberated at Committee meetings in the presence of the responsible member of the Government. The representative of the Government presents the Government's position to the EU/EC document in question and answers questions put forth by the members of the Committee.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

   The scrutiny procedure in the Committee on European Affairs of the Chamber of Deputies is set as being preliminary and thus precedes the deliberation of EC/EU documents in the Council. The scrutiny process begins in the initial phase of the legislative and decision-making procedure in order to provide a sufficient timeframe for the Chamber of Deputies and its bodies to become familiar with it and to enable them to influence the Government's decision-making and position at the EU level.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

   In accordance with Art. 109a(5) of the Rules of Procedure of the Chamber of Deputies, a resolution of the Committee on European Affairs of the Chamber of Deputies must be taken into account by the Government when formulating its position for negotiations in the institutions of the European Communities and the European Union.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Yes, the Chamber of Deputies of the Czech Parliament is categorized correctly.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

Should the Reform Treaty come into force, it will undoubtedly improve the participation and the position of national parliaments in the Decision making process at the European level. The Reform Treaty creates opportunities for NPs to actively play a significant role in the process of European Integration.

The major steps in this direction are, above all, the reinforced subsidiarity control mechanisms and also the early warning procedure. We also welcome, that national parliaments will have better Access to EU documents. It will allow us not only to improve our capacity to control the Government of the Czech Republic, but it will also strengthen the position of the national parliaments in the EU Policy process.

Another major improvement is that the Reform Treaty should bring the right for national parliaments to request, through their governments, an ex post subsidiarity control by the European Court of Justice.

We also expect and welcome that national parliaments will likewise gain a collective role in overseeing the implementation of the subsidiarity principle, also very important is the involvement of national parliaments in the treaty revision process and the accession procedure.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The "'early warning system" has probably been by far the most talked about of all the various Articles that mention national parliaments.

We expect that this early warning mechanism will put increased demands on the exchange of information between national parliaments. This information exchange will be possible, for example, through COSAC meetings and its secretariat, as each parliament will need information on whether other legislatures are planning to submit opinions stating that an initiative is in breach of the principle of subsidiarity.

The early warning system may also stimulate tighter control of governments by individual national parliaments, though this outcome might depend on other current and future conditions in various member states.

What remains to be seen is the significance of this mechanism. Most likely it will be used very seldom[1], it may, however, encourage national parliaments to invest more resources into scrutinizing EU matters and it may also, as a result, force the Commission to be more detailed in describing the arguments for why new EU level legislation is necessary.

[1] As shown by the pilot project conducted by COSAC in the year 2005.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

The Government provides the Parliament with information on the implementation of the National Reform Programme of the Czech Republic (NRP). The Committee on European Affairs of the Chamber of Deputies (and Committee on the European Union of the Senate) invites the member of the Government responsible for the NRP implementation and the matter is discussed at the Committee meeting. The Committee adopts the resolution and recommends to the other permanent Committees to deliberate the NRP. The Plenary session of the Chamber of Deputies deliberated the re-launched Lisbon Strategy in May 2005. The National Reform Programme of the Czech Republic adopted in September 2005 and its revision have not been discussed at the plenary session.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

Both Chambers of Parliament of the Czech Republic (the Chamber of Deputies, the Senate) are actively involved in discussions regarding the implementation of the National Reform Programme and on the Progress Report evaluating the implementation of the NRP.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

Since the revision of the Lisbon Strategy in March 2005 the Parliament has regularly deliberated the implementation of the Lisbon strategy programme. The Government provides information on the implementation of the NRP of the Czech Republic and the competent parliamentary committees discuss the relevant matters in detail.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The plenary session of the Chamber of Deputies of the Parliament of the Czech Republic deliberated the proposal on the multi-annual financial framework in June 2005 within the context of discussions regarding the priorities of the Czech Government at the European Council meeting. The Chamber of Deputies did not, however, adopt any resolution.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

The Committee on European Affairs has discussed the above mentioned issues at its meetings, but the Chamber of Deputies has not scrutinised the matters in plenary session.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

The Chamber of Deputies does not separately scrutinise the annual budget of the EC. The Czech Republic's annual expenditures and revenues of the EC budget are approved by the Chamber of Deputies every year as a part of the state budget act. The part regarding the annual expenditures and revenues of the Czech Republic is deliberated by the Committee on European Affairs and by the Committee on the Budget and subsequently submitted to the plenary session.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

We have not been informed on planned discussion in the Chamber of Deputies of the 2008-2009 Budget Review.

5. ***Any other observations?***

Czech Republic: Senate

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***
   Both types of documents mentioned form inseparable parts of the dossier under scrutiny. The Senate will only scrutinize a particular EU document when an explanatory memorandum (position of the government) is provided exclusively to the Parliament with regard to the particular document to be scrutinized. The government have a legal obligation to supply these memoranda within a two week time limit. Scrutiny is therefore directed at both the EU document and the Czech government's position towards it.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***
   The primary subject of scrutiny is the government. All legislative provisions dealing with the system of EU related parliamentary scrutiny build on the fact that it is the government and its presented negotiating position that are scrutinized. However (see previous answer), it is the Commission that tables the document/proposal in most cases and can therefore also be considered as subject of the scrutiny.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***
   In general, it is after (in most instances) the Commission's proposal is delivered that the Senate starts to participate on the decision-making process. Deliberations in committees and the plenary only take place after the government submit a memorandum regarding the particular proposal (the government have a two week period to supply one). This said, it must be added that the Senate puts great emphasis on scrutiny of consultative and other communication documents that are often thoroughly debated and are considered to fall into the pre-legislative phase.
   The fundamental phase of scrutiny is considered complete after the proposal is either taken note of or a Senate resolution is passed by the plenary containing the Senate's assessment, reflections and recommendations. But the Senate later also follows further stages of the negotiation on the European level and can call on the government to update its memorandum or even seek oral information from the minister on the advancement of negotiations and the Czech position.
   The implementation phase is not part of ex-ante scrutiny process and is governed by Rules' of Procedure provisions on the internal legislative process.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***
   The million dollar question
   Yes, the Senate deems to have a degree of influence on both national EU-related and EU-level decision-making process. On the national level, this is exercised by use of the right to seek information from the government, scrutinizing its positions and passing resolutions which the government must duly respect. The guarantees are statutory and other provisions setting out the Parliament's rights and government's obligations vis-à-vis the Parliament together with the general respect that the government have towards statements emanating from the Parliament.

On the EU-level the situation is naturally more complicated with 27 often diverse national positions plus the one of the European Parliament. The Czech position regarding individual EU dossiers is to be constructed and defended by the Czech government under parliamentary scrutiny while it is understood that often significant concessions will inevitably be made with regard to the Czech position in order for a proposal to become law. The guarantees foreseen here are only those vis-à-vis the Czech government as no EU primary or secondary law provision, and rightly so, deals with the degree of influence that national parliaments ought to have in the EU decision-making process.
One initiative that is regarded as augmenting the role of national parliaments in the decision-making process on the EU level is the Commission initiative asking for comments of the national parliaments concerning individual proposals or other documents to be addressed directly to the Commission. This initiative though is yet to deliver.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***
The scrutiny system applied by the Czech Senate can generally be described as document based (as in the 3rd Bi-annual Report). This categorization however needs to be qualified with regard to the procedure used to scrutinize CFSP which is more thematic or meeting (GAERC) based in character.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament's expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

There is no official position passed by the Senate plenary relating to the Reform Treaty. Nevertheless, a special session of EU-Affairs Committee of the Czech Senate will be dedicated to this issue on 5-7th September, including the debate with the deputy Prime Minister Alexandr Vondra, who is responsible for EU agenda at the Government level. As in preceding Committee reports and the plenary resolution on the Draft Constitutional Treaty, the Senate has repeatedly emphasized the need for a clear division of competences between EU and national level together with enforcement of mechanisms that could prove the necessity of EU regulation activities on the basis of subsidiarity check of draft legislative acts with regard to competences shared by the EU and Member States. All changes of equilibrium of competences (incl. the use of bridging clauses) should be agreed to or controlled by National Parliaments reserving to each of them the right to accept or stop the process of changes of the Founding Treaties.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The general expectation relating to the Reform Treaty presupposes the formal anchoring of the early warning system of the subsidiarity check as it evolved under COSAC coordination. Nevertheless, not only the practically feasible conditions of its incorporation (e.g. adequacy of chosen threshold of National Parliaments raising the objection of subsidiarity infringement), but more importantly the political will and practical application can subsequently prove the efficiency of the mechanism in the parliamentary scrutiny of EU affairs.

CHAPITRE 3 : MONITORING PARLEMENTAIRE DE LA STRATEGIE DE LISBONNE

Questions:

1. ***Votre parlement bénéficie t-il d'une influence sur la définition des politiques et de la mise en place des priorités dans le cadre de la Stratégie de Lisbonne ? A quel niveau votre Parlement est-il impliqué dans la dite « méthode de coordination » ?***

Le Sénat porte son attention sur les documents relatifs à la Strategie de Lisbonne et leur évaluation. La Commission des affaires l'UE a examiné la **Communication au Conseil Européen de printemps: Travaillons ensemble pour la croissance et l'emploi - Un nouvel élan pour la stratégie de Lisbonne**, COM(2005) 24 du 2 février 2005, la **Communication de la Commission au Conseil Européen de printemps: Passons à la vitesse supérieure - Le nouveau partenariat pour la croissance et l'emploi**, COM(2006) 30 du 27 janvier 2006 et également leur évaluation dans la **Communication de la Commission au Conseil Européen de printemps: Mise en oeuvre de la Stratégie de Lisbonne renouvelée pour la croissance et l'emploi - "Une année de résultats"**, COM(2006) 816 du 12 decembre 2006.

Le Sénat a adopté la résolution n° 495 du 25 mai 2006 relative à la communication de la Commission intitulée Passons à la vitesse supérieure dans laquelle « le Senat :

a. vu une discussion sur l'achèvement des periodes transitoires pour les 8 nouveaux Etats membres, il rappelle l'importance de la création d'un réel marché intérieur des services et le besoin de la libération de la circulation des forces de travail ;
b. averti le Gouvernement de l'insuffisances des mesures visées à facitiler une mobilité des travailleurs sur le marché du travail à la République tchèque.

Outre des activités du côntrole parlémentaire, les sénateurs participent régulièrement aux rencontres parlémentaires sur la Stratégie de Lisbonne (2005, 2006, 2007).

Le Sénat n'est pas impliqué dans la méthode ouverte de coordination, il toutefois porte attention aux domaines où la méthode est utilisé (droit de travail, protection sociale).

2. ***Votre Parlement s'investit-il dans la mise en application de la Stratégie de Lisbonne, en particulier au sujet de la mise en place du Programme national de Réforme et les sujets en découlant tel que le Rapport national des Progressions ?***

Le Programme National de Réforme de la République tchèque 2005 – 2008 (ci-après « PNR ») a été présenté au Parlement [2] dans un planning suivant :

14/09/05	Approuvé par le gouvernement
15/09/05	Comission de l'U.E. de la Chambre des députés
Oct. 2005	Assemblée plenière de la Chambre des députés
21/09/05	Commission de l'économie, de l'agriculture et du transport du Sénat

[2] Le Parlement de la République tchèque se compose de deux Chambres, la Chambre des députés et le Sénat.

21/09/05	Commission des affaires de l'UE du Sénat
21/09/05	Commission de l'enseignement, de la science, de la culture, des droits de l'homme et des pétitions du Sénat
6/10/05	Assemblée plenière du Sénat
15/10/05	Présentation à la Commission Européenne

Le 10 novembre 2005, le rapport sur le PNR a été enlevée du progamme de l'Assemblée plenière de la Chambre des députés.

Le 21 septembre 2005, la Commission de l'économie, de l'agriculture et du transport a pris une déliberation dans laquelle il prend acte du PNR.

Le même jour, la Commission des affaires de l'UE du Sénat a pris une déliberation dans laquelle elle recommande au Sénat de prendre une déliberation libellée comme suit:

« Le Sénat

c. prend acte d'une face analytique du document et il est d'accord avec le besoin des réformes des politiques des finances publiques ;
d. accuiellirais plus de démarches concrètes ;
e. accuielli une proposition de l'obligation de l'évaluation des prescriptions juridiques nouvelles dans une lumière de la réalisation du PNR ;
f. invite le Gouvernement à une récodification du droit de faillite ;
g. accuielli plus particulièrement les proposition de gouvernement visées à la réduction du montant des taxes des personnes physiques et morales ;
h. recommande au Gouvernement de comparer les résultats de réalisation du PNR avec les autres Etats membres de l'U.E. »

La Commission de l'enseignement, de la science, de la culture, des droits de l'homme et des pétitions du Sénat n'as pas pris une déliberation sur le PNR.

Le 6 octobre 2005, l'Assemblé plenière du Sénat a pris une déliberation dans un énoncé proposé par la Commission des affaires de l'UE.

Le Sénat examine les rapports de Gouvernement de mise en oeuvre du Programme de Lisbonne (mise en oeuvre du Programme National de Réforme de la République tchèque). Le dernier rapport a été discuter au sein de la Commission des affaires de l'UE en novembre 2006.

3. La révision de la stratégie de Lisbonne en 2005 a-t-elle eu une influence sur le rôle et la participation de votre parlement dans ce processus ?

Le Sénat mit l'accent sur l'importance de la Stratégie de Lisbonne dès le début de l'intégration du Parlement de la République tchèque aux affaires européenes. La République tchèque est entrée à l'UE le 1er mai 2004 et une stratégie renouvellée de Lisbonne a été lancé à la première moitié de l'année 2005. Le Sénat participe par conséquent qu' à la stratégie revisée.

CHAPITRE 5: LE MONITORING DES PROGRAMMES FINANCIERS DE L'UE PAR LES PARLEMENTS NATIONAUX: ARRANGEMENT DES PRIORITES ET ALLOCATIONS DES FONDS.

L'accord interinstitutionnel entre la Commission, le Conseil et le Parlement européen pour la nouvelle perspective financière 2007 – 2013 est une feuille de route légale concernant la Commission quand elle élabore un paquet législatif détaillant le financement des programmes de l'UE. Cet ensemble législatif se situe à un niveau décisionnel ou à une procédure de l'avis conforme entre le Conseil et le Parlement européen.

Le but de ce chapitre est d'établir si oui et comment les Parlements Nationaux se trouvent engagés dans cette procédure décisionnelle. Sont-ils informés par leur gouvernement respectif sur les développements de la procédure des décisions institutionnelles internes ? Décident-ils les programmes financiers de l'UE ? Comment sont-ils impliqués dans la priorité donnée aux fonds respectifs ? Ont-ils un pouvoir décisionnaire pour l'allocation des fonds à un niveau national ? La conférence des présidents devra résoudre ces difficultés en dictant une ligne de conduite offrant une meilleure approche à toutes ces questions relevant de la compétence des Parlements nationaux.

1. ***Votre Parlement contrôle-t-il le cadre financier multi-annuel (perspective financière)? Une commission sectorielle était-elle impliquée dans ce contrôle? Si oui, quel était son rôle ? Quel était le rôle du comité sectoriel responsable du contrôle du budget?***

   Expressément dit, le Sénat ne contrôle pas l'utilisation des ressources européennes, il examine que les documents où les moyens et domaines de l'usage des moyens financiers sont fixés. Il s'agit de l'exécution du contrôle parlémentaire dans le processus décisionnel communautaire.

   Dès le début de négociations d'un nouveau cadre financier pour les années 2007 – 2013 (début 2004), la Commission des Affaires de l'UE suivait la préparation d'un accord interinstitutionnel. La Commission a examiné (sans adoption d'une résolution) la **Communication de la Commission : Construire notre avenir commun - Défis politiques et moyens budgétaires de l'Union élargie 2007-2013**, COM(2004) 101 du 12 février 2004, la **Communication de la Commission : Perspectives financières 2007 – 2013**, COM(2004) 487 du 17 juin 2004 (à plusieurs reprises et en coopération avec la Commission de l'économie, de l'agriculture et du transport) et finallement le **document de travail de la Commission: Proposition révisée en vue du renouvellement de l'Accord interinstitutionnel sur la discipline budgétaire et l'amélioration de la procédure budgétaire**, COM(2006) 36 du 1er février 2006.

   Les représentants de la Commission des affaires de l'UE et de la Commission des affaires étrangères, de la défense et de la sécurité ont participé des réunions d'un comité consultatif du Gouvernement sur le négociations de la perspective financière 2007 – 2013 en qualité d'observateurs.

   En général, c'est la Commission de l'économie, de l'agriculture et du transport qui est responsable des questions financières et budgétaires. Quant aux documents européens, elle rend son avis sur tel document aprés l'avoir été demandée par la Commission des

affaires de l'UE ou la Commission des affaires étrangères, de la défense et de la sécurité. Les pouvoirs budgétaires du Sénat sont limités également au niveau interne, le Sénat n'est pas impliqué dans la procédure budgetaire.

2. ***Votre parlement contrôle-t-il les programmes de dépense (le Septième Programme-cadre, le Réseau transeuropéen pour le Transport et l'Energie, Galileo, le Programme communautaire pour l'Emploi et la Solidarité, etc...)? Lesquels de ces programmes énoncés ci-dessus ont-ils fait l'objet d'un contrôle?***

Voir question n° 3.

3. ***Votre Parlement contrôle-t-il le budget annuel de l'UE? Le contrôle du cadre financier multi-annuel et des programmes de dépenses apporte t-il, quand il est exécuté, une valeur ajoutée au contrôle du budget annuel de l'UE ? Merci de préciser.***

Le Sénat n'examine ni les programmes de dépense, ni le budget annuel de l' UE du point de vue de contrôle financière.

4. ***Votre Parlement a-t-il les plans pour le contrôle du budget de révision de l'année 2008-2009 ? Merci de préciser.***

Vu l'importance des questions budgétaires, le Sénat voudra participer aux débates relatifs à la révision du budget et cela probablement par le truchement de la Commission des Affaires de l'UE et de la Commission de l'économie, de l'agriculture et du transport.

5. ***Autres commentaires?***

Questions de l'impact budgétaire (national, communautaire) sont prises en considération pour chaque proposition législative et les actes communicatifs.

Cyprus:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

   Within the Cyprus Parliament, the Parliamentary Committees dealing with European Affairs scrutinise mainly documents emanating from the EU institutions whereby the competent ministries are invited to attend meetings during which the Ministry officials dealing with the matter at hand are asked to present the government position on the matter and explain the reasons for having chosen the specific position.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

   During the scrutiny of Commission documents, the Parliamentary Committee on European Affairs firstly examines the Commission document in depth and consequently invites the competent ministries to express their views on the subject. In these cases, the subject of the scrutiny is the document itself as well as the government with respect to the position formulated on the matter under discussion. However, when the Committee conducts a subsidiarity and proportionality check, the primary subject of scrutiny is the Commission proposal and its decision to legislate in the field covered by the proposal.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

   The Parliamentary Committee on European Affairs of the House of Representatives may select different matters either at the prelegislative stage or during their discussion before the Council working Committees for in-depth discussion within the ambit of the exercise of parliamentary control. With regard to items at the prelegislative stage under discussion before the Committee, the said committee can invite government officials to attend a meeting of the Committee to inform it of the position taken at the EU level. Furthermore, when a Commission proposal culminates into legislation, when the relevant implementing legislation is submitted before the House of Representatives for adoption, the sectoral committee examining the proposal can scrutinise the government decisions and position taken at the EU level, which resulted in the EU measure in the form submitted before the Parliament for adoption.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

   The Cyprus Parliament considers that its views on legislative proposals can have an influence on the decision-making process in the EU, when these are promptly communicated to the parliament for consideration. However, due to the political system of Cyprus which is characterised by a clear separation of powers, the House of Representatives cannot mandate the government with respect to the position that it will take on the EU level, thereby guaranteeing its influence on the decisions taken at the EU level. The Cyprus Parliament can exert political influence on the government in an attempt to ensure that its views are taken into consideration in the formulation of policy by the Cyprus government.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

   Yes.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

   An agreement on the Reform Treaty will hopefully bring to an end the long period of debate about the Constitutional Treaty and facilitate the efficient running of an EU of 27 member states. The Constitutional Treaty sought to increase the involvement of national parliaments in the decision making and scrutiny processes of the EU. The Reform Treaty advances in one important respect, that is, the amount of notice that national parliaments receive of proposed EU legislation as well as the new procedure where the opinion of national parliaments will be referred to the legislator. The two week extension stipulated in the mandate will help towards the solution of the problem the majority of national parliaments, our parliament included, faced.

   In addition, the new article added by the Reform Treaty recognizes for the first time the role of national parliaments in the EU giving them now a specific role in the monitoring of subsidiarity.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

   National parliaments will undertake an enhanced role with substantial competences that can substantively influence the decision making procedure. To this end, the new stipulation providing that the legislator will have to consider national parliaments opinions on a legislative proposal constitutes a crucial addition to this role. It is in the best interests of the national parliaments to enhance their communication procedures since the exchange of experience and best practices becomes increasingly important.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

   The influence of the House of Representatives of Cyprus on the formulation of policies and the setting of priorities in the framework of the Lisbon Strategy is limited. The House of Representatives is not involved in the Open Method of Coordination processes. According to the presidential system of Cyprus, there is a clear separation of powers between the executive, the legislative (House of Representatives) and the judicial power. Although the Parliament of Cyprus cannot intervene in the function of the executive power, which is the government of Cyprus (the president and his cabinet of Ministers), it can politically influence the above mentioned policies and priorities.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

   The involvement of the House of Representatives in the implementation of the Lisbon Strategy was limited regarding the preparation of the National Lisbon Programme and the related National Progress Reports. The National Lisbon Programme (National Reform Programme) has been prepared by the Ministry of Finance, in close co-operation with the Planning Bureau, the Ministry of Commerce, Industry and Tourism, the Ministry of Labour and Social Insurance and all other involved Ministries and Services. Upon the completion of the final draft, there was a wider discussion with social partners, political parties and private sector – in mid October 2006. Before its submission to the European Commission, the National Lisbon Programme was approved by the Council of Ministers. It was also submitted to the House of Representatives and presented to the appropriate parliamentary committee, which is the Committee on Financial and Budgetary Affairs. A mechanism responsible for monitoring and promoting the implementation of the National Reform Programme of Cyprus was set up under the co-ordination of the Ministry of Finance. The progress report on the National Reform Programme of Cyprus is prepared on a bi-annual basis by the executive. However, the above mentioned parliamentary committee as well as the Committee on European Affairs, can be informed on the progress of the implementation of the National Lisbon Programme by the executive on a regular basis. Views expressed by the Committees are not binding for the executive due to the presidential system. (see also the answer to the first question).

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

   The revision of the Lisbon Strategy in 2005 extended the role of the House of Representatives at national level regarding the implementation of the National Reform Programme through the examination and approval of certain actions/measures contained in the national budget and/or in other national bills of law. In this way, indirectly, the House of Representatives is in the position to exercise control and pressure on the executive regarding the effective and rapid implementation of the above mentioned actions/measures. (see also the answer to the first question).

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

   The role of the House of Representatives of Cyprus on the above mentioned topics is inherently limited. It must be noted that the responsible body for the management of the European Union's financial framework 2007-2013 is the Ministry of Finance of the Republic of Cyprus. According to the presidential system of Cyprus, there is a clear separation of powers between the executive, the legislative and the judicial power. So in this context the legislative power, that is the parliament of Cyprus, cannot intervene in the functions/work of the executive power, which is the government of Cyprus (the president and his cabinet of ministers). However, the appropriate Parliamentary Committees, the Committee on Financial and Budgetary Affairs and the European Affairs Committee, can be informed by the executive on matters related to this field. Views may be expressed by the committees, which are not binding on the executive due to the clear separation of powers, a feature of the presidential system described above. However, the Parliament of Cyprus may exercise political pressure on the executive in order to influence its decisions in the formulation of policy.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

   This does not apply in the case of Cyprus (see the answer to the first question).

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

   This does not apply in the case of Cyprus (see the answer to the first question).

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

   The Parliamentary Committee on Financial and Budgetary Affairs of the House of Representatives may, in due course, invite reperesentatives of the competent Ministries in order to exchange views on the matter.

5. ***Any other observations?***

   The President of the Parliamentary Committee on Financial and Budgetary Affairs of the House of Representatives of Cyprus participates in the regular meetings of the Presidents of the Financial and Budgetary Control Committees of the Member States of the EU with the Economic and Monetary Affairs Committee and the Budgets Committee of the European Parliament (see also the answer to the first question).

Denmark:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The main objective of the scrutiny conducted by the European Affairs Committee is to hold the government accountable by ensuring that government negotiation positions are supported by a majority in Parliament... The scrutiny is primarily based on evidence orally presented by Ministers at the meetings of the EAC and on information provided by the Government in different types of memoranda. But also information notes produced by the Secretariat of the European Affairs Committee and documents emanating from the EU-institutions and other important key stakeholders are included in the process.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The primary objective of the scrutiny is to hold the Danish Government accountable.
However, the Folketing has established a specific procedure whereby the EAC and sectoral committees jointly monitor the Commission's Green and White Papers with a view to identifying important developments in the policy-making of the European Commission at an early stage.
This includes the possibility of trying to influence policy-making by adopting joint resolutions addressed to the Commission.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

The initial debate about a proposal may take place in the EAC already at the time, when the proposal is first presented in the Council by the Commission.
According to an agreement with the government, the Government undertakes to provide the EAC, at the earliest possible date, with continuous information about consideration of proposals of major significance.
However, a negotiating position must be presented to the EAC before the Danish position is determined, e.g. in connection with an agreement at first reading between the Council and the European Parliament.
The scrutiny process in the EAC is considered to be completed by the time the proposal is agreed by the Council. The government is obliged to submit a written report to the EAC summarising the outcome of the proceedings no later that five working days after each Council meeting.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

The influence of the EAC on the government's decisions in EU matters is primarily secured through the mandating system.
According to this system, which was originally established in 1973, the Danish Government is obliged to obtain a mandate from the EAC on the basis of which it shall negotiate in the framework of the Council.

The Government will present its negotiation position to the European Affairs Committee orally at a meeting of the EAC. The negotiation position must be presented to the EAC before Denmark's position is finally determined.
The mandate is approved only if the chairman of the EAC has not established the existence of a majority against the Government's negotiation position.

It is rare for the EAC to reject the Government's proposed mandate. However, it would be wrong to deduce from this that the Committee has only limited influence on Government EU policy. The Government may change or modify the mandate originally sought during deliberations in the EAC. Also, the Danish civil servants who participate in EU negotiations at an early stage, often before the European Commission tables its proposals will take into account the fact that, at some point, the Government will need to have the outcome approved by the EAC.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Yes, the distinction between "document based" systems and "mandating systems" is an adequate way of describing the fundamentals of the scrutiny systems in place in EU-27.
Denmark should still be put in the category: mandating systems.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

It is expected that the proposals in the draft reform treaty regarding the role of national parliaments will be included in the final text.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

Generally speaking it could be expected that national parliaments will become even more involved in the EU legislative process and in the deliberations of important policy initiatives of the European Union. However, in order to ensure effective implementation of these procedures, national parliaments will have to review their national procedures for monitoring the subsidiarity principle, as well as the functioning of interparliamentary cooperation.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

The Danish government informs the EAC about matters regarding the Lisbon strategy on a regular basis to the extent they are put on the agenda of the Council and are considered to be of considerable

importance. This includes in particular information on the contributions adopted by the different Council formations in their preparations for the European Council Spring summit.
In the case of decisions of major significance, the government is obliged to present a negotiation position to the EAC.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

The Government is informing the EAC on the progress as regards the implementation of the Lisbon strategy by submitting the draft progress reports concerning Denmark's implementation of the National Reform Programme.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?*** *No*

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

The Inter-institutional Agreement between the Commission, Council and the European Parliament on the new financial perspective 2007 - 2013 is a financial framework for the Commission when it formulates the legislative package that sets out details of the funding of EU programmes. The legislative package then enters into either the co-decision or assent procedure between the Council and the European Parliament.

The aim of this chapter is to establish, whether and how National Parliaments are involved in this decision making process. Have they been informed by their respective governments on the developments in the inter-institutional decision-making procedure? Do they monitor the EU financial programmes? How are they involved in the priority setting for the respective funds? Do they monitor the allocation of funds at the national level? The discussion at the chairpersons meeting will further help to orientate the direction of this chapter to provide information on the best practises of the National Parliaments in this field.

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The multiannual financial framework is always presented by the government in the EAC with a view to getting its mandate before the MAF is discussed in the Council of General Affairs and External relations.
The government obtained its mandate for the MAF of December 2005 on 10 June 2005.
The competent sectoral committees are also informed by the Government on budget matters and may call Ministers to give oral evidence.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Yes, they were all scrutinised in the EAC with a view to providing the government with a mandate for the negotiations in the Council.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

Yes the annual budget is presented by the Government in the EAC with a view to getting a mandate for the negotiations in the Council.
Also the competent sectoral committees of the Folketing discuss the EU draft budget with the Minister.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

Yes

5. ***Any other observations?***

Estonia:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. *What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)? Both, but the EU AffCo position is given to the Government.*

2. *Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons. Government position ON a specific document, i.e. the Committee is dealing with the EC proposal as well as the Government's position on it.*

3. *At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)? The Committee (+ sectorial committees) scrutinize Green Papers, White Papers, Communications, Interintsitutional Agreements, Directives, Regulations etc. At the same time, the EU AffCo scrutinizes the Government's positions in the council meetings and if necessary, Estonian positions on working group level. The latter depends on the nature of position that a civil servant has to present (if it needs political mandating). After a document (f.ex. directive) has been adopted, the implementation-transposition follows the normal lines of internal legislative process, however all parties have to observe the time-frames given by the Act. As a supplementary assistance, the committees of the Riigikogu receive a regular overview (via EUAC and EU Secretariat of the State Chancellery) of the directives due to be implemented as well as an overview of directives transposed.*

4. *Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed? Both, however the EU level is covered via national "route".*

5. *The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category? It is a mixed system to guarantee the influence and scrutiny.*

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. *What are your parliament's expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments? At this point we are concentrating our efforts on domestic scrutiny (business as usual), not planning to go to EU level directly.*

2. *What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007? None for us*

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"? The EU Affairs and other relevant committees discuss both the EU documents on this issue as well as our national positions/proposals/ other documents. As far as the open method is concerned, the influence could be described as limited.***

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports? Yes, through adoption of relevant legal acts. NRF has been discussed in relevant committees so have been the PRs.***

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process? Indirectly, i.e. the Riigikogu had more possibilities to discuss related issues as well as had more motivated interest in doing so.***

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

The Inter-institutional Agreement between the Commission, Council and the European Parliament on the new financial perspective 2007 - 2013 is a financial framework for the Commission when it formulates the legislative package that sets out details of the funding of EU programmes. The legislative package then enters into either the co-decision or assent procedure between the Council and the European Parliament.

The aim of this chapter is to establish, whether and how National Parliaments are involved in this decision making process. Have they been informed by their respective governments on the developments in the inter-institutional decision-making procedure? Do they monitor the EU financial programmes? How are they involved in the priority setting for the respective funds? Do they monitor the allocation of funds at the national level? The discussion at the chairpersons meeting will further help to orientate the direction of this chapter to provide information on the best practises of the National Parliaments in this field.

QUESTIONS

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control? Yes, yes. As any other EU legal draft – full scrutiny, but to some extent resembles the scrutiny process if an IGC. The Finance committee gives its opinion on the FP. The difference with a usual EU document is that the 2 heads of secretariat (EU AC and Fin AC) are directly involved in Executive's FP working group, i.e. preparing already the Government's position and later this is forwarded to the Riigikogu for scrutiny. It involves as well scrutiny of relevant council meetings (formal and non-formal).***

2. *Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised? Yes, but as a part of normal scrutiny: 1) scrutiny of the EU draft and 2) later scrutiny of council meeting. All of these have been scrutinized (relevant sectorial committee opinion + EU AC position to the Government)*

3. *Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify. As a part of ECOFIN scrutiny. Yes, the scrutiny of FP gives value added.*

4. *Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify. Yes*

5. *Any other observations?*

Finland:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

Answer: The Eduskunta primarily scrutinises the documents describing the Government's negotiation position, with the documents of the EU institutions as background material.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

Answer: According to the Constitution of Finland the primary subject of scrutiny is the Government. The Finnish system of parliamentary scrutiny in EU affairs is based on the constitutional principle of accountability of the Government to the Parliament, in a similar manner as in all domestic matters. The underlying assumption is that it is the Republic of Finland that is a member of the EU; the government represents the Republic, whereas the Eduskunta exercises supreme political power. The idea of a parliament separated from the political leadership of a member state is alien to our conception.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

Answer: The Parliament comes into the process as soon as the Government has informed the Parliament about a proposal. The Finnish system is designed to accommodate the fact that national parliaments can only have influence, if they participate in policy formulation from the start. Therefore, the Government has an obligation to provide the necessary information about a proposal without undue delay. The Eduskunta normally issues its statements on EU matters early enough for them to be available when Finland's representatives in the Council's working groups need to indicate a national position.

The Government usually also informs the Parliament about significant Green and White Papers or other documents that may lead to legislation. As for "proper" legislative proposals, the government needs the assent of the Eduskunta before committing the Republic (de facto) to any future legislation within parliament's remit.

The Government is expected to resubmit the matter to the Parliament when any significant change concerning the proposal or the Finnish position is foreseen. The scrutiny is considered completed when the act has been adopted at the EU level. Of course, the Eduskunta also takes the final decisions on the laws implementing EU acts.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

Answer: Yes, we do, at both levels. The effectiveness of parliamentary scrutiny is secured in the Constitution as well as parliamentary practice. As far as Finland's negotiating positions are concerned, the Government is politically obliged to take the Eduskunta's views into account.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Answer: The categorisation is useful, if accompanied by sufficient complementary information. The Finnish system is placed in the adequate category ("procedural"). However, there is an important distinction to be made between parliaments that control their Member State's negotiating from the start, including working groups, and those that address only the (frequently pro forma) decision of the ministers in the Council.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

Answer: The Finnish Parliament hopes that the Reform Treaty will retain as much as possible of the substance of the Constitutional Treaty. The Eduskunta can accept the provisions and Protocols concerning the role of national parliaments. However, we still consider that the domestic system of parliamentary scrutiny in EU affairs is the primary way to influence decision making at the EU level.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

Answer: The impact is certainly considerable for those parliaments that do not engage in domestic scrutiny. For others, it will be less important and sometimes (especially for the smaller organisations) even burdensome. To a certain extent, the stipulations will probably enhance the need for more cooperation between national parliaments.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

Answer: Yes, the Government has issued several reports on the Lisbon strategy to the Parliament. Activities within the "open method of coordination" are subject to the same reporting requirements as other EU-related activities, i.e. government departments are expected to submit to the Eduskunta actions that impact on the general rights and obligation of citizens. The Eduskunta has gone on record with criticism of the "open method of coordination", because of problems related to transparency and political and juridical accountability for actions taken in this sphere.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

Answer: Yes it is. Eight sectoral committees of the Parliament issued opinions on the National Finnish Reform Programme 2005-2008. These were subsumed into the Grand Committee's statement that was normative for the government's policy.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

Answer: No. It rather proved that the system introduced in Finland in 1995 was adequate.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

Answer: The Eduskunta scrutinises the Financial perspectives.

The Government communication on financial perspectives (2007-2013) was sent to the Grand Committee (EU Affairs Committee) and three sectoral committees (Finance Committee, Administration Committee, Agriculture and Forestry Committee). The role of the sectoral committees is to give an opinion to the Grand Committee on matters that concern their field of expertise. The Grand Committee expresses the final position of the Eduskunta to the Government.

At that time (2004), the committee responsible for budget control was the Finance Committee. Starting 2007 there is a new committee in the Parliament which is solely responsible for budget control.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Answer: Yes. All of the above mentioned programmes have been scrutinised by the Parliament.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

Answer: Yes. One might argue that the multi-annual financial framework is, politically, the most interesting of the documents scrutinised, as it actually has an effect on future spending. The budget and spending programmes are, to a large extent, concerned with obligatory expenditure, i.e. the substantive decisions have been taken on the basis of other, legislative, documents.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

Answer: Yes. This is subject to normal constitutional requirements, i.e. a decision within the EU that, nationally, would have required a decision of the Eduskunta. The Eduskunta determines Finland's national position.

France: National Assembly

CHAPITRE 1: VUE D'ENSEMBLE DU SYSTEME DE CONTROLE DE L'UE PAR LES PARLEMENTS NATIONAUX DES 27 DE L'UE

Questions:

1. ***Qu'est-ce que votre parlement contrôle en priorité (documents émanant des Institutions de l'UE, documents présentant la position des gouvernements dans leur négociation) ?***

   Conformément à l'article 88-4 de la Constitution française, le **Gouvernement soumet au Parlement**, dès leur transmission au Conseil de l'Union, **l'ensemble des projets ou propositions d'actes communautaires qui comportent des dispositions de nature législative**. Par ailleurs, le Gouvernement a la *faculté* de soumettre d'autres textes communautaires qu'il estime susceptibles de donner lieu à une prise de position parlementaire. L'ensemble de ces documents sont examinés par la Délégation pour l'Union européenne de l'Assemblée nationale (article 151-1 à 151-4 du Règlement de l'Assemblée nationale), soit sans débat pour les textes mineurs ou sans difficulté particulière, soit avec débat, rapport, et, le cas échéant, adoption de conclusions de la Délégation ou de propositions de résolution.

   Ainsi, dans les faits, le Parlement contrôle l'ensemble des documents émis par les institutions communautaires transmis par l'intermédiaire du Gouvernement. Il ne s'exprime pas, en revanche, à partir des positions retenues par le Gouvernement dans les négociations, bien qu'il soit généralement informé de ces positions avant de rendre son avis.

2. ***Qui est le principal sujet de contrôle (Gouvernement et/ou Commission européenne etc.) ? Pourquoi ?***

   Le sujet principal de contrôle est le **Gouvernement**, auquel s'adressent les résolutions adoptées par l'Assemblée nationale et qui doit en tenir compte (sans pour autant être lié juridiquement) dans les négociations qu'il mène au sein du Conseil.

3. ***A quel stade du processus décisionnel de l'UE votre parlement commence-t-il son contrôle et à quel moment est-il considéré terminé ? (Phase pré législative, à la suite d'une proposition législative de la Commission, en réaction d'un mémorandum de votre Gouvernement, avant la réunion (groupe de travail) du Conseil, après que la décision ait été prise au niveau de l'UE et que celle-ci ait été implantée dans la législation nationale) ?***

   Le contrôle exercé par l'Assemblée nationale est entamé **très en amont du processus décisionnel européen**, le Gouvernement devant lui soumettre les documents communautaires « *dès leur transmission au Conseil de l'Union* ». Une circulaire du Premier ministre du 19 juillet 1994, complétée par une circulaire du

13 décembre 1999, a même introduit une réserve d'examen parlementaire au terme de laquelle l'Assemblée nationale et le Sénat doivent pouvoir s'exprimer *avant* l'adoption d'un acte par le Conseil. Le Gouvernement s'engage dès lors à ménager un délai d'au moins un mois entre la transmission au Parlement d'un projet d'acte et la réunion afférente du Conseil (sauf procédures d'urgence).

Par ailleurs, grâce à la transmission par le Gouvernement de l'ensemble des documents communautaires quelle que soit leur portée législative, la Délégation a pris l'habitude d'examiner les propositions importantes **dès leur phase pré législative** (livre vert, etc.) voire de prendre l'initiative d'étudier, par des rapports parlementaires, des thèmes susceptibles de faire l'objet d'une législation européenne.

En revanche, il est utile de remarquer que le **contrôle en aval** du processus communautaire par la Délégation à l'Union européenne est encore **perfectible** :

– en raison du caractère précoce de la saisine parlementaire, il est fréquent que l'Assemblée se prononce sur des projets d'actes initiaux qui n'ont que peu à voir avec les actes effectivement adoptés au terme de la longue procédure décisionnelle européenne ; néanmoins, certains textes communautaires (notamment la directive « services ») ont fait l'objet d'un examen par la DUE à chaque étape de la procédure législative jusqu'à l'adoption du texte définitif.

– les projets de loi transposant les directives européennes sont instruits par les commissions spécialisées de l'Assemblée et non par la Délégation.

4. Considérez-vous avoir de l'influence sur les décisions prises soit à l'échelle nationale soit à celle de l'UE ? Comment l'évaluez-vous ?

Les résolutions adoptées par l'Assemblée nationale, dépourvues d'effet normatif, disposent néanmoins d'une **portée politique certaine**. Elles constituent à ce titre un élément substantiel étayant la position du Gouvernement dans les négociations européennes. De même, les rapports parlementaires jouissent d'une influence, notamment médiatique, respectable. Cependant, compte tenu du fait majoritaire qui caractérise les institutions de la V^{ème} République, les positions parlementaires sont **dans les faits** plus **complémentaires à la position du Gouvernement** que concurrentes ou comminatoires.

En tout état de cause, depuis quelques années, le **Gouvernement français veut connaître l'avis du Parlement avant de donner sa position** dans les négociations communautaires.

En outre, dans les matières touchant aux **libertés publiques** en particulier, le Parlement a été en mesure de **faire évoluer la position** du Gouvernement. Ce fut notamment le cas s'agissant de la création du procureur européen.

5. Le troisième rapport bisannuel proposait un système éventuel de classification regroupant les différents systèmes de contrôle utilisés. Seriez-vous d'accord avec la catégorisation utilisée à cet usage, divisant les parlements nationaux dans le dit « procédurier » et « document » systèmes de base. Votre Parlement est-il dans la catégorie adéquate ?

La classification des systèmes de contrôle selon qu'ils sont à dominante « procédurale – fondée sur les documents » et « mandative – fondée sur les positions défendues par le Gouvernement dans le processus décisionnel » nous semble **pertinente**. Le Parlement français relève sans ambiguïté de la première catégorie. Il faut néanmoins remarquer que les systèmes ne sont pas figés. Ainsi, à titre d'exemple, la Délégation à l'Union européenne a pris l'habitude d'auditionner les ministres concernés en préalable, puis à la suite des réunions les plus importantes du Conseil de l'Union et les ministres des Affaires européennes après chaque Conseil européen. De même, un débat en séance publique est organisé à l'Assemblée nationale avant chaque Conseil européen.

CHAPITRE 2 : LES ATTENTES DES PARLEMENTS NATIONAUX EN VUE DE LA CIG

Questions:

1. ***Au sujet du Traité de Réforme qui doit être négocié à l'occasion de la Conférence Intergouvernemental, quelles sont les attentes de votre Parlement, en particulier en ce qui concerne le futur rôle des parlements nationaux ?***

2. ***Si le Traité de Réforme reprend les stipulations concernant les parlements nationaux et le système d'alerte précoce accordé au mandat de négociation, comme accepté lors du Conseil européen du mois de juin 2007, quel impact prévoyez-vous pour les parlements nationaux ?***

L'Assemblée nationale est **tout à fait favorable au système d'alerte précoce** et au renforcement du contrôle de subsidiarité (notamment grâce à l'extension des délais d'examen) proposés dans le projet de Traité modificatif et son protocole afférent.

Elle a d'ailleurs d'ores et déjà **mis en place**, à l'invitation du Conseil européen de juin 2006 et grâce à la décision de la Commission de transmettre directement ses propositions aux parlements nationaux, une **procédure de contrôle de la subsidiarité et de la proportionnalité**.

Selon cette procédure, la Délégation à l'Union européenne prépare, le cas échéant, un projet d'avis motivé sur la conformité des projets européens aux principes de subsidiarité et de proportionnalité, qui est ensuite examiné par la Commission permanente compétente au fond (il est à noter que si la Commission n'inscrit pas le projet d'avis à son ordre du jour dans les délais prescrits, il est réputé adopté).

En application de cette nouvelle procédure, l'Assemblée nationale a émis l'avis du 19 décembre 2006 sur la proposition de directive du Parlement européen et du Conseil modifiant la directive 97/67/CE en ce qui concerne l'achèvement du marché intérieur des services postaux de la Communauté *(http://www.assemblee-nationale.fr/europe/pdf/avis_subsidiarite/avis_E3285.pdf)*.

Il importe de remarquer que l'Assemblée nationale conçoit le contrôle de subsidiarité moins comme un mécanisme formaliste et systématique visant à protéger

jalousement les prérogatives nationales et freiner la construction européenne que comme :

– un **moyen décisif pour garantir que la législation européenne apporte une réelle valeur ajoutée** juridique et opérationnelle dans le respect des compétences déterminées par les Traités. A cet égard, l'Assemblée nationale considère que le **principe de subsidiarité est indissociable**, dans la pratique, du **principe de proportionnalité** qui veille à ce que l'action de l'Union soit limitée à la réalisation des objectifs poursuivis. Il serait dès lors utile que les procédures d'alerte précoce proposées dans le projet de Traité modificatif soient étendues, conformément aux vœux exprimés à la COSAC, au respect de la proportionnalité ;

– un **instrument essentiel d'appropriation, par les parlementaires nationaux et, partant, par les opinions publiques, des enjeux et débats européens**. Le contrôle de subsidiarité, qui intervient aux stades précoces de la procédure décisionnelle communautaire, permet en effet de saisir l'Assemblée nationale des textes les plus importants et de sensibiliser ainsi l'ensemble des parlementaires qui sont, grâce à leur forte assise locale, **d'excellents relais auprès de l'opinion publique**. Ainsi, l'avis précité relatif à la directive postale a permis une prise de conscience rapide des enjeux liés au texte et nourri un débat important parmi les parlementaires, puis dans les médias ;

– un puissant **encouragement à la coopération entre les parlements nationaux**, dans le cadre de la recherche d'un seuil d'avis susceptible d'enclencher les mécanismes d'alerte, **et avec le Parlement européen**, avec lequel l'Assemblée nationale est très attaché à développer ses relations.

CHAPITRE 3 : MONITORING PARLEMENTAIRE DE LA STRATEGIE DE LISBONNE

Questions:

1. ***Votre parlement bénéficie t-il d'une influence sur la définition des politiques et de la mise en place des priorités dans le cadre de la Stratégie de Lisbonne ? A quel niveau votre Parlement est-il impliqué dans la dite « méthode de coordination » ?***

La Délégation pour l'Union européenne de l'Assemblée nationale a adopté en février 2005 un rapport sur la révision de la stratégie de Lisbonne (rapport n° 2102 de MM. Michel Delebarre et Daniel Garrigue, XIIème législature), dont le Gouvernement et la Commission européenne ont eu connaissance avant le Conseil européen de mars 2005. Par ailleurs, l'Assemblée a adopté en juin 2005 une résolution sur les lignes directrices intégrées pour la période 2005-2008 (procédure de l'article 88-4 de la Constitution). Il n'y a pas d'implication particulière de l'Assemblée nationale dans la méthode de coordination.

2. ***Votre Parlement s'investit-il dans la mise en application de la Stratégie de Lisbonne, en particulier au sujet de la mise en place du Programme national de Réforme et les sujets en découlant tel que le Rapport national des Progressions ?***

Le premier Programme national de réforme français a été élaboré pendant l'été 2005 et communiqué à la Commission fin octobre 2005. Il avait été préalablement présenté

aux partenaires sociaux et au Conseil économique et social. En revanche, il n'a été présenté à l'Assemblée nationale que le 30 novembre 2005, lors d'une audition du ministre de l'économie par la commission des affaires économiques. Celui-ci avait alors expliqué que les délais imposés par la Commission n'avaient pas permis d'associer le Parlement à l'élaboration du PNR. Le PNR a fait l'objet d'un débat lors de cette audition.
Le premier rapport de suivi du PNR a été transmis à l'Assemblée nationale en septembre 2006 et a fait l'objet d'un débat lors d'une audition du ministre de l'économie par la commission des finances en octobre 2006.

3. ***La révision de la stratégie de Lisbonne en 2005 a-t-elle eu une influence sur le rôle et la participation de votre parlement dans ce processus ?***

Depuis 2005, la stratégie de Lisbonne et les thèmes qui y sont liés sont plus souvent abordés, que ce soit dans le cadre de la Délégation pour l'Union européenne, ou dans celui des commissions permanentes. Cependant, le nombre de députés s'intéressant à ces questions est encore très limité.

CHAPITRE 5: LE MONITORING DES PROGRAMMES FINANCIERS DE L'UE PAR LES PARLEMENTS NATIONAUX: ARRANGEMENT DES PRIORITES ET ALLOCATIONS DES FONDS.

1. ***Votre Parlement contrôle-t-il le cadre financier multi-annuel (perspective financière)? Une commission sectorielle était-elle impliquée dans ce contrôle? Si oui, quel était son rôle ? Quel était le rôle du comité sectoriel responsable du contrôle du budget?***

   L'Assemblée nationale a adopté la résolution du 26 juin 2005 sur les perspectives financières 2007-2013 à l'initiative de sa Délégation pour l'Union européenne (DUE) (rapport d'information de la DUE n° 2367 déposé le 9 juin 2005 par MM. René André et Marc Laffineur). Conformément à la procédure d'adoption des résolutions, la commission des Finances de l'Assemblée nationale, responsable du contrôle du budget national, a à son tour adopté la résolution de la DUE (rapport du 15 juin 2005 de M. Marc Laffineur) de même que la commission des Affaires étrangères saisie pour avis (rapport pour avis du 14 juin 2005 de M. Roland Blum). Par suite, le contrôle de l'exécution des perspectives pluriannuelles est assuré dans le cadre des résolutions déposées chaque année sur l'avant-projet de budget de la Communauté européenne au début de l'été. Elles sont instruites par la DUE puis adoptées par la commission des Finances.

2. ***Votre parlement contrôle-t-il les programmes de dépense (le Septième Programme-cadre, le Réseau transeuropéen pour le Transport et l'Energie, Galileo, le Programme communautaire pour l'Emploi et la Solidarité, etc...)? Lesquels de ces programmes énoncés ci-dessus ont-ils fait l'objet d'un contrôle?***

   Les principaux programmes de dépense font l'objet d'un contrôle non systématique, au moyen de rapports d'information de la Délégation européenne et de résolutions adoptées par l'Assemblée nationale. Ainsi, depuis 2002, l'Assemblée a adopté une résolution sur le 7ème Programme-cadre de recherche et

de développement (16 mars 2006) sur rapport de M. Daniel Garrigue et une résolution sur les fonds structurels et la cohésion territoriale de l'Union 2007-2013 (30 juillet 2005) sur rapport de MM. Michel Delebarre et Didier Quentin.
Par ailleurs, la Délégation a déposé des rapports relatifs au soutien au développement rural par le FEADER (rapport de M. Jean-Marie Sermier du 3 mai 2005) à la révision à mi-parcours de la PAC (rapport de M. Jean-Marie Sermier du 28 mai 2003).

3. ***Votre Parlement contrôle-t-il le budget annuel de l'UE? Le contrôle du cadre financier multi-annuel et des programmes de dépenses apporte t-il, quand il est exécuté, une valeur ajoutée au contrôle du budget annuel de l'UE ? Merci de préciser.***

L'Assemblée nationale a coutume d'adopter une résolution annuelle sur le l'avant-projet de budget de la Communauté avant la première lecture du Conseil. Par ailleurs, l'évolution du budget communautaire fait l'objet d'un second examen à l'occasion de l'adoption de l'article de la loi de finances initiale en octobre fixant le montant de la contribution de la France au budget de la Communauté.

4. ***Votre Parlement a-t-il les plans pour le contrôle du budget de révision de l'année 2008-2009 ? Merci de préciser.***

L'Assemblée nationale s'est d'ores et déjà impliquée dans les débats relatifs à la révision du budget et des ressources propres.

La Délégation pour l'Union européenne a ainsi auditionné, le 17 octobre 2006, M. Alain Lamassoure et Mme Catherine Guy-Quint, députés européens, sur leurs travaux sur les ressources propres des Communautés européennes. M. Alain Lamassoure avait été entendu par la commission des Finances dans la réunion du 3 mai 2006.

La DUE devrait nommer à brève échéance deux rapporteurs sur le sujet (probablement l'un appartenant à la majorité et l'autre à l'opposition), et les travaux devraient se dérouler sur le modèle de ceux relatifs aux perspectives financières (rapport puis résolution et implication de la commission des Finances).

5. ***Autres commentaires?***

France: Senate

CHAPITRE 1: VUE D'ENSEMBLE DU SYSTEME DE CONTROLE DE L'UE PAR LES PARLEMENTS NATIONAUX DES 27 DE L'UE

1. ***Qu'est-ce que votre parlement contrôle en priorité (documents émanant des Institutions de l'UE, documents présentant la position des gouvernements dans leur négociation) ?***

Le Sénat français examine les documents émanant des institutions européennes en application des dispositions de l'article 88-4 de la Constitution selon lesquelles le Gouvernement lui soumet obligatoirement, dès leur transmission au Conseil de l'Union européenne, les propositions d'actes comportant des dispositions de nature législative. Le Sénat peut adopter des conclusions, et dans certains cas voter des résolutions qui s'adressent directement au gouvernement. En revanche, il ne se prononce pas sur des documents présentant la position du gouvernement.

Par ailleurs, le Sénat peut examiner tout document émanant d'une institution de l'Union européenne, et formuler des observations directement à la Commission européenne notamment au regard de la subsidiarité et de la proportionnalité.

2. ***Qui est le principal sujet de contrôle (Gouvernement et/ou Commission européenne etc.) ? Pourquoi ?***

Par les positions qu'il adopte sur les textes européens en cours d'élaboration, le Sénat français cherche à influencer la politique européenne du Gouvernement. Parallèlement, par les observations qu'il adresse à la Commission européenne dans le cadre de la procédure de dialogue engagée par le président Barroso, le Sénat cherche à obtenir des justifications de la Commission quant à la nécessité d'une action de l'Union et quant à l'ampleur de cette action. Il espère amener ainsi la Commission à s'interroger à l'avenir sur les questions de subsidiarité et de proportionnalité avant que le collège des commissaires n'adopte une proposition.

3. ***A quel stade du processus décisionnel de l'UE votre parlement commence-t-il son contrôle et à quel moment est-t-il considéré terminé ? (Phase pré législative, à la suite d'une proposition législative de la Commission, en réaction d'un mémorandum de votre Gouvernement, avant la réunion (groupe de travail) du Conseil, après que la décision ait été prise au niveau de l'UE et que celle-ci ait été implantée dans la législation nationale) ?***

Le Sénat français examine les textes européens dès lors qu'il dispose d'un document officiel d'une institution européenne, ce qui permet d'examiner les communications ou livres verts de la Commission qui s'inscrivent dans une phase pré-législative. Ainsi, le Sénat français présente parfois des observations à la Commission européenne dans le cadre de ses procédures de consultation. L'examen d'un texte européen ne peut être considéré comme terminé que lorsque le texte a fait l'objet d'une transposition en droit national. En effet, si l'examen pré-législatif se termine lorsque le texte est définitivement adopté par les institutions communautaires, le Sénat assure ensuite, autant qu'il est possible, un suivi du processus de transposition en France.

4. ***Considérez-vous avoir de l'influence sur les décisions prises soit à l'échelle nationale soit à celle de l'UE ? Comment l'évaluez-vous ?***

Il est très difficile d'évaluer une influence dans une procédure décisionnelle complexe impliquant 27 Etats-Membres. Les travaux du Sénat français constituent un des éléments du débat public national sur les propositions de textes européens et contribuent à orienter l'action du gouvernement français de même qu'à enrichir la réflexion générale des institutions européennes (Commission, Conseil, Parlement européen) sur différents sujets communautaires. Ils peuvent également être utilisés par d'autres parlements nationaux. Enfin, les avis du Sénat français sur le respect des principes de subsidiarité et de proportionnalité contribuent au développement d'une réflexion européenne sur ce sujet.

5. ***Le troisième rapport bisannuel proposait un système éventuel de classification regroupant les différents systèmes de contrôle utilisés. Seriez-vous d'accord avec la catégorisation utilisée à cet usage, divisant les parlements nationaux dans le dit « procédurier » et « document » systèmes de base. Votre Parlement est-il dans la catégorie adéquate ?***

Le Sénat français n'est pas opposé à cette classification. Il est placé dans la catégorie adéquate.

CHAPITRE 2 : LES ATTENTES DES PARLEMENTS NATIONAUX EN VUE DE LA CIG

1. ***Au sujet du Traité de Réforme qui doit être négocié à l'occasion de la Conférence Intergouvernemental, quelles sont les attentes de votre Parlement, en particulier en ce qui concerne le futur rôle des parlements nationaux ?***

Le Sénat français souhaite que le protocole sur le rôle des parlements nationaux soit préservé et, si possible amélioré, pour tenir compte des acquis du dialogue direct engagé en septembre 2006 à l'initiative de la Commission européenne : en particulier, les parlements nationaux devraient être clairement habilités à se prononcer à la fois sur la subsidiarité et la proportionnalité, ces deux principes étant en réalité indissociables.

2. ***Si le Traité de Réforme reprend les stipulations concernant les parlements nationaux et le système d'alerte précoce accordé au mandat de négociation, comme accepté lors du Conseil européen du mois de juin 2007, quel impact prévoyez-vous pour les parlements nationaux ?***

Les stipulations en faveur d'un accroissement du rôle des parlements nationaux dans l'Union européenne leur permettront de peser davantage dans le processus de décision, à la condition qu'un nombre suffisant de parlements nationaux soient en mesure de s'exprimer dans les délais impartis. Les dispositions nouvelles introduites dans le mandat de négociation de la CIG sont un complément aux dispositions existantes mais n'apportent pas de changement significatif à l'équilibre obtenu à l'issue des travaux de la Convention.

CHAPITRE 3 : MONITORING PARLEMENTAIRE DE LA STRATEGIE DE LISBONNE

1. ***Votre parlement bénéficie t-il d'une influence sur la définition des politiques et de la mise en place des priorités dans le cadre de la Stratégie de Lisbonne ? A quel niveau votre Parlement est-il impliqué dans la dite « méthode de coordination » ?***

Compte tenu de la prépondérance de l'exécutif dans le système constitutionnel français, le Sénat français n'exerce pas d'influence directe sur la définition des politiques et des priorités de la stratégie de Lisbonne, mais les rapporteurs de la commission des affaires économiques et de la délégation pour l'Union européenne rendent compte régulièrement des évolutions de cette stratégie (communications devant la délégation pour l'Union européenne les 2 mars 2005, 11 mai 2005, 28 février 2006, 6 mars 2007, communication devant la commission des affaires économiques 12 février 2007).

2. ***Votre Parlement s'investit-il dans la mise en application de la Stratégie de Lisbonne, en particulier au sujet de la mise en place du Programme national de Réforme et les sujets en découlant tel que le Rapport national des Progressions ?***

En dehors de ses pouvoirs législatifs et de contrôle, le Sénat français ne dispose pas de prérogatives particulières quant au suivi de la mise en oeuvre de la Stratégie de Lisbonne. Toutefois, le rapporteur de la délégation pour l'Union européenne a déposé le 3 mars 2006 un rapport d'information sur la stratégie de Lisbonne "Passons à la vitesse supérieure : le nouveau partenariat pour la croissance et l'emploi".

3. ***La révision de la stratégie de Lisbonne en 2005 a-t-elle eu une influence sur le rôle et la participation de votre parlement dans ce processus ?***

Le Parlement européen a pris l'initiative depuis mars 2005 d'associer les parlements nationaux à la réflexion sur la stratégie de Lisbonne, ce qui est une bonne initiative, mais cela ne relève pas directement de la révision de 2005.

CHAPITRE 5: LE MONITORING DES PROGRAMMES FINANCIERS DE L'UE PAR LES PARLEMENTS NATIONAUX: ARRANGEMENT DES PRIORITES ET ALLOCATIONS DES FONDS.

1. ***Votre Parlement contrôle-t-il le cadre financier multi-annuel (perspective financière)? Une commission sectorielle était-elle impliquée dans ce contrôle? Si oui, quel était son rôle ? Quel était le rôle du comité sectoriel responsable du contrôle du budget?***

Au Sénat, la commission des finances établit un rapport spécial, à l'occasion de l'examen du projet de loi de finances de l'année, sur le prélèvement opéré sur les recettes de l'Etat au titre de la participation de la France au budget des Communautés européennes. Ce rapport comporte, le cas échéant, des développements sur les perspectives financières.

Un débat est organisé en séance publique, auquel participent notamment le rapporteur spécial et le rapporteur général de la commission des finances, ainsi que le président de la délégation pour l'Union européenne.

Par ailleurs, la délégation pour l'Union européenne avait désigné un de ses membres pour suivre les négociations des perspectives financières 2007-2013 (communication du 6 juillet 2005)

2. ***Votre parlement contrôle-t-il les programmes de dépense (le Septième Programme-cadre, le Réseau transeuropéen pour le Transport et l'Energie, Galileo, le Programme communautaire pour l'Emploi et la Solidarité, etc...)? Lesquels de ces programmes énoncés ci-dessus ont-ils fait l'objet d'un contrôle?***

Le Sénat français n'a pas engagé de mission spécifique ayant pour objectif le contrôle des crédits communautaires. Il privilégie les travaux portant sur l'évaluation des politiques.

C'est ainsi que deux sénateurs ont déposé, au nom de la délégation pour l'Union européenne, un rapport sur les perspectives d'évolution de la politique de cohésion après 2006, dans lequel ils procèdent à une évaluation de cette politique.

Des questions orales européennes ont également donné lieu à un débat en séance publique sur des politiques communautaires, par exemple la réforme des fonds structurels, la politique agricole commune, les transports ou encore l'aide au développement.

3. ***Votre Parlement contrôle-t-il le budget annuel de l'UE? Le contrôle du cadre financier multi-annuel et des programmes de dépenses apporte t-il, quand il est exécuté, une valeur ajoutée au contrôle du budget annuel de l'UE ? Merci de préciser.***

La délégation pour l'Union européenne examine chaque année, dans le cadre de l'article 88-4 de la Constitution, l'avant-projet de budget des Communautés européennes.

De plus, un débat est organisé chaque année, en séance publique, sur la contribution de la France au budget des Communautés européennes.

4. ***Votre Parlement a-t-il les plans pour le contrôle du budget de révision de l'année 2008-2009 ? Merci de préciser.***

L'une des conclusions adoptées par la délégation pour l'Union européenne sur l'avant-projet de budget pour 2008 tend à demander au gouvernement d'informer dès maintenant le Parlement de la méthode selon laquelle il entend préparer la présidence française sur le réexamen du cadre financier prévu pour 2009 et d'y associer le Parlement le plus en amont possible. En fonction de la réponse du Gouvernement, la délégation arrêtera les modalités selon lesquelles elle contribuera à ce réexamen.

Par ailleurs, la délégation a commencé d'engager une réflexion sur la politique agricole commune après 2013.

5. ***Autres commentaires?***

La commission des finances peut être amenée, le cas échéant, à aborder la question des perspectives financières ou, plus généralement, du budget communautaire dans les rapports qu'elle établit en vue du débat d'orientation

budgétaire, à l'été, puis du débat sur l'évolution des prélèvements obligatoires, à l'automne

Germany: Bundestag

Chapter 1: Overview of the EU scrutiny systems of the national parliaments of EU 27

1. What is your parliament scrutinising primarily?

The German Bundestag primarily scrutinises documents emanating from EU institutions. The Federal Government is obliged to provide parliament with sufficient information about the developments in the European Union as early as possible. The Federal Government is, in particular, obliged to forward all Commission proposals for European Union regulations and directives to the Bundestag, inform about the plans for and deliberations on these pieces of draft legislation at the European level and explain its own point of view in the negotiations as well as the positions of the other Member States.

2. Who is the primary subject of scrutiny? Please state reasons.

As far as affairs of the European Union are concerned, the Bundestag scrutinises the German Federal Government by adopting decisions on European policy, which are known as opinions. Article 23 (3) of the Basic Law and the more detailed provisions set out in sec. 5 of the "Act on Cooperation between the Federal Government and the German Bundestag in matters concerning the European Union" lay down that, before it takes part in the process leading to the adoption of a European legislative act, the German Federal Government must give the Bundestag an opportunity to state its opinion and that the German Federal Government must take into account the opinions delivered by the Bundestag in its conduct of negotiations.

With its opinion, the Bundestag defines substantive positions, which the German Federal Government is expected to adopt during the negotiating and decision-making process in the Council. However, these positions are not considered as being legally binding on the Federal Government. This special character causes an obligation of the German Federal Government to account to the Bundestag and the parliamentary committees in cases of an (intended) deviation from the opinion of parliament. Furthermore, the Bundestag scrutinises the European policy of the German Federal Government by using a wide range of other instruments, such as parliamentary debates, question times and debates on matters of topical interest.

3. At what point during the EU decision making process your parliament comes into the process and when the scrutiny is considered to be completed?

Art. 23 (2) of the Basic Law states the obligation of the Federal Government to notify the Bundestag comprehensively and at the earliest opportunity possible, i.e. before participating in the legislative process, of the developments in the European Union. Through this the Bundestag shall be enabled to get involved in the deliberations on a

European policy item while it is still possible to influence its substance. The "Act on Cooperation between the Federal Government and the German Bundestag in matters concerning the European Union" as well as an agreement between the German Bundestag and the Federal Government specify the scope of parliamentary participation. If it is not possible for the Bundestag to deliberate on an item in good time, the German Federal Government cannot give its consent to the legal act in Brussels and must lodge what is known as a parliamentary scrutiny reservation with the EU Council. The parliamentary scrutiny reservation may be lifted at the following meeting of the Council if the Bundestag has had the opportunity to deliver an opinion on the matter in the mean time.

4. Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?

The German Bundestag contributes to EU law by exerting influence over the German Federal Government, which is represented on the Council of the European Union (EU) and its committees and working groups. The Bundestag's rights to participate in European affairs are regulated in Art. 23 of the German Basic Law. They are exercised by the Committee on the Affairs of the European Union, which is one of the committees that are expressly referred to in the German Constitution (see Art. 45 Basic Law).

The German Federal Government is obliged to provide the Bundestag with sufficient information about the developments in the European Union as early as possible. Not only does the Federal Government forward all Commission proposals for European Union regulations and directives to the Bundestag, but it also informs about the content, the political objectives, the procedure and time of the decision-making in the Council. However, it is not obliged to completely reveal its decision-making process.

Additionally, the Bundestag has a right to state its opinion (Art. 23 (3) Basic Law). This presupposes that the German Federal Government provides parliament with sufficient information for this purpose. In exceptional cases, the Committee on the Affairs of the European Union (EU Committee) may exercise the rights of the Bundestag by adopting a decision, which is transmitted directly to the Federal Government for its consideration without being discussed in the plenary.

The opinions stated by the Bundestag are not legally binding on the German Federal Government. Nonetheless, it has to deal with them. Art. 23 (3) of the German Basic Law lays down that the Federal Government shall take the opinion of the Bundestag into account in the negotiations. If it decides not to follow the opinion delivered by the Bundestag, the Government has an obligation to account to parliament and explain why it has not been possible to gain acceptance for the opinion of parliament in the negotiations.

The committees of the German Bundestag stand at the centre of the legislative procedure. This is also true of the involvement of the German parliament in the

shaping of EU law. Each EU item forwarded to the Bundestag is dealt with primarily by the parliamentary committee responsible, and sometimes by other committees that are also asked for their opinions. Should this be requested, the German Federal Government must brief the committees orally about the EU item. The discussions taking place in the committees may be attended by representatives of the Federal Government competent to speak on the matter in question and by representatives of the European Commission or Members of the European Parliament. The committees may also deliberate on EU documents jointly with committees of the European Union with the same term of reference. Besides, the "Rules of Procedure of the German Bundestag" regulate that the appropriate committees may, prior to and independent of the notification of the Bundestag, declare EU items and drafts thereof to be items for discussion. However, decisions can only be made after a referral. Only these decisions have to be taken into account by the Federal Government according to Art. 23 (3) Basic Law.

5. The third Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called "procedural" and "document" based systems? Is your parliament in the adequate category?

The German Federal Government is obliged to notify the Bundestag comprehensively and at the earliest opportunity possible of the developments in the European Union. It has to forward all Commission proposals for EU regulations and directives. Furthermore, within a period of ten working days after an EU item has been transmitted to parliament, the Federal Government must draw up a written explanatory report setting out the main impact of the EU proposal, its political significance, the German interest in the project, its compatibility with principle of subsidiarity and other relevant issues. The report is to be updated when the circumstances change significantly or there are major developments in the negotiations. It must also be supplemented with oral statements. In addition to this, the German Bundestag must be given the opportunity to state its opinion before the Federal Government takes up a binding position in a EU decision-making body.

In Germany a large proportion of the work done in Parliament goes on in the permanent committees, each of which is formed by a decision of the Bundestag for the duration of the whole electoral term. The Committee on the Affairs of the European Union helps to formulate and implement German policy towards the European Union. It is responsible for fundamental issues relating to European integration as well as cooperation with the European Parliament and the national parliaments of the Member States. Under certain preconditions the EU Committee is able to adopt a decision exercising the rights of the Bundestag, which is transmitted directly to the government for its consideration without the participation of the

plenary. However, the Committee is not empowered to give a direct mandate to the Federal Government.

Chapter 2: National parliament's expectations from the IGC

1. What are your parliament's expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?

The Committee on the affairs of the European Union of the German Bundestag closely monitors the work of the IGC 2007 towards a Reform Treaty. The Committee is aware of the fact that the mandate for the IGC reached under the German Presidency at the Meeting of the European Council on 21-22 June 2007 was the only political compromise possible after a number of years of negotiations. For this reason technical adjustments that may be necessary to achieve consensus within the Union on the issue of the treaty should not disturb the balance of the political compromise reached, and they should be as minimal as possible with respect to their substance.

A consequence of this view is that the institutional package must not be opened up to renegotiation. If a renewed examination of the issue of the role of national parliaments should nonetheless eventuate, the protocols on the role of national parliaments in the European Union and on the application of the principals of subsidiarity and proportionality must not be undermined.

In the view of the Committee, the EU's statute on the Charta of fundamental rights, which was previously agreed in the Constitutional Treaty, must if possible be given a legally binding character. The Union's accession to the European Convention on Protection of Human Rights and Fundamental Freedoms is an issue with high priority for the Committee members.

2. What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?

Possible consequences might be a better involvement of national parliaments in EU affairs, an increased transparency in the legislative process and an improved cooperation between the national parliaments, notably by using approved platforms such as IPEX and by reciprocal information through the exchange of texts and opinions in the course of the COSAC meetings.

Chapter 3: Parliamentary monitoring of the Lisbon Strategy

1. Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?

There are no observations on the influence of the German Bundestag yet. See answer to 3.2.

2. Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?

Taking into account the integrated guidelines for growth and jobs, which have been worked out by the Heads of State and Government of the EU in March 2005, the drafting of the German National Reform Programme (NRP) was solely coordinated by the chancellor's office. Due to the formation of a new government in September 2005, the NRP was produced under special circumstances, preventing a stronger involvement of stakeholders and constraining a more detailed elaboration. While the "Laender" contributed to the drafting, "Bundestag" and "Bundesrat" were not formally consulted. Parliamentary groups, local authority organisations and social partners received the document for information.

3. Did the revision of the Lisbon strategy in 2005 have any influence on the role and participation of your parliament in the process?

The NRP is predominantly a government programme and therefore the role of the Bundestag in the establishment of the National Reform Programme is limited.

Chapter 5: National paliaments' monitoring of EU financial programmes: priority setting and allocation of funds

1. Does your parliament scrutinise the multi-annual financial framework?

The multi-annual framework 2007-2013 has been discussed repeatedly in the committees of the German Bundestag, while the Committee on the Affairs of the European Union is the committee responsible.

Shortly after the publication of the Commission Communication "Building our future together" outlining the Union's policies and budget for the period 2007-2013, Dr. Michaele Schreyer, former member of the European Commission, briefed the Committee on the Affairs of the European Union orally about financial framework. Its valuation from a national point of view was undertaken by the former Foreign Minister, Joseph Fischer, and the former Minister of Finance, Hans Eichel. From then on the communication by the Federal Government about the negotiations concerning the multi-annual framework became a regular item on the agenda of various committee meetings. Questions related to the "Financial Perspective 2007-2013" have also been one of the key issues that have been discussed in the course of the joint

meeting of the German EU-Committee and the "Delegation pour L'union européenne" of the French National Assembly in March 2005.

Additionally, a joint meeting of the German Committee on the Affairs of the European Union of the German Bundestag and Alain Lamassoure, rapporteur of the European Parliament, took place on May 10th 2006.

2. Does your parliament scrutinise the spending programmes (Seventh Research Framework Programmes, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc….)? Which of the above mentioned programmes have been scrutinised?

Yes. The German Bundestag has scrutinised or is currently examining the Seventh Research Framework Programmes, the Trans-European Networks for Transport and Energy, Galileo, and the Community Programme for Employment and Social Solidarity.

3. Does your parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.

The Council's new decision on own resources has not yet been ratified by the German Bundestag. It stresses the importance of transposing the decisions of the European Council in good time and requests the Federal Government to finalise the ratification procedures as soon as possible so that the new decision on own resources can enter into force without delay.

4. Does your parliament intend to scrutinise the 2008-2009 Budget Review? Please specify.

Also acknowledging the principal role of the European Parliament in auditing and controlling the 2008-2009 Budget Review, the German Bundestag intends to play an active role to scrutinise the 2008-2009 Budget Review of the EU.

Germany: Bundesrat

Chapter 1: Overview of scrutiny of planned EU legislation in national parliaments

Question 1

The Bundesrat scrutinises all Council and Commission documents that are of importance for the federal states.

Question 2

The Bundesrat's Opinions are as a rule addressed to the Federal Government. Ever since the Commission began to transmit documents directly to national parliaments and requesting a reaction, Opinions addressing important points of principle have in addition been sent directly to the Commission as well.

Participation in EU matters was long viewed – particularly by the Federal Government - as a foreign affairs issue, and as a consequence the federal states did not have competence in this domain. The federal states therefore insisted from the outset that a possibility should be created for them to introduce their views on planned EU legislation into the domestic process of developing a position on such legislation. Since 1993 the rights of the federal states to participate in this process through the Bundesrat have been enshrined in Article 23 Basic Law.

Question 3

Scrutiny of EU documents by the Bundesrat generally begins when the Federal Government transmits documents adopted by the Commission to the Bundesrat.

Question 4

The federal states first and foremost exert influence at the national level through the Bundesrat (c.f. Question 2).
The Bundesrat's Opinions on draft EU legislation are binding on the Federal Government if this draft EU legislation primarily affects legislative competences of the federal states, the establishment of federal state authorities or administrative procedures of the Länder. However, even when these conditions do not apply, the Bundesrat's positions are frequently incorporated into the Federal Government's negotiating stance within the EU.

Question 5

The Bundesrat systematically scrutinises all draft EU legislation of importance for the federal states. If these conditions are met, a document-oriented scrutiny

system is used. The Bundesrat's Opinions are binding on the Federal Government for certain categories of draft EU legislation scrutinised (c.f. Question 4). For that reason it would be more correct to categorise this as a document-based scrutiny system and to count it here as a hybrid model (p. 11, 3rd biannual report).

Chapter 2: National parliaments' expectations of the Inter-governmental Conference

Question 1

The Bundesrat welcomes the fact that the mandate adopted by the European Council on 21st/22nd June 2007 for the Inter-governmental Conference does to a large extent reflect the Bundesrat's concern to preserve the political substance of the Constitutional Treaty. In particular the Bundesrat very strongly supports plans to further reinforce the role of national parliaments. In this context, the decision to extend the deadline for scrutiny of compliance with the subsidiarity and proportionality principles to 8 weeks at least partially takes into account the result of the tests in the COSAC context.
Furthermore, the Bundesrat also very strongly supports the proposed clarifications on clear demarcation of the powers and responsibilities of the EU and the Member States. Along with reinforcing the roles of national parliaments, this was a core concern of the federal states in the European Convention.
It is regrettable that the objective of making the EU more visible to Europe's citizens, for example by enumerating the EU's symbols and reproducing the Charter of Fundamental Rights in the Treaty, has been abandoned.

Question 2

The consequences of implementing the negotiating mandate on the role of national parliaments have still to be studied in detail. The extension of the scrutiny period for documents to 8 weeks is definitely a positive development. Pursuant to the current draft of the "Protocol on the application of the principles of subsidiarity and proportionality", in the future there shall also be scope to make use of an "orange card", which would require a larger number of votes, in addition to the early warning system in the European Constitutional Treaty ("yellow card"). Issues as to how this should work in practice have yet to be clarified, Against this backdrop it would be advisable to organise a coordination procedure for national parliaments. It is unlikely that it will be possible to make effective use of the new rights accorded to national parliaments solely by utilising IPEX.

Chapter 3: Parliamentary monitoring of the Lisbon Strategy

Question 1

The Bundesrat has adopted a position on the revision of the Lisbon Strategy, the 2005-2008 national reform programme and on numerous Commission documents

relating to specific aspects and measures. In this respect the Bundesrat was able, through the Federal Government, to bring its influence to bear on how the policy is defined and on the priorities adopted.
The Bundesrat has commented on a number of occasions on the open method of coordination. It would have reservations about extending this method to further policy areas.

Question 2

The federal states made a substantial contribution to the statements on the policy areas within their ambit (education, children and young people, research, urban planning, rural development, deregulation, demography, regional economic support and labour market policy) when the National Reform Programme was drawn up. The federal states are also involved in developing the annual implementation and progress reports.

Question 3

Revision of the Lisbon Strategy has not in any way influenced the role and involvement of the Bundesrat in the process.

Chapter 5: Monitoring of EU financial programmes; priority setting and allocation of funds

Question 1

The Bundesrat has not yet discussed the Financial Perspectives. It has adopted a Resolution on specific issues pertaining to funding e.g. Agenda 2000.

Question 2

The Bundesrat has scrutinised the expenditure plans mentioned in Question 2.

Question 3

The Bundesrat does not scrutinise the annual budget of the EU.
However, examination of the expenditure plans (c.f. Question 2) does offer added value, as this means that the course steered in the annual budget of the EU is also examined.

Question 4

A decision has not yet been taken on scrutiny of the 2008-2009 Budget Review.

Greece:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

Until recently, the main goal of the scrutiny process within the Hellenic Parliament's Committee for European Affairs was to monitor the government's position over major European political developments, as well as its position towards European legislative acts. That is why competent ministers are invited to attend the meetings and give their account, even if a Commission document is –for example- being scrutinized. Moreover the capability of the government to adapt and implement European legislation correctly is also taken in account and relevant suggestions towards the executive are being made.

Now that the situation has changed, after the June 06' Council, and national Parliaments have the opportunity to correspond with the Commission directly over legislative proposals, this will eventually change.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

See above

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

Both at prelegislative phase –in case of Commission communications or white and green books, or during the examination at the Council, or in some cases even before the European Parliament's vote. During the implementation phase.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Our parliament's scrutiny system would be rather characterized as procedural.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

Our Committee for European Affairs has conducted only one meeting in July concerning the outcome of the last European Council and the mandate for the IGC. In this first meeting the Minister for Foreign Affairs made a briefing about the developments in the European Council, followed by an exchange of views. The general feeling was positive, as the mandate for the IGC maintained the most important features of the Constitutional Treaty. Regarding the role of national Parliaments and the subsidiarity control, our committee welcomed the decisions to prolong the minimum period of reaction to a legislative proposal from six weeks to eight weeks, as well as to increase the number of parliaments required for the activation of the early warning system, to 1/2 instead of 1/3 of the total. The Committee has not held any meeting ever since in order to formulate its opinion about the IGC, due to the dissolution of the Parliament for general elections.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The changes regarding the conduct of subsidiarity control that were introduced in the negotiating mandate will have as a consequence the improvement of scrutiny procedures by the national Parliaments, on individual basis, and the seeking of new forms of collaboration for common reaction, on a collective basis.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

   The Hellenic Parliament actively participates in the planning of policies aimed at the attainment of the Lisbon targets in the respective policy fields. The main institutional forum remains the Standing Committee on European Affairs. It is indeed the Committee which retains an overall supervisory role on behalf of the Parliament, often by initiating dialogue among the competent Ministries, the national Coordinator and the Parliament itself. The Lisbon targets as well as the ensuing policies are usually a point where the Committee has a say and is being listened to.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

   A broad discussion of the National Reform Programme has occurred in a joint session of the Standing Committees on European and Economic Affairs prior to its adoption. Its implementation is closely monitored by the Standing Committee on European Affairs, which also considers the related progress reports.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

   The Hellenic Parliament and especially the Committee for European Affairs has always been actively involved in the overall Lisbon process. The revision of the process itself and the enhanced role it stipulates for national Parliaments has institutionally safeguarded the national Parliaments' involvement.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The multi-annual financial frameworks are usually scrutinized by the Committee for European Affairs. The framework 2007-2013 was discussed in several occasions (and in some joint-meetings with the Standing Committee for Economic Affairs) primarily due to its political complications and consequences.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Not so often.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

The annual budgets are not being systematically scrutinized.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

The 2008-2009 budget review entails a wide range of implications in EU policies, and political priorities and orientation, therefore it will be scrutinized by the competent committees.

5. *Any other observations?*

Hungary:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

Both. The Committee on European Affairs of the Hungarian National Assembly scrutinizes EU documents (mainly proposals of directive or regulation, but sometimes also communications from the Commission) and the related government position.

The Act LIII of 2004 on the cooperation of the Parliament and the Government in European Union affairs states as follows:

Article 2
(1) The Government shall send all draft legislation, proposals and documents being on the agenda in the decision-making procedures of the institutions of the European Union operating with governmental participation (hereinafter called drafts of the European Union), immediately after receipt to the Parliament.

Article 3
(1) The Parliament may request information on the position that the Government intends to represent concerning any draft of the European Union (hereinafter called proposed position).
(…)
Article 4
(1) In the scope of the consultation, the Parliament may adopt a standpoint concerning the draft of the European Union within reasonable time, considering the European Union's agenda for decision-making.
(…)
(4) The Government shall elaborate its position to be represented in the decision-making process of the European Union taking the standpoint of the Parliament as a basis.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The Government, because it is responsible to the Parliament. The Parliament does not have direct legal relationship with the European Commission.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

As a rule, the Committee on European Affairs launches the scrutiny procedure after the publication of the Commission's legislative proposal. The scrutiny procedure runs parallel with the European decision-making procedure: the Committee requests the Government position, consults with the Government,

asks the opinion of the responsible parliamentary committee and finally, usually before the relevant COREPER or Council meeting adopts the parliamentary standpoint.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

According to the Act LIII, the Government shall elaborate its position to be represented in the European decision-making process taking the standpoint of the Parliament as a basis. After a decision made by the Council, the Government shall inform the Parliament in writing on the decision concerning which the Parliament adopted a standpoint. The Government shall give a verbal justification to the Parliament, if the position represented by the Government differs from that of the Parliament. If the divergence concerns a subject whose regulation requires a qualified majority vote of the Parliament by virtue of the Constitution, the Parliament shall decide on the acceptance of the justification.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Yes, we consider ourselves belonging to the hybrid model.
(See also: Szalay, Klára dr. *Scrutiny of EU Affairs in the National Parliaments of the New Member States – Comparative Analysis*, Hungarian National Assembly, Budapest, 2005.)

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

The Hungarian National Assembly welcomes that the current draft of the Reform Treaty retains the results and compromises of the Constitutional Treaty and expects that the negotiations of this fall will support the strengthened role of the national parliaments. The proposal to extend the period of time for sending a reasoned opinion, in the early warning system, from six weeks to eight reflects well the need of national parliaments.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The modifications stemming from the proposed protocols have the potential to make European legislation more transparent and national parliaments more influential in the process. The new modified mechanism of the early warning system would allow the Council or the European Parliament to send back proposals to the European Commission on the basis of the reasoned opinion of the national parliaments in the framework of the early warning system. This modification provides for a new dimension to the national parliaments in the subsidiarity control. The respective parliaments however have to find their own ways to address the new tasks these possibilities create. As the experiences of the subsidiarity checks organised by COSAC have also demonstrated, there is a chance that the relevance of the new channels might be overlooked.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

Through the ordinary parliamentary procedures the Committee on European Affairs may control and also influence the implementation of the Lisbon goals.
In February 2006 the Committee organised a so-called open day, a special committee meeting establishing contact with civil society. Non-governmental organisations had the opportunity to express their position and consult with government representatives (first of all the minister of economy and transport) and with MPs. The participants of the meeting evaluated the Hungarian experiences of the first year after the reform of the Strategy. The minutes of the open day were published in a booklet in Hungarian and English.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

Yes, the Committee on European Affairs occasionally puts the implementation of the Lisbon Strategy to its agenda inviting the responsible Government representative.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

The Hungarian National Assembly used to be involved in the Lisbon process via the parliamentary control mechanisms before 2005, as well as after. Naturally the reform of the Lisbon Strategy attracted more attention to the whole process.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

6. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The Committee on European Affairs scrutinised the adoption of the financial perspective and also intends to continue the scrutiny of its implementation.
In the scrutiny of the financial perspective two standing committee were involved: the committee on budget and finance, and the committee on economy. Both committees had the task of giving opinion on the Commission proposal. Basically they supported the financial framework, and also came forward with suggestions on some details. Based on the opinion of the two committees, the Committee on European Affairs formulated the parliamentary standpoint for the government.

7. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

The Committee on European Affairs scrutinised the Commission's proposals on energy policy reform in the beginning of 2007. During more hearings the representative of the ministry of economy and transport (state secretary) gave explanation on the European plans and their effects on Hungary.

8. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

No, we do not scrutinise the annual budget.

9. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

Yes, the Committee on European Affairs envisages controlling the process of the Budget review. The Committee will probably organise an open day and also hold hearings on the issue.

10. ***Any other observations?***

Ireland:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

Note: At this time these questions are not capable of answer on behalf of the Oireachtas Joint Committee on European Affairs as the Committee has not yet been established following parliamentary elections in Ireland this year. The observations in response to the questions have been prepared at official level.

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

EU scrutiny in the Houses of the Oireachtas focuses on documents emanating from the EU Institutions and broader EU policy objectives including the Government's approach in relation to these matters.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

Government and European Commission:

Government - To ensure parliamentary oversight and scrutiny of government EU activities with the objective of promoting transparency in the EU decision-making process and providing the Houses of the Oireachtas and parliamentary committees with the opportunity to contribute their views and seek to influence Ministers in advance of Council Meetings.

European Commission - The Commission's openness to and cooperation with national parliaments, including the Commission's increasing use of Green and White Papers, has facilitated engagement by the Houses of the Oireachtas with the Commission with the objective of seeking to influence EU policy at the early stage of the policy formulation process.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

Depending on the proposal under consideration, and its particular importance from a national perspective, the Houses of the Oireachtas may interact with the EU policy making process at any one or any combination of these phases.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

Both. See reply to question 2

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

It may be necessary to re-define these categories if the 'early warning system' under the draft Reform Treaty is implemented and depending on the way parliaments decide to implement the system. Perhaps therefore this question would be considered again at a future time.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

No answer (see introductory note)

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

Perhaps this would:

a. Underline the need for a common understanding among national parliaments of the principle of subsidiarity as defined in the European Treaties
b. reinforce and further strengthen of the role of national parliaments in the EU policy formulation process and, in particular, reinforce national parliaments' monitoring of compliance with the principle of subsidiarity;
c. facilitate invovlement of all members of parliament, not only members of the European Affairs Committee, in the EU policy-making process
d. lead to a greater focus on scrutinising proposals at an earlier (pre-legislative) stage of the policy-making process;
e. further strengthen cooperation between national parliaments and the EU Institutions;
f. necessitate further strengthening of interparliamentary cooperation in the European Union;
g. necessitate changes to national parliamentary procedures and processes.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

The Joint Committee on European Affairs in the last Parliament carried out a review of the Lisbon Strategy and its implementation. The Committee presented a report to the Houses of the Oireachtas on its review and put forward recommendations in relation to the key policies that underpin the Strategy.

In view of the increased focus on Better Regulation at both national and European level in the revised Lisbon Strategy, the Committee gave further consideration to this matter and, following consideration, forwarded a contribution to the European Commission (also copied to the relevant government department) on the Commission's Action Programme for reducing administrative burdens in the European Union.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

The Inter-institutional Agreement between the Commission, Council and the European Parliament on the new financial perspective 2007 - 2013 is a financial framework for the Commission when it formulates the legislative package that sets out details of the funding of EU programmes. The legislative package then enters into either the co-decision or assent procedure between the Council and the European Parliament.

The aim of this chapter is to establish, whether and how National Parliaments are involved in this decision making process. Have they been informed by their respective governments on the developments in the inter-institutional decision-making procedure? Do they monitor the EU financial programmes? How are they involved in the priority setting for the respective funds? Do they monitor the allocation of funds at the national level? The discussion at the chairpersons meeting will further help to orientate the direction of this chapter to provide information on the best practises of the National Parliaments in this field.

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget***

control?

The Joint Committee on European Affairs in the last Parliament considered the current Financial Perspective.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

Scrutiny of EU financial affairs is addressed within the EU scrutiny process in the Houses of the Oireachtas. Sectoral committees may scrutinise and debate EU expenditure proposals which fall within their area of responsibility.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

No answer (see introductory note)

5. ***Any other observations?***

Italy:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The Italian Senate and the Chamber of deputies scrutinise primarily documents from the EU institutions, with a particular focus on the Commission proposals, to be approved with the codecision procedure, and on the "third pillar" proposals. A particular emphasis is given also to the Legislative and Work Programme of the Commission and to the Legislative Programmes of the Council. In 2007, on both documents, there have been a formal decision by the plenary Assembly of the Senate.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The subject of the parliamentary scrutiny is the Government as under the current EU legal framework and the Senate and Chamber Rules of procedure a direct scrutiny of the European Commission is not provided. In this context the Chamber and the Senate scrutinise primarily the European Commission proposals/documents and, more rarely, the Government positions in the Council. A different approach is being adopted by the two Committee on European policies with reference to the subsidiarity checks being conducted by the COSAC. In these cases, the EU Affairs Committees and the competent sectorial committees of both the Chambers have issued opinions and resolutions that – while formally addressed to the Government - relate also on the respect of subsidiarity principle by the European Commission.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

It's not possible to make a clear assumption. It rather depends on the political importance of the subject. In general, the two Chambers gave opinion after the legislative proposal of the Commission, but in an increasing number of cases, as it happened in 2007 for the wine sector reform, the competent Committees of both Chambers scrutinise the prelegislative documents of the European Commission.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

A timely and constant information is necessary for the Parliament to influence the Government on EU matters. In Italian Chambers, a big change occurred in 2006, when the European Commission started the transmission of its proposals and the Italian government gave the access to the Council database. Since then, a more intensive dialogue with the government

and with the Permanent Representation in Brussels has led to a more concrete influence of the Parliament on the decisions taken at the national level.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called "procedural" and "document" based systems. Is your parliament in the adequate category?***

The categorization of the National parliaments scrutiny systems in "document based" and "mandating" is acceptable in principle. Italian Parliament scrutiny system is mainly "document based" as any document from the EU institutions can be subject of a specific scrutiny procedure. However, the Italian Parliament often uses other parliamentary procedures (inquiries, hearings, resolutions, etc.) for scrutinizing the EU Affairs.
In addition the Italian fundamental law as regards EU affairs (law 11/2005) introduced the parliamentary reserve and strengthened the powers of both Chambers in issuing opinions "politically" mandatory for the Government.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

Italian Senate and Chamber of deputies thinks that involvement of national parliaments in EU law making process should aim at making it more democratic and transparent, therefore more legitimated and better from a technical point of view and as far as legislation quality is concerned. The procedure laid down in the Reform Treaty, with the strengthening of direct relations between national parliaments and European Commission, could help in reaching this aim.

As regards the expectations of Italian Parliament about the Reform Treaty, the IGC should fully respect the mandate of 21-22 June European Council and should finish its work at the Lisbon informal summit of Heads of State and Government of 18 and 19 November, so that the new Treaty can be signed at the European Council next December. The whole process has to be timed in such a way that the Treaty is ratified and enters into force before the European Parliament elections of 14 June 2009. To comply with this deadline, the IGC's work should run smoothly.

As regards specific provisions of the new Treaty, both the motion approved by the Chamber of deputies on 21 June and the draft resolution submitted to the Senate on July 19 are strongly in favour of the maintaining of the following essential points of the Constitutional Treaty (all of which have been confirmed by the IGC mandate): the reinforcement of a common foreign and security policy through the merger of the functions of the High Representative for CFSP and of the Commissioner for the External relations; a more stable Council presidency; the extension of qualified majority voting on the basis of the double majority principle; the Union's legal personality and the surmounting of the three-pillar structure; a clearer system of legislative

sources and for the division of competences and, lastly, the binding legal force for the Charter of Rights.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

In addition to the increased involvement that the Reform Treaty gives to national parliaments in monitoring the respect of the principle of subsidiarity by the European Commission proposals, they will be more active also in the control over government action in EU affairs and on the elaboration of the opinion on the draft EU proposals.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

Yes, the Italian Parliament has a strong influence both in the definition of policies and in the setting of priorities in the framework of the Lisbon Strategy.
First, the Italian Senate and Chamber asked the Government to pursue specific approach, objectives and priorities in several resolutions, notably in the resolutions concerning the Annual Legislative and Work programme of the Commission and the Annual Report of the Government on the Italian participation to the EU.

Secondly, the Italian Parliament sets out the priorities and the financial allocations concerning the policies related to the Lisbon Strategies within the framework of the examination of the Annual Economic and Financial Planning document, submitted by the Government every year by the end of June. The Chambers adopt a resolution on such documents which binds the Government to pursue specific objectives of growth, development and employment and indicates also objectives and allocations for the policies which are connected to the Lisbon Strategy.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

Yes, see also answer 1. The Italian Parliament has been involved in shaping the National Reform Programmes and the national Progress Reports by holding specific hearings with the Minister for EU Affairs – as the National Coordinator for the Lisbon Strategy.- and other competent Ministers and top officials.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

*Yes, especially by means of the involvement for in the establishment of the National Reform Programmes and the National Progress Report (*see answer 2*). Besides, the Italian Senate has conducted a fact-finding inquiry on the implementation of the Lisbon Strategy, that led to an*

unanimous document in which the new procedure laid down in 2005 was appreciated for its attitude to involve all institutional actors, giving them precise tasks and precise responsibilities. In this sense, the control on National Reform Programmes gave the national parliaments a strong influence on the government action.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

The Inter-institutional Agreement between the Commission, Council and the European Parliament on the new financial perspective 2007 - 2013 is a financial framework for the Commission when it formulates the legislative package that sets out details of the funding of EU programmes. The legislative package then enters into either the co-decision or assent procedure between the Council and the European Parliament.

The aim of this chapter is to establish, whether and how National Parliaments are involved in this decision making process. Have they been informed by their respective governments on the developments in the inter-institutional decision-making procedure? Do they monitor the EU financial programmes? How are they involved in the priority setting for the respective funds? Do they monitor the allocation of funds at the national level? The discussion at the chairpersons meeting will further help to orientate the direction of this chapter to provide information on the best practises of the National Parliaments in this field.

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***
   Yes. The Italian Parliament has constantly followed the negotiations on the financial perspectives 2007-2013. In particular, the Italian Chamber of deputies, starting form March 2004, has carried out an inquiry on financial perspective and cohesion policy with the participation of the representatives of the Government, of the European Commission and the Italian MEPs. Furthermore, the Italian Chamber has adopted several resolutions addressed to the Government on these issues. The Italian Senate held a plenary session on the draft financial perspectives 2007-2013 immediately before the European Council of December 2005, addressing the government specific requests on the main issues to be decided.
   The Committees which have a general competence in the scrutiny on the financial framework are the Committee for Budget and the Committee for European Affairs. Other sectorial committees have scrutinized specific aspects of the new Financial framework which fall within their respective field of competence (notably the Agriculture committee on the impact of the new financial framework on the Common Agriculture policy) .

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Yes. Some spending programmes were object of scrutiny within the inquiry on financial perspective and cohesion policy carried out by the Committee for Budget and the committee for European Affair of the Chamber of Deputies (notably the Structural Funds). Some others were scrutinized by the sectoral committees (in particular, the Committee on Agriculture considered the Funds for Agriculture and Rural development while the Committee on Transport considered the Trans-European Networks for Transport).
The Plenary Assembly of the Italian Senate, in July 2006, held a discussion and voted a resolution to the government on the Seventh Research Framework Programme, after the scrutiny in the Committees on Culture and Health.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***
No, the Italian Parliament do not scrutinise systematically the annual budget the EU. However the representatives of the Senate and of Chamber of Deputies have always expressed their views on the EU project of budget at the annual meeting of the Budget Committee of the EP with the Chairpersons of the corresponding committees of the NP (which usually takes place in June, in an early stage of the EU budget procedure).

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***
Yes, the Italian Parliament has expressed the intention of being closely involved in the discussion on the 2008-2009 Budget review. A resolution adopted by the Italian Chamber of deputies the 21 September 2006 asks the Italian Government to work in a close contact with the Parliament in defining the Italian position on the 2008-2009 budget review, both on quantitative and qualitative sides of the EU Budget.. In particular the resolution asks the Italian Government to support an increasing of the EU budget and an improvement of the quality of its actions, in line with the Lisbon Strategy and with the enhancing of the social cohesion.

5. ***Any other observations?***

Latvia:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The primary responsibility of the Saeima European Affairs Committee is to scrutinize and approve national positions worked out by the Government.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

It is difficult to separate scrutiny of the work of the Government from scrutiny of the work of the European Commission; nevertheless, greater emphasis is placed on the content of positions worked out by the Government because the European Affairs Committee usually makes sure that Government officials have consulted all of the necessary ministries, NGOs and social partners and that Latvia's position does not conflict with its indirect interests

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

The point at which the European Affairs Committee becomes involved in the EU decision-making process depends on the significance of the issue. If a matter is considered very important, special meetings devoted to that topic are called in the pre-legislative phase and after the Commission's legislative proposal. Such early review of issues is rare; the majority of documents are scrutinized after the Government has worked out its national positions.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

The Saeima European Affairs Committee has a certain influence on decision making on the national level because there have been occasions when Government officials have been asked to rework Government-approved positions.
That is done in accordance with Section 185.3 of the Rules of Procedure of the Saeima, which states that the European Affairs Committee shall examine the official positions of the Republic of Latvia prepared in accordance with the procedure set by the Cabinet of Ministers and shall rule on them before they are communicated to European Union institutions.
It is rare for positions not to be approved; that happens only if a position conflicts with Latvia's interests. More commonly, informal means are used – giving advice which the minister should take into account when he/she defends Latvia's position in EU Council meetings.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

We agree with such a categorization.

According to that, the Saeima could be considered a procedural-based scrutiny system.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

As our parliament has ratified the Constitutional treaty, our expectations towards the new Reform treaty cover the wish to include all those significant issues on which have been agreed by European Council in June, and included in mandate for IGC. There shouldn't been any possibility to change the negotiation mandate. We expect that the full consolidated version of new Reform treaty will be available to national parliament no later than before the informal meeting of Heads of the States at the 18-19 October. Our parliament hopes that also during the working process of IGC, national parliaments will receive all crucial information on latest progress in work of IGC, especially on those issues what concern the future role of national parliaments.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

National parliaments will have the chance to give greater impact on EU decision making process. Until now national parliaments can send their views, contributions, etc. to EU institutions, but early warning system will formally strengthen the role and impact of national parliaments. Of course it means also for national parliaments need for higher involvement into EU matters.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

The Lisbon Strategy is a topic that is constantly on the agenda of the Saeima European Affairs Committee and one to which special meetings have been devoted. Members of the relevant ministry – the Ministry of Economics – are invited to the meetings to discuss issues pertaining to the Lisbon Strategy.
With regard to the "open method of coordination," the Lisbon Strategy Scrutiny Council has been established in Latvia. It deals with carrying out the tasks specified in the Lisbon strategy, thus with implementing guidelines and using best practices. The Minister of Economics is chairman of this Council, and representatives of the Saeima committees (Economic Affairs Committee; Education, Culture and Science Committee; Social and Employment Matters Committee) comprise the members of the Council. In this way, members of the Saeima participate in making decisions that affect the implementation of the Lisbon Strategy in Latvia.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

The European Affairs Committee regularly reports on Latvia's progress in implementing the Lisbon Strategy.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

The revision of the Lisbon Strategy in 2005 definitely influenced the Saeima's participation in the Lisbon Process because since the revision, the European Affairs Committee of the Saeima has been devoting greater attention to issues related to the Lisbon Strategy; even other agenda items related to the economy are now examined in the context of the Lisbon Strategy.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

EU Financial perspectives which are discussed at the ECOFIN meeting are also reviewed in meetings of the European Affairs Committee as the national position. Sector committees have not discussed this matter.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

The European Affairs Committee has reviewed/scrutinized and approved national positions pertaining to all of the above-mentioned programs.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

The European Affairs Committee has approved all national positions related to the EU budget. Examination of various EU financial programs gives a deeper understanding of the EU budget as a whole.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

The European Affairs Committee has reviewed the tentative EU budget for 2008, and it intends to follow developments regarding it.

5. ***Any other observations?***

Lithuania:

Chapter 1: Overview of the EU scrutiny systems of the national parliaments of EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The Seimas of the Republic of Lithuania receives EU legislative proposals and other EU documents directly from the European Commission as well as through the Government-run Information System for Lithuania's Membership in the EU (LINESIS). In compliance with the effective legislation, the Government institutions have a mandate to submit their positions on very relevant and relevant EU legislative proposals and other EU documents. Seimas committees may start consideration of European affairs immediately after a proposal for EU legislation or other EU document reaches the Seimas either from the European Commission directly or through the LINESIS information system. Within 15 working days Government authorities submit their initial positions, which are later considered by the parliamentary committees. The Seimas receives all the documents of the Council from the Lithuanian Government through the LINESIS system.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The consideration of an items on the European agenda by the parliament involves the assessment of the work of the Government that is authorised to perform a certain legislative function by the EU treaties. Therefore the committees of the Seimas of the Republic of Lithuania adopt the conclusions and opinions on the Lithuanian position, whereas the parliament *in corpore* adopts its recommendations concerning the Lithuanian position.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

The Seimas comes into the process of drawing up and deliberation of the Lithuanian position at different stages, depending on the relevance for Lithuania of any particular proposal for EU legislation or other EU document. The Government has to get the parliament's approval for the Lithuanian position drawn up by the Government every time the matter or its part is considered at the Council meeting. The final decision of the European Affairs Committee on Lithuania's position is usually adopted before the Council meeting.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

The shaping of the Lithuanian position regarding EU legislative proposals or other EU documents implies a permanent dialogue between the Seimas and the Government at various stages of the process. The Lithuanian parliament gives a political mandate to the Government to represent the Lithuanian position. The members of the Government are responsible for representing and defending the Lithuanian position. In case the expected results are not attained, the Government member in question is obliged to prove to the parliament that the agreement made at the Council does not go contrary to the Lithuanian national interests and will benefit Lithuania.

The conclusions, opinions, and recommendations of the committees of the Lithuanian parliament concerning the position of the Republic of Lithuania, drafted by the Government or its institutions, is an important element of cooperation between the Seimas and the Government, therefore the Government tends to take parliament decisions into consideration. The overall system underpinning the process of consideration of EU matters places the Seimas in an excellent position in strategic and tactical terms for voicing its opinion at various stages of the process, including the most important stage, the early stage. The European Affairs Committee of the Seimas has successfully introduced a number of items into the Government agenda and has been equally successful in adjusting and amending the Government positions, as well as initiating a continuous political discussion.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so-called "procedural" and "document" based systems. Is your parliament in the adequate category?***

The coordination of European affairs by the Seimas of the Republic of Lithuania is of a mixed type, because the parliament has the right to learn directly about the documents sent by the European Commission and to consider Lithuanian positions on the documents in question. It also has a set procedure in place for the approval of the positions before Council meetings.

Chapter 2: National parliament's expectations from the IGC

Questions:

1. ***What are your parliament's expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

The Lithuanian parliament in general welcomes the scope and content of the IGC mandate, with some regret because of the omissions in the new Reform Treaty compared with the Constitutional Treaty (especially regarding the Charter of

Fundamental Rights), but with great satisfaction that the EU has managed to overcome constitutional crisis and has reached a broad consensus. The initial expectations of the Lithuanian Parliament were that the role and position of national parliaments in the new Reform Treaty should not be weaker than those defined in the Constitutional Treaty. The Lithuanian parliament is of the opinion that the provisions of the IGC mandate are a step towards strengthening the role of the national parliaments and they should be implemented as they are.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The Lithuanian Parliament welcomes the provisions in the IGC mandate to insert a new article on the role of the national parliaments in Title II of the new Treaty. It also welcomes the mandate provisions regarding modification of protocols on the role of national parliaments and the principles of subsidiarity and proportionality with a view to extend the time period given to the national parliaments from 6 to 8 weeks to examine draft legislative acts and to give a reasoned opinion. New early warning provisions anticipated in the protocol on subsidiarity and proportionality regarding the procedure for withdrawal of the legislative proposal are a step towards improvement of the position of national parliaments. However, the fact that concerted action of the large majority of national parliaments is unable to prevent legislative proposal without support from EU legislator must be considered as needing further improvement in terms of democratic legitimacy in the EU.

Chapter 3: Parliamentary monitoring of the Lisbon Strategy

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

Members of the Seimas were engaged in the drafting of the National Lisbon Strategy Implementation Programme. At present, three Members of the European Affairs Committee representing different political groups and sitting on different specialised committees participate in the interagency activity of the Commission for the Monitoring of the Drafting and Implementation of the National Lisbon Strategy Implementation Programme. Several Members of the Seimas are actively engaged in the activities of Lisbon Strategy task force with science, business and government representatives.

The Seimas adopted the Resolution on 26 June 2007 that approved success indicators on Lithuania's economic competitiveness. The statistical success indicators on competitiveness provided for in this Resolution cover macroeconomic, employment, innovation and research, industrial, business environment, and foreign trade criteria that can be used to assess economic competitiveness objectively and compare it to that of other EU Members States.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

As mentioned above, the Seimas took part in the drafting of the National Lisbon Strategy Implementation Programme; progress reports on the implementation of the Programme are presented to and discussed by the European Affairs Committee before being submitted to the European Commission.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

The Seimas of the Republic of Lithuania had already been involved in the process of Lisbon Strategy implementation by considering national strategic documents and approving the Government Programme. By the way, the revision of the Lisbon Strategy has encouraged more active participation of our parliament in this process, which has promoted and enhanced public engagement in this area.

Chapter 5: National Parliaments' monitoring of EU Financial programmes: priority setting and allocation of funds

The Inter-institutional Agreement between the Commission, Council and the European Parliament on the new financial perspective 2007 - 2013 is a financial framework for the Commission when it formulates the legislative package that sets out details of the funding of EU programmes. The legislative package then enters into either the co-decision or assent procedure between the Council and the European Parliament.

The aim of this chapter is to establish, whether and how National Parliaments are involved in this decision making process. Have they been informed by their respective governments on the developments in the inter-institutional decision-making procedure? Do they monitor the EU financial programmes? How are they involved in the priority setting for the respective funds? Do they monitor the allocation of funds at the national level? The discussion at the chairpersons meeting will further help to orientate the direction of this chapter to provide information on the best practices of the National Parliaments in this field.

Questions

1. ***Does your Parliament scrutinize the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The Seimas has been directly engaged in the process of drafting the Lithuanian Strategy for the Use of EU Structural Assistance for 2007-2013 with a view to applying the model of EU affairs consideration by the Seimas rather than making

the process a double effort of consideration and endorsement of the Strategy by special laws.

Taking note of the decision of the Seimas, the Government submitted the primary draft of the Strategy to the Seimas in spring 2006, which was discussed in all Seimas committees; as a result the Committee on European Affairs was appointed the principal committee.

During the examination of the primary draft of the Strategy all the committees of the Seimas within their competence organised public hearings, consulted social and economic partners, and NGOs. All this was aimed at preventing suspicion of any self-interest or subjectivity.

The Seimas endorsed the opinion prepared by the European Affairs Committee on 30 May 2006 by the Protocol Resolution and submitted it to the Government.

The Committee on European Affairs, having summarised the opinions of all specialised committees of the Seimas on the Lithuanian Draft Strategy for the Use of EU Structural Assistance for 2007-2013, proposed that the Government of the Republic of Lithuania evaluate and consider the remarks and proposals made by all the committees of the Seimas when it drafted a renewed Strategy and Action Programmes.

The Strategy and Action Programmes drafted and publicly discussed were forwarded to the Seimas for approval before being submitted for coordination to the European Commission.

The Seimas among many was a fully-fledged author of the Draft Strategy.

On 24 October 2006 the Seimas decided to appoint the European Affairs Committee the principle committee for considering the renewed Draft Strategy and Draft Action Programmes.

On 16 November 2006, the plenary sitting of the Seimas held deliberations on the Seimas recommendation to the Government on the Lithuanian Strategy for the Use of EU Structural Assistance for 2007-2013.

The Recommendation to the Government was adopted on 23 November 2006 at the plenary sitting of the Seimas.

2. ***Does your Parliament scrutinize the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinized?***

The Seimas Committee on European Affairs, carrying out parliamentary scrutiny of EU affairs and forming the coordinated position of the Republic of Lithuania on the issues of utmost importance to Lithuania, discussed and presented the Seimas opinion to the member of the Government who was going to the Council

meeting to present the position of the Republic of Lithuania on the Energy Package initiated by the European Commission, on the Trans-European Networks for Transport and Energy, the 7th Framework Research and Development Programme, the GALILEO Programme, etc.

Moreover, the Government regularly informs the Seimas European Affairs Committee about the progress of the implementation of the Projects *Rail Baltica* and *Via Baltica*.

3. ***Does your Parliament scrutinize the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

Yes. The Seimas Committee on European Affairs has been considering the position of the Republic of Lithuania prepared by the Government on the annual budget of the EU and presenting the opinion of the Seimas.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

Yes.

5. ***Any other observations?***

No.

Luxembourg:

CHAPITRE 1: VUE D'ENSEMBLE DU SYSTEME DE CONTROLE DE L'UE PAR LES PARLEMENTS NATIONAUX DES 27 DE L'UE

Questions:

1. ***Qu'est-ce que votre parlement contrôle en priorité (documents émanant des Institutions de l'UE, documents présentant la position des gouvernements dans leur négociation) ?***

Réponse : La Chambre des Députés base l'analyse des dossiers européens principalement sur les documents communiqués par la Commission européenne (propositions législatives et documents de consultation). Les commissions parlementaires sectorielles étudient également les documents de synthèse transmis par les membres du Gouvernement, mais une telle communication ne se fait pas encore de manière systématique.

A noter que la Conférence des Présidents de la Chambre des Députés a discuté lors de sa réunion du 5 juillet 2007 sur une éventuelle formalisation des relations entre le Gouvernement et le Parlement au niveau des dossiers européens, plus particulièrement en ce qui concerne la transmission des documents et leur instruction au sein de la Chambre et au niveau gouvernemental, voire la position du Gouvernement au sein des Conseils et au niveau de la procédure législative.

2. ***Qui est le principal sujet de contrôle (Gouvernement et/ou Commission européenne etc.) ? Pourquoi ?***

Réponse : Le contrôle parlementaire porte principalement sur les activités du Gouvernement.

Depuis janvier 2006, 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.

3. ***A quel stade du processus décisionnel de l'UE votre parlement commence-t-il son contrôle et à quel moment est-t-il considéré terminé ? (Phase pré législative, à la suite d'une proposition législative de la Commission, en réaction d'un mémorandum de votre Gouvernement, avant la réunion (groupe de travail) du Conseil, après que la décision ait été prise au niveau de l'UE et que celle-ci ait été implantée dans la législation nationale) ?***

Réponse : La Chambre des Députés commence en principe le contrôle au niveau de la phase pré législative, suite aux documents communiqués par la Commission européenne. Si la commission saisie du dossier le juge opportun, elle peut notamment préparer un avis.

A titre d'exemple, la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a fait un avis sur le livre vert sur la protection diplomatique et consulaire du citoyen de l'Union dans les pays tiers (COM (2006) 712).

4. ***Considérez-vous avoir de l'influence sur les décisions prises soit à l'échelle nationale soit à celle de l'UE ? Comment l'évaluez-vous ?***

Réponse : L'impact se manifeste davantage au niveau national, en ce qui concerne le contrôle de l'activité gouvernementale, mais l'influence des Parlements nationaux en général augmentera avec l'entrée en vigueur du traité modificateur (contrôle du respect du principe de subsidiarité).

5. ***Le troisième rapport bisannuel proposait un système éventuel de classification regroupant les différents systèmes de contrôle utilisés. Seriez-vous d'accord avec la catégorisation utilisée à cet usage, divisant les parlements nationaux dans le dit « procédurier » et « document » systèmes de base. Votre Parlement est-il dans la catégorie adéquate ?***

Réponse : Classée plutôt dans la catégorie « autres systèmes de contrôle » par le troisième rapport bisannuel de la COSAC, la procédure applicable au Parlement luxembourgeois relève de la catégorie « système de contrôle sur base de documents » (« document based scrutiny system ») depuis janvier 2006, avec l'entrée en vigueur de la nouvelle procédure appliquée à l'analyse des dossiers européens.

CHAPITRE 2 : LES ATTENTES DES PARLEMENTS NATIONAUX EN VUE DE LA CIG

Questions:

1. ***Au sujet du Traité de Réforme qui doit être négocié à l'occasion de la Conférence Intergouvernemental, quelles sont les attentes de votre Parlement, en particulier en ce qui concerne le futur rôle des parlements nationaux ?***

Réponse : Les membres de la commission ont toujours plaidé pour un maintien de la substance de la Constitution et regrettent que le traité modificatif n'apporte pas de simplification au niveau de l'Union européenne. En ce qui concerne le rôle des Parlements nationaux, il est souligné qu'il doit rester au moins aussi important que dans la Constitution. Par contre, le Parlement luxembourgeoise s'oppose à ce que le contrôle du respect du principe de subsidiarité devienne un obstacle pour la procédure législative européenne.

2. ***Si le Traité de Réforme reprend les stipulations concernant les parlements nationaux et le système d'alerte précoce accordé au mandat de négociation, comme accepté lors du Conseil européen du mois de juin 2007, quel impact prévoyez-vous pour les parlements nationaux ?***

Réponse : Le rôle des Parlements nationaux est renforcé. Il faut par ailleurs saluer le fait que le mandat de négociation pour le traité modificatif accorde huit semaines aux Parlements nationaux au niveau du contrôle du respect du principe de subsidiarité, au lieu des six semaines retenues par la Constitution.

CHAPITRE 3 : MONITORING PARLEMENTAIRE DE LA STRATEGIE DE LISBONNE

Questions:

1. ***Votre parlement bénéficie t-il d'une influence sur la définition des politiques et de la mise en place des priorités dans le cadre de la Stratégie de Lisbonne ? A quel niveau votre Parlement est-il impliqué dans la dite « méthode de coordination » ?***

Réponse : Lors de la présidence luxembourgeoise du premier semestre 2005, la Chambre des Députés a co-présidé la première rencontre parlementaire sur la Stratégie de Lisbonne, organisée dans les locaux du Parlement européen à Bruxelles les 16 et 17 mars 2005.

Le Parlement luxembourgeois a également mis la Stratégie de Lisbonne à l'ordre du jour de plusieurs réunions.

Ainsi, la Chambre des Députés a notamment organisé un débat d'orientation sur la stratégie de Lisbonne lors de la séance plénière du 16 novembre 2005. Lors de la sa réunion du 10 novembre 2005, la Commission de l'Economie, de l'Energie, des Postes et des Sports a préparé le débat sur le plan national.

2. ***Votre Parlement s'investit-il dans la mise en application de la Stratégie de Lisbonne, en particulier au sujet de la mise en place du Programme national de Réforme et les sujets en découlant tel que le Rapport national des Progressions ?***

Réponse : En date du 17 octobre 2006, ladite commission a analysé le rapport concernant la mise en œuvre des grands axes proposés dan le cadre de la Stratégie de Lisbonne en présence du Ministre de l'Economie.

La Chambre des Députés a par ailleurs organisé une audition publique (« hearing ») en date du 24 octobre 2006, en présence du Ministre de l'Economie et du Ministre du Travail et de l'Emploi ainsi que des collaborateurs de onze ministères. Des représentants d'organisations syndicales et patronales, de chambres professionnelles, de centres publics de recherche et d'ONG ont eu la possibilité de présenter leur position.

3. ***La révision de la stratégie de Lisbonne en 2005 a-t-elle eu une influence sur le rôle et la participation de votre parlement dans ce processus ?***

Réponse : La révision de la Stratégie de Lisbonne a effectivement été saisie comme une occasion pour impliquer davantage la Chambre des Députés dans le débat, comme en témoignent les réunions citées ci-dessus.

CHAPITRE 5: LE MONITORING DES PROGRAMMES FINANCIERS DE L'UE PAR LES PARLEMENTS NATIONAUX: ARRANGEMENT DES PRIORITES ET ALLOCATIONS DES FONDS.

1. ***Votre Parlement contrôle-t-il le cadre financier multi-annuel (perspective financière)? Une commission sectorielle était-elle impliquée dans ce contrôle? Si oui, quel était son rôle ? Quel était le rôle du comité sectoriel responsable du contrôle du budget?***

Réponse : Le cadre financier multi-annuel est analysé comme les autres documents européens suivant la méthode détaillée au premier chapitre du questionnaire, le dossier étant plus particulièrement dans la compétence de la Commission des Finances et du Budget. La commission peut notamment inviter un Ministre en commission, demander des explications écrites ou orales ou encore proposer un débat en séance publique.

2. ***Votre parlement contrôle-t-il les programmes de dépense (le Septième Programme-cadre, le Réseau transeuropéen pour le Transport et l'Energie, Galileo, le Programme communautaire pour l'Emploi et la Solidarité, etc...)? Lesquels de ces programmes énoncés ci-dessus ont-ils fait l'objet d'un contrôle?***

Réponse : Les programmes de dépense sont analysés de la même manière que les autres dossiers européens.

A titre d'exemple, le programme Galileo a fait l'objet de plusieurs questions parlementaires, notamment en ce qui concerne les implications financières du probable retard du fonctionnement opérationnel du système.

3. ***Votre Parlement contrôle-t-il le budget annuel de l'UE? Le contrôle du cadre financier multi-annuel et des programmes de dépenses apporte t-il, quand il est exécuté, une valeur ajoutée au contrôle du budget annuel de l'UE ? Merci de préciser.***

Réponse : Le contrôle du budget annuel de l'Union européenne est dans la compétence de la Commission des Finances et du Budget et est analysé de la même manière que les autres dossiers européens qui sont dans la compétence de la commission.

4. ***Votre Parlement a-t-il les plans pour le contrôle du budget de révision de l'année 2008-2009 ? Merci de préciser.***

Réponse : Non.

5. ***Autres commentaires?***

Malta:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The Maltese House of Representatives (HOR) scrutinises primarily the government's position on the documents emanating from EU institutions.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The primary subject of the scrutiny process is the Government. The scrutiny procedure currently in place is based on the Government's explanatory memorandum, which delineates the Government's position in respect of a particular document.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

The Standing Committee on Foreign and European Affairs of the House of Representatives starts scrutiny as soon as it receives the explanatory memorandum on any document from the government. The scrutiny process comes to an end either when the Committee deems that a particular document can be cleared or at a later stage, up to the time that a decision is taken on the EU-level, if the Committee retains it under its scrutiny for any reason.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

Yes, in the last years it has become apparent that the Maltese parliament is exercising considerable influence on the decisions taken. The scrutiny process currently implemented provides the Committee with the 'tools' to summon government officials and the Minister responsible for questioning and can request that further information be forwarded on any particular document. The Committee may also choose to impose a scrutiny reservation. Although it is not a statutory system, it is still observed by the Maltese Government.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

The categorization being suggested is somewhat simplistic since the scrutiny procedures adopted by some of the national parliaments/chambers of the EU Member States are generally tailor-made to cater for the needs of the particular parliament/chamber. Most systems are difficult to categorize as being strictly 'procedural' or 'document' based.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

The Maltese House of Representatives is optimistic and looks forward to a resolution of the current impasse. Malta managed to retain all the issues it had negotiated in the previous Constitution. The Maltese parliament believes that the Reform Treaty once adopted will strengthen the role of National Parliaments considerably.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

As stated above the Maltese parliament believes that the Reform Treaty once adopted will strengthen the role of National Parliaments substantially. It welcomes the increase to 8 weeks of the period within which national parliaments can give a reasoned opinion on the compliance of draft legislative texts with the subsidiarity principle. The proposed 6 weeks was found to be too short a time frame.

The Early Warning Mechanism (EWM) would encourage effective communication between national parliaments and EU institutions and amongst national parliaments themselves. The EWM should lead to fuller scrutiny in all national parliaments across the European Union.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

While parliament does not exercise direct influence in this respect, the Lisbon Strategy has been the subject of various debates both at the plenary level and in specialist committees. In particular, the Standing Committee on Foreign and European Affairs engaged in various debates with a number of Ministers on the Lisbon Agenda and the input given by the said committee is clearly reflected in the priorities and policies adopted by the government.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

Not directly

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

No

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

The Inter-institutional Agreement between the Commission, Council and the European Parliament on the new financial perspective 2007 - 2013 is a financial framework for the Commission when it formulates the legislative package that sets out details of the funding of EU programmes. The legislative package then enters into either the co-decision or assent procedure between the Council and the European Parliament.

The aim of this chapter is to establish, whether and how National Parliaments are involved in this decision making process. Have they been informed by their respective governments on the developments in the inter-institutional decision-making procedure? Do they monitor the EU financial programmes? How are they involved in the priority setting for the respective funds? Do they monitor the allocation of funds at the national level? The discussion at the chairpersons meeting will further help to orientate the direction of this chapter to provide information on the best practises of the National Parliaments in this field.

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

Yes the financial framework is scrutinised in the course of the general scrutiny procedure.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

While the said programmes is not scrutinised directly they are dealt with within the general scrutiny process

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

Yes within the scrutiny committee of the Standing Committee on Foreign and European Affairs as part of the general scrutiny process.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

Yes as part of the normal scrutiny procedure.

5. ***Any other observations?***

Netherlands: House of Representatives

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***
   The main function of the parliaments' scrutinising system is controlling the government in its position-taking in the Council, so Dutch parliament is primarily scrutinising documents describing government's position-taking on EU-proposals. Furthermore, Dutch parliament is conducting the subsidiarity check on (legislative) proposals. This is a form of scrutinising of documents emanating from the Commission.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***
   See answer above. The main reason is to be informed as complete as possible about the state of play of specific proposals in the negotiation process in Brussels en thus to influence that process. Another reason is to be informed as early as possible in the negotiation-process, in order to make parliamentary influence as effective as possible.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***
   Directly after the Commission's legislative proposal when it is submitted to the subsidiarity check and/or when government has drawn a so-called fiche about it. The latter is a first supply of information on a specific proposal to parliament in order to inform parliament in an early stage of the negotiation process. Furthermore, parliament is involved in the process when a proposal is on the agenda of the Council. Prior to that Council the responsible member of government defends his/her position in a debate with the responsible committee of the House of Representatives. Apart from this, parliament can conduct all its existing instruments vis a vis the government during the negotiation process.
   The scrutiny process is considered to be completed when the proposal is adopted.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***
   See answers above.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

   The categorisation is usefull, although the Dutch system contains elements from both a "document based" and a "procedural, mandating" model.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***
   Expectations are that the provisions in the Protocols on the role of the national parliaments in the European Union and on the application of the principles of subsidiarity and proportionality, as set out in the IGC-mandate, will be fully implemented, e.g. the extension of the reaction period to eight weeks and the provisions of the yellow and orange card.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***
   National parliaments will take up their role in the European decision-making process more seriously. They will have to decide upon implementing a procedure for dealing with the provisions as set out in the above mentioned Protocols.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***
   Concerning the priorities in the framework of the Lisbon Strategy, the House of Representatives is not involved in open methods of coordination. The House is informed about the outcome during the so called European meetings with the minister of Economic Affairs on Competitiveness-matters.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***
   Initiatives and proposals from the government, especially concerning innovation, are reflected to the Lisbon goals and discussed with the minister.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***
   The participation of the parliament has certainly improved. A separate meeting with the responsible ministers took place last year the 11th of October 2006 (with the Dutch ministers of Economic Affairs, Socials Affairs, Foreign Affairs and Finance). So, apart from the European meetings, the documents induced the parliament to organise this separate meeting.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***
   Parliament scrutinised the decision-making on the Financial Perspectives (FPs) 2007-2013 as it usually does with European decision-making. The topic figured prominently on the agenda of the regular meetings and debates with the government which precede every meeting of the Council of Ministers and the European Council.

Parliament also adopted a number of resolutions outlining elements of the position the government should take. Meetings of the Council of Ministers were prepared during a meeting of the relevant sectoral committee(s) (in this case the Finance and EU committees) with the minister attending the Council (in this case the Finance Minister). Meetings of the European Council were prepared by a plenary debate with the Prime Minister, the Foreign Minister and the Minister of European Affairs.Resolutions can only be tabled and adopted in plenary.All of this is usual procedure.The Budgetary Control committee (*commissie Rijksuitgaven*) was informed on the FPs but did not play an active role, as its main role is seen as (*ex-post*) scrutinising national expenditure. The general budget (*Miljoenennota*) is the primary responsibility of the Finance committee, and of the plenary.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***
   The spending programmes are scrutinised by the relevant sectoral committees (i.e. the Research and Education committee, the Transport committee, etc.). They do this usually by placing the letter (*fiche*) outlining the government's position on a Commission proposal or communication on the agenda of one of the regular committee meetings preceding Council meetings (see above). Occasionally, committees hold additional meetings, hearings or briefings on these issues when they feel the need.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***
   Yes, in the regular way as described above. The Finance committee takes the lead, in cooperation with the EU committee. The EU budget is discussed in regular meetings preceding Budget Councils. Briefing notes by parliament staff and the results of earlier discussions and debates on the FPs or the spending programmes are taken into account.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***
   Yes. No specific planning available as yet, but the Members will certainly be interested.

5. ***Any other observations?***
   No.

Netherlands: Senate

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The Dutch Senate scrutinises at first the proposals presented by the European Commission, mostly in combination with the government's negotiating position. On certain occasions the Senate looks into European proposals without having the view of the Dutch government, for example within the context of the Joint Committee on Subsidiarity of the Senate and the House of Representatives. The Dutch government has informed the States-General that the opinion of government regarding European proposals will be sent to the States-General within six weeks after the presentation of the European proposals.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

For the Dutch Senate to influence European proposals the first and foremost actor to communicate with is – on the basis of our national judicial and parliamentary system – the government. The outcome of the scrutiny is in general a) approval or no approval with the reasons and content of an European proposal - which can be communicated to the government - or b) agreement or no agreement with the position of the Dutch government which can be communicated to the government or c) a combination of a and b.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

Our main procedure in solely the Senate starts as soon as we have received the government's position on an European proposals (both legislative as non-legislative). At that moment an electronic dossier is created that is placed on the agenda of the committee on European Cooperation Organisations. This committee decides if the European proposal should be brought under the attention of a select committee in the Senate. If so, this select committee deals with the European proposal in combination with the government's position. If decided that the proposal needs no further attention because criteria are being met, the scrutiny-procedure ends. Of course, new developments can lead to the re-opening of a dossier.

If the select committee decides to follow-up the dossier by a means of communicating with the government (oral, written, debate) the scrutiny procedure ends when the select committee decides to close the dossier, which can happen at any moment during the EU-negotiations or even afterwards if there's a relation with for example national policy and/or laws.

All electronic European dossiers are officially closed when the European proposal has been published in the European Publication journal.

If a national law needs to be revised for the implementation of European law, the European proposal will also be taken into the broader consideration of the parliamentary procedures for the national law revision.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

The Senate uses her parliamentary instruments to influence the national government and the position of the government in the European negotiations. Due to the national parliamentary system there is no absolute guarantee in the sense of mandate, but the Senate can use the instrument of pledges of the government to make sure that a considerable opinion will be taken into account. The instruments of oral and written communication also provide possibilities to indeed influence the position of the government as was for example realised during the negotiations on the European proposal to establish a Fundamental Rights Agency. A strong opinion/view of the Senate can not be put aside easily.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Yes, the Dutch Senate is in the right category with still indeed the comment that there is no system of "mandates".

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

AND

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The Dutch Senate debated the (upcoming) IGC four days before the European Council of June with the Dutch government. Overall, the majority favoured a new treaty that would make Europe more democratic, more transparent and more efficient with also a strengthened role for the national parliaments.

The current IGC-proposals – as stated in the IGC-mandate as well as the documents presented on 23th of July – regarding the role of national parliaments are welcomed. The Senate is of the opinion that the role of national parliaments should be strengthened. The impact of these proposals depends mainly on the implementation and the way a new system will be carried out both on the national level as well as on the European level. For a successful implementation on the European level it might be regarded important for national parliaments to closely work together, especially by exchanging information on the state of play of the scrutiny procedures as early as possible as well as by jointly scrutinizing several European proposals as decided during the COSAC chairpersons meeting in July 2007.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

The Senate scrutinizes the proposals and policies within the framework of the Lisbon Strategy in the same way as all European proposals are being scrutinized. As regards the "open method of coordination" the Senate follows proposals that introduce that method on certain policy fields with the utmost attention, also within the context of our overall scrutiny procedures.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

AND

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

Specific European proposals within the Lisbon Strategy and the relevant Council conclusions are followed by the Dutch Senate. Besides the general scrutiny procedure in the Senate, the annual debate on the European policies of the Dutch government and other debates with a relation to the Lisbon Strategy are furthermore a well used opportunity for members of the Senate to address the need for a successful Lisbon agenda and realising the set goals in 2010. On different national and European occasions members of the Senate emphasized that the Lisbon agenda needs to be given as much priority as possible.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

5. ***Any other observations?***

Answer to all above questions chapter V:

In the Dutch Senate no specific scrutiny takes place on the financial framework of the EU, nor of specific spending programmes. The deliberations on government and European level on the Financial

Perspectives are however followed with special attention. The European website of the Duitch Senate (www.europapoort.nl) is used to inform the members of the Senate on these deliberations, documents and the final outcome. Of course the Senate can always decide on the basis of this information to use scrutiny instruments.

The Dutch Court of Auditors annually presents a report on the (reliability and justification of) spending of the European finances. In this report also special attention is paid to the national situation. The Dutch Court of Auditors is annually invited to present their report in the Senate as well as add any information they deem necessary for the members of the Senate. During the Cosac in Luxemburg the Senate also presented a report on the reliability and justification of European finances. The report was welcomed and supported by COSAC. Unfortunately, there has never been a follow-up. The Senate would like to ask the national delegations to report on their commitment to and involvement in a better, more sufficient (parliamentary) control on EU finances and especially also to what extent parliaments are working together with the national courts of auditors.

Poland: Sejm

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

According to the act of 11 March 2004 on Cooperation of the Council of Ministers with the Sejm and the Senate in matters related to the Republic of Poland's membership in the European Union (Dziennik Ustaw (Journal of Laws), No. 52, item 515), the government delivers to a body competent under the Rules of Procedure of the Sejm, in this case the European Union Affairs Committee: documents of the European Union, subject to consultation with Member States, operational programs of the activities of the Council of the EU, the European Commission's annual legislative plans, evaluations of annual legislative plans made by the European Parliament and the Council of the European Union and legislative proposals of the European Union. Also, the government delivers to the Sejm the its draft positions on the legislative proposals of the EU. During this term European Union Affairs Committee gave opinion mostly on European Union's legislative proposals.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The European Union Affairs Committee may express an opinion on legislative proposals of the European Union as well as on the Council of Ministers' draft position referred to the above mentioned proposals. Opinions of the Committee are delivered to the government.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

According to the aforementioned Act, the European Union Affairs Committee is a body specialized in community affairs. Matters related to the EU law-making process are within the scope of actions of the Committee. The European Union Affairs Committee takes stands on the legislative proposals in three stages of the EU decision process:
- in regard to legislative proposals delivered by the European Commission (the earliest stage of EU legislative work),
- in regard to the government's information on the EU law-making process and the Council of Ministers' draft positions during the process (stage of work in working groups of the Council of the European Union),
- in regard to legislative proposals, which are supposed to be considered by the Council of the European Union. In this procedure, the Council of Ministers presents the Committee

with written information on the position that the Council of Ministers intends to take during the consideration of the legal proposal in the Council of the European Union.
According to the Act, each time the position of the European Union Affairs Committee should be, the basis for the Council of Ministers' position. During implementation of the *acquis* on the national level the sectoral parliamentary committees, are the key player, which work results are presented to the plenary of the Sejm.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

According to the Art 10 of the Act the opinion expressed by the European Union Affairs Committee should be the basis for the Council of Ministers' position. If the opinion is not be taken into account, the respective member of the government will be obliged to explain the reason of this discrepancy immediately.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Since the Act gives the EU Affairs Committee the right to evaluate legislative proposals of the EU law as well as the Council of Ministers' position, the system is considered mixed. So far, more emphasis has been put on the evaluation of the Council of Ministers' position.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

Taking into consideration the role of national parliaments, the regulations of the Reform Treaty such as those that strengthen the role and involvement of the national parliaments are considered a very good improvement. Nevertheless, the increase (in relation to the Constitutional Treaty) of a number of parliamentary chambers which a draft proposal is necessary for the European Commission to reanalyze the proposal could raise doubts.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

Implementation of the early warning mechanism will have a positive impact on the proceedings of the national parliaments. It will increase interest in analysing of legislative proposals of the EU law at a very early stage of the legislative procedure, and it will also provide a reaction instrument in case the principle of subsidiarity will be

violated. It will also enhance the position of the national parliament in the national system of making the EU law. The openness of the sessions of many specialized committees in regard to the community matters will indirectly affect society's information on the directions of development of the EU. The intensification of cooperation between the parliaments is going to be the very positive aspect.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

The Sejm evaluates the documents that carry out the Lisbon Strategy. In case of Poland, it is the National Reform Program for 2005-2008 for the carrying out of the Lisbon Strategy. The government prepared documentation which has been passed on to the Sejm and after plenary discussion, the aforementioned document has been accepted.

The Sejm participates in so-called "open method of coordination" through the participation of it's members in meetings of representative of different national parliaments with members of the European Parliament. Those meetings are supposed to enhance the parliamentary dialog in regard to implementation and future of the Lisbon Strategy.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

Yes.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

The Sejm analyzed the National Reform Program of 2005-2008 in regard to implementation of the Lisbon Strategy, and it evaluated the challenges and goals determined by the Lisbon Strategy as well as its stage of implementation. Moreover, the National Reform Program emphasizes a more extensive perspective in regard to spending specified funds, as well as the entirety of the national politics in the economic and social area.

CHAPTER 4: MEDITERRANEAN DIMENSION OF THE EUROPEAN UNION

Two members of the Sejm participate, in works of the Euro-Mediterranean Parliamentary Assembly (EMPA). They are members of the Political Committee and the Economic Committee. Moreover, the ad hoc Committee on Women's Rights, established during the extraordinary session of the Euro-Mediterranean Parliamentary Assembly in November 2005, is chaired by a Polish member of the parliament, Ms. Grażyna Ciemniak. Until

the end of 2007, the Secretariat of the Committee, placed at the Chancellery of the Sejm, organized 6 sessions of the Committee. During the meetings discussions on many topics were carried out women's participation in political, social and economic life, as well as the Report and the Recommendations on the aforementioned topics were adopted in March 2007. At this moment, the Committee is preparing another report on the situation and problems of immigrant women in the European Union, as well as women in science, as well as the reconciliation of the family life with a career.

Twelve years of the Euro-Mediterranean partnership has definitely strengthen the Mediterranean dialog. The unquestioned success of the Euro-Mediterranean partnership is the institutionalization of the multilateral dialog also through establishment of the Euro-Mediterranean Parliamentary Assembly as well as strengthening the parliamentary dimension of the Euro-Mediterranean process. Moreover the establishment of Anna Lindh Foundation of Cultural and Civil Dialog is an another accomplishment is in the area of culture. Also in the area of economy – the partnership assists with gradual modernization of the partnership countries due to financial reform from the MEDA Programme. Unfortunately, the political reforms are being implemented slowly, meanwhile some aspects are becoming more worries everyday such as: organized crime, growing extremism of Islam, illegal immigration, lack of common EU imigrational policy. The Charter for Peace and Stability, symbolizing the failure of activities in the political and defence area, has not been signet yet, meanwhile the cooperation in regard to Euro-Mediterranean dialog is hindered by lack of progress in the Middle East peace process as well as by continuous tensions in the region.

The EU cooperation with its Southern neighbours is necessary due to their common interests, threats and strategic significance of the Mediterranean Sea region and the Middle East. The development of the European Neighborhoods Policy is a good way to deepen this cooperation, although in the enlarged EU a significant role should be played also by the East Dimension and it's cooperation should be developed parallel with the Euro-Mediterranean Dimension.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The European Union Affairs Committee appointed a permanent subcommittee – New Financial Perspectives – during the negotiations and preparations of the Councils of Ministers' draft position on the EU budget for 2007-2013. The main responsibility of this subcommittee was to prepare a detailed draft on the legislative proposals that were a part

of the NFP. During the works of the Committee many experts were present – permanently experts from the Bureau of Research of the Sejm as well as two outside/external? experts in regional policy and economic policy.

The European Union Affairs Committee gives opinions on all successive changes of legislative proposals in regard to the New Financial Perspectives. The sectoral Committees of the Sejm expresses opinions on the national operational programs in regard to spending the funds.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Yes. The European Union Affairs Committee has scrutinized and given opinion on legislative proposals of the EU law as well as the Council of Ministers' draft positions in regard to those proposals: Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

Yes. During the second half of each year, the European Union Affairs Committee holds a hearing of a member of the European Court of Auditors who gives information about the implementation of the EU budget for the year prior. The Committee is meanwhile informed about the methods of control. This presentation of an annual report of the audit year is definitely a positive activity of the Committee.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

So far, the decision in this matter has no been made yet.

5. ***Any other observations?***

No.

Vice-chairman
/-/Józef Cepil

Poland: Senate

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. **What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?**

The Senate EU Affairs Committee scrutinises primarily documents (legislative proposals) transmitted from the Council as well as the government's positions. The EU Affairs Committee scrutinises also green papers forwarded directly from the European Commission. Green papers are also dealt with by sectoral committees.

2. **Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.**

   Under the "cooperation" Act (Act on cooperation of the Council of Ministers with the Sejm and the Senate in matters related to the Republic of Poland's membership in the European Union of 11 March 2004) the primary target of the scrutiny is the European Commission as the author of legislative proposals and – indirectly – the government which prepares negotiation positions on those proposals.

3. **At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?**

The process of scrutiny has several stages. It starts as early as the publication of a green paper, then the EU Affairs Committee analyses the Commission's legislative proposals submitted to the parliament through the government, the next stage is issuing opinions on the government's positions related to those legislative proposals at an early stage of intergovernmental negotiations and, once again before the Council's meeting. Scrutiny during the implementation phase belongs to the remit of sectoral committees which may ask the EU Affairs Committee for opinion

4. **Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?**

Yes.
The "cooperation" Act (Act on cooperation of the Council of Ministers with the Sejm and the Senate in matters related to the Republic of Poland's membership in the European Union of 11 March 2004) makes it obligatory for the government to seek an opinion from the parliament throughout successive stages of negotiation process. Although the Senate EU Affairs Committee's opinion is not binding for the government, discussion that takes place at the committee level and the committee's final opinion do have influence on the government's negotiating positions regarding EU legislative proposals.
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5. **The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used**

there dividing national parliaments in the so called "procedural" and "document" based systems. Is your parliament in the adequate category?

While assessing scrutiny systems applied by national parliaments one of essential criteria is not only whether the government is obliged to seek the parliament's opinion, but also whether the parliament's opinion is binding for the government. Under the Polish law, before an EU legislative proposal is debated in the Council, the government is obliged to seek the parliament's opinion and to submit its draft negotiating position. In duly justified cases it is possible however for the government to take a negotiating position without seeking the parliament's opinion. In such a case, the government has to explain to the parliament the reasons for failing to do so. Please note, that the parliament's opinion has no binding force for the government.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. **What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?**

With regard to the future role of national parliaments, we wish to underline that the provisions of the Constitutional Treaty on the increased role of national parliaments should be preserved in the new Treaty. We believe that two protocols attached to the Constitutional Treaty, one on the role of national parliaments in the European Union, and the other on the application of the principles of subsidiarity and proportionality, increase the role of the national parliaments significantly and create a direct political relationship between national parliaments and European institutions.

2. **What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?**

Positive.

The early warning system gives the national parliaments the right to review the European legislative proposals, thus strengthening their role in the EU decision-making. While the role of national parliaments is only advisory, it is still highly significant in that it gives them some influence early in the European legislative process. It will empower them to submit a reasoned opinion if they believe a proposal violates the principle of subsidiarity. In effect, the early warning system establishes a reasoned exchange between the Commission and national parliaments over whether EU legislation is justified in a particular case.

The extension of the period given to national parliaments to examine draft legislative texts and to give a reasoned opinion on whether a draft European legislative act complied with the principle of subsidiarity to eight weeks included in the IGC 2007 mandate is useful, although perhaps not so needed, as shown at the last meeting of the national parliaments with the European Parliament on the Future of Europe in June.

As for the impact of those stipulations – the early warning system will succeed in that it will result in increased parliamentary (and thereby public) scrutiny of the European legislative system, thus alleviating somewhat the EU's democratic deficit. But to succeed in broad terms, it must cause a substantive change in the EU's legislative output, so that it is more respectful of subsidiarity - that is, less frequent and better targeted. Consequently, the early warning system will only be broadly successful if the argument between the Commission and national parliaments is constructive.

It is also important to mention the strengthened role of the national parliaments in the scrutiny, implementation and evaluation of JHA policy. Under a new Treaty Article in the TEU, national parliaments will have responsibility for the peer review of Member States' implementation of JHA policy, for evaluation of the activities of Eurojust, the EU's judicial cooperation unit, and for monitoring Europol, the European Police Office.

In sum, we believe that the provisions concerning the enhanced role of the national parliaments and the reinforced control of the mechanism of subsidiarity should be kept as agreed at the European Council in June 2007.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. **Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?**

   The parliament, and especially the Senate, has a limited influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy due to the fact that it is done in the process of intra-governmental consultations between various ministries. The involvement of the parliament in the "open method of coordination" is also limited.

2. **Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?**

   The involvement of the parliament in the implementation of the Lisbon Strategy is limited to the receipt of the National Reform Programmes and the related national Progress Reports from the Government and the subsequent participation in the decision-making process as part of the regular legislative procedures concerning specific provisions.

3. **Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?**

   Not so much. Perhaps only with regard to raising the awareness of the actual problems with reaching the goals of the Lisbon Strategy, and increased involvement of the members of parliament in the subject of the Lisbon Strategy.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. **Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?**

The National Economy Committee and the European Union Affairs Committee of the Polish Senate are involved in permanent monitoring cost-effectiveness of various forms of Community financing in

the implementation of the EU policies, specifically in view of the multi-annual financial framework. The Committees' periodical reports inform the Upper Chamber about the EC Budget discipline.

2. **Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?**

The Senate of Poland does not regularly scrutinize the spending programmes. However, discusses ad hoc the methods for better implementation of the Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo and Community Programme for Employment and Social Solidarity.

3. **Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.**

The chairman of the National Economy Committee and selected members of the Polish Senate take part in the meetings with Chairs of Budget Committees of National Parliaments and EP Committee on Budgets. The appropriate opinions and proposals are submitted on this forum.

4. **Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.**

The National Economy Committee and the European Union Affairs Committee of the Polish Senate are going to scrutinize the 2008-2009 Budget Review on a regular basis. The Committees will produce a number of reports on this issue. Subject to interest of other senators, some of these reports may be debated in the plenary.

5. **Any other observations?**

On the whole, the Polish senators welcome initiatives taken by the European Parliament to improve cooperation with the national parliaments in the monitoring of EU financial programmes. The Polish Senate is interested in the reform of the EC finances, specifically of the Union's system of own resources, and budget discipline.

Accepted by:

Edmund Wittbrodt
Chairman
EU Affairs Committee
Senate of the Republic of Poland

Portugal:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The system of scrutiny adopted by the Portuguese parliament follows from the *Law on monitoring, consideration and pronouncement by the Assembly of the Republic within the scope of the process of constructing the European Union (Law 43/2006, of 25 August - http://www.parlamento.pt/ingles/cons_leg/law43_06/Law43-06.pdf)*, referred to below as the *Monitoring Law*.

This law provides that the Government sends to the Assembly of the Republic (AR) all the information regarding the European legislative process as to allow a better participation of the MPs in the debate during the meetings between the Government and the Committee on European Affairs and the other standing committees, before and after the different Council configurations (Article 4.1.d) and between the Government and the Committee on European Affairs before and after the European Councils (Article 4.1.c).

Furthermore where legislative powers are reserved for the AR, as established in Article 2 of the Monitoring Law the Parliament scrutinises the Government's negotiation position in the Council.

However, scrutiny of documents on the Government's negotiation position is dependent on these documents being available. In effect, even in the cases covered by Article 2, Parliament can only monitor the Government's negotiation position in advance if this position *is already defined* (Article 2.2). In practice, this means that the Government's negotiation position is not monitored on the basis of documents, but rather through meetings between the Government and Parliament before and after Council meetings, as mentioned above.

Parliamentary scrutiny is in practice directed primarily at documents from European institutions, and especially those dealing with European Commission initiatives.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

As stated in the answer to the previous question, the Portuguese parliament has the legal possibility of scrutinising the activities both of its own government, and of the European Commission. However, although most of the **documents** scrutinised are those of the Commission, in terms of **steps taken/positions adopted**, scrutiny is directed primarily at the Government. Accordingly, neither of these entities can be regarded as the primary subject of scrutiny.

3. ***At what point during the EU decision making process does your parliament come into the process and when is the scrutiny considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

The relevant documentation for the AR's scrutiny of European affairs emanates from two sources: the Government and the European institutions, with special importance being attached to the direct transmission of European Commission initiatives to the national

parliaments. These are received by the support services of the European Affairs Committee (EAC), where they are sorted and distributed to committees in line with their subject matter.

This procedure is adopted for all documents received in this way (legislative initiatives, green papers and white papers), meaning that scrutiny may commence either at the pre-legislative phase, or else after the legislative proposal is received from the European Commission.

Although the EAC and the specialist standing committees may sometimes be aware of a given initiative (legislative or otherwise), they may decide not to initiate any scrutiny procedure, and in this case only at a later stage does the Assembly take the decision to scrutinise the matter, when the question is before the Council or following on from a government initiative.

In theory, the AR can intervene at any time until the process is concluded and a Community legislative measure is issued.

With regard to the conclusion of the process: scrutiny is possible until the legislative measure is issued. Even if, through internal legislation, the measure is transposed into the Portuguese legal system through the AR's intervention (as with the transposition of directives on matters for which legislative powers are reserved for the AR) or through ratification (as with treaties), these are new processes, which fall within the AR's legislative powers.

4. ***Do you consider that you have influence on decisions taken either on the national or EU-level? How is this guaranteed?***

At a national level, the Assembly of the Republic has the capacity to influence the Government's conduct within the Council, due both to the fact that the Government is politically accountable to the Assembly, and to the procedures instituted by the Monitoring Law for assuring such accountability (see Article 4: three debates in plenary sessions, joint meetings of the committee specialising in the relevant matter and the EAC with the Government, before and after European Councils; see also Article 5 which stipulates the documents the Government is required to send to the AR, so that it can discharge fully its duties of scrutiny).

In terms of assuring that the AR exerts real influence, the law institutes no specific penalties when the Government fails to perform the duties laid down in it. However, as in other domestic affairs and in a similar way to other member States, failure to comply with parliamentary formal written opinions and/or resolutions places on the Government a political onus to provide sufficient grounds so as not to be subject to widespread criticism, which in the last instance could undermine the majority supporting it and trigger the more drastic forms of supervision such as a motion of censure.

In the event of the formal written opinions/resolutions of the AR not being followed by the Government or in the event of it failing to request them or failing to provide the information required, the AR may also exert internal influence through the following procedures:

- By the "boomerang" effect, by refusing to ratify a treaty negotiated by the Government or to transpose a Directive in cases where the powers for such transposition rest with the AR, in view of the subject matter;
- By requesting assessment of a Decree-Law from the Government transposing community legislation into the Portuguese legal system.

At European level, the AR's influence on the European Commission is limited to the importance which the Commission decides to attach to written opinions received from Parliament. In this regard, we feel that the Berlin COSAC resolution to continue subsidiarity tests is particularly important, as the capacity of each of the national parliaments (NP) to influence the European Commission increases exponentially when they all act together.

The AR's capacity to influence other European institutions is more difficult to ascertain, as this influence is diffuse and depends on the relative weight of the votes of the Government and Portuguese MEPs in the internal systems of the institutions in question.

As regards the Council, this influence will exist to the precise extent to which the AR is able to influence the Government to be its spokesman in the Council. The AR's potential influence over the European Parliament (EP) will also depend on its capacity to influence Portuguese MEPs. In any case, such influence will always be indirect.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

The 3rd Biannual Report classified the scrutiny systems as document-based and procedural, also known as mandate systems, which are distinguished from each other by various factors: the point in the European legislative process when NP scrutiny occurs, the roles of the European Affairs Committee in relation to other committees and the plenary, the object of scrutiny, which may be documents emanating from the European Union and/or on the Government's positions in the Council, and the scope of scrutiny, which may be limited to checking compliance with the principles of subsidiarity and proportionality or be more extensive.

Although in practice the systems actually function as hybrids, we still believe it makes sense to classify them in theoretical terms.

Amongst other advantages, this classification allows us to be aware of the different working models, especially when comparisons are made between the number of documents analysed or the status of the scrutiny process (e.g. in IPEX), or else the duration of these processes.

In effect, whilst in the case of document-based systems, scrutiny is deemed to be concluded when the parliament completes its examination of the document, and consequently its intervention, in procedural or mandate systems, the process remains open until the European legislative measure is adopted (or until the legislative process comes to an end, for any other reason), with the NP continuing to monitor and intervene on a permanent basis, namely by issuing a formal opinion which the Government has to respect prior to and during discussion of the document in the Council.

Item 2.3 (page 14) of the said Report classifies the AR under "Other systems", for which the common feature is the absence of systematic scrutiny of initiatives and other European documentation and of more informal parliamentary influence through political rather than systematically instituted channels.

Since the date of the report (May 2005), the situation has changed due to the Monitoring Law of August 2006, which has instituted systematic and formal channels for monitoring. Moreover, with the institution of IPEX, in July 2006, and the direct transmission of initiatives from the European Commission since September last year, fresh impetus has been received for implementation and regulation of the new legal framework.

Accordingly, we may now assert that the system outlined by the Monitoring Law and described on the COSAC site may be characterized as a document-based system, albeit with aspects of a procedural system, especially as regards matters where legislative powers are reserved for the AR (Article 2 of the Monitoring Law).

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS OF THE IGC

Questions:

1. ***What are your parliament´s expectations with regard the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

The agreement reached in the wording of the previous text of the Constitutional Treaty with regard to participation by national parliaments in the European Union and monitoring of the principles of subsidiarity and proportionality, as set out in the two Protocols attached to the Treaty, objectively bolstered the role of national parliaments in the process of European construction, without prejudice to the institutional balance of the Union.

The inclusion of provisions relating to national parliaments in the clauses of the Treaty is a way of acknowledging their importance, but should be viewed in the context of efforts to simplify the text itself, avoiding successive references by articles to articles and by articles to protocols.

Although we recognise the great efforts already made regarding the duty of information concerning all acts of the Union and consultation of national parliaments on countless different issues, namely with regard to the review of Treaties, new accessions and activities in the field of justice and internal affairs, we note that foreign policy issues have still been left out.

However, more important than what the text of the Treaty may guarantee to national parliaments is what the new Treaty may offer the citizens, at a difficult stage in the process of European construction.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

As established at the European Council of June 2007, the new "orange card" control of subsidiarity allows a majority of national parliaments, in conjunction with a majority of the European Parliament or a majority of 55% in the Council, to halt a proposal from the Commission which fails to comply with the subsidiarity principle. This possibility could also encourage national parliaments to step up their cooperation with each other and between themselves and the European Parliament on analysis of proposals from the Commission.

However, the proposals emanating from the current Commission have been successfully balanced with the needs of the Union, and there is a greater need to examine proposals with regard to the implications for each State, rather than simply to withdraw the proposals. We therefore expect that this possibility will be exploited more often in order to point out to the Commission the impact of its proposals on each member State.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions:

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? To what extent is your parliament involved in the so-called "open method of coordination"?***

The system of scrutiny applied in the Portuguese parliament also applies here. When Lisbon Strategy documents are presented by the European Commission, our parliament receives and assesses them. When documents are submitted by governments, it is the Portuguese government that presents them to the standing committees specialising in the relevant field; in this case, in addition to the European Affairs Committee, these may be the Committee for Economic Affairs, Innovation and Regional Development, the Committee for Employment and Social Security and the Committee for Education, Science and Culture.

The Lisbon Strategy was subject to debate when the AR considered the annual Report submitted by the Government on Portugal's participation in the EU (Article 5.3 of the Monitoring Law). This assessment is conducted by all the parliamentary committees and one of the sections in the report is always devoted to the Lisbon Strategy. This is also one of the topics dealt with in the debates which are held: before and after the European Councils or

the Local Advisory Councils with members of the Government, for assessment of the Commission's legislative and work programme and its annual strategy, and in connection with reflections on the review of the Treaties.

The Portuguese parliament is not directly involved in the "open coordination method", but this method, which allows for benchmarking and peer pressure, allows parliaments to have access to comparative statistics for the different member States, monitoring what their respective governments are doing or not doing in the fields of employment, growth, training, new technologies, the knowledge society, cutting red tape, etc..

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

On 20 October 2006, the Portuguese Government, acting through the National Coordinator for the Lisbon Strategy and the Technological Plan, submitted to the European Commission its report on the first year of implementation of the National Action Plan for Growth and Employment (PNACE 2005/2008). The report was the outcome of joint work by the network of focal points representing all the ministries, and incorporates contributions collected at regional hearings, dissemination sessions, at meetings with social partners, and at the presentation to the Economic and Social Council, to the National Council for the Environment and Sustainable Development and to the European Affairs Committee of the Assembly of the Republic.

Despite the submittal of this report, and successive meetings which the National Coordinator for the Lisbon Strategy has held with the national parliaments, as well as inter-parliamentary meetings on this matter, in which Portuguese MPs have taken part (see detail in the answer to the following question), the Portuguese parliament's participation in implementing the Lisbon Strategy has been indirect, through monitoring of the different programmes and actions which fall within the ambit of the Lisbon Strategy.

Accordingly, as mentioned in the reply to the previous question, the parliament takes part in implementation of the Lisbon Strategy to the extent to which it informs policies in different sectors, specifically the reform of public administration, education, science and technology, research and development.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

After the review of the Lisbon Strategy, the Office of the National Coordinator for the Lisbon Strategy was set up on 13 July 2005. The creation of this office was of considerable importance in stepping up parliamentary involvement in the Lisbon Strategy.

The National Coordinator for the Lisbon Strategy met with the European Affairs Committee, on 4 October 2005, after submission to the European Commission of the National Programme for Implementation of the Lisbon Strategy, on 15 November 2005, to present the National Action Plan for Growth and Employment 2005/2008 and on 10 October 2006, to present and discuss the guidelines in the Annual Report on Implementation of the Lisbon Strategy.

The National Coordinator for the Lisbon Strategy also met with the Committee for Economic Affairs, Innovation and Regional Development, on 24 January 2006, and with the Committee for Employment and Social Security, on 7 February 2006.

Also in connection with parliamentary monitoring of the Lisbon Strategy, the Assembly of the Republic took part in two meetings held in Brussels, on 16 and 17 March 2005 and on 31 January and 1 February 2006, with the European Parliament and the EU national parliaments.

It should further be noted that the European Affairs Committee has considered that the Lisbon Strategy should be the subject of inter-parliamentary reflection, and it therefore

devoted an item to it on the agenda for the meeting of Speakers and the preparatory Troika for the XXXVIII COSAC, on 10 July this year.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

As in other areas of scrutiny, the monitoring of the financial perspectives involves not only the European Affairs Committee but also the standing committees specialising in the respective subject matters (in particular, the Budget and Finance Committee and the Committee for Economic Affairs, Innovation and Regional Development) and the plenary itself.

In effect, a full plenary session was devoted on 8 March 2007 to the National Strategy Reference Framework (QREN), at which the AR debated a motion proposed by one of the parliamentary groups for creation of an *ad hoc* Monitoring Committee for QREN. This motion was rejected, and the existing system of horizontal monitoring by the different committees was maintained.

The European Affairs Committee held a hearing with the Secretary of State for Regional Development, on 12 December 2006, for Presentation of the 2005 Progress Reports on the Operational Programmes and Debate with regard to the 3rd Community Support Framework 2000-2006.

The Budget and Finance Committee also scrutinises the financial framework in the course of hearings held to discuss and approve the State Budget and to assess the General State Accounts.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

The Committee for Education, Science and Culture has scrutinised the 7th Framework Programme for Technological Research and Development, together with initiatives relating to the European Commission budget, in which it analysed the part relating to education, science and culture.

There is also scrutiny in the fields of skills/training (which can fall within the Lisbon Strategy), and a joint public hearing is planned for September with the European Affairs Committee, the Committee for Education, Science and Culture and the Committee for Employment and Social Security.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

The annual EU budget is not scrutinised directly by the Portuguese parliament, but only indirectly:

- Through the annual Report from the European Court of Auditors, analysed jointly by the European Affairs Committee and the Budget and Finance Committee (Article 7.8 of the Monitoring Law);
- Insofar as European funds are financed out of State Budget revenues, as is the case of the programmes referred to above.

In the latter case, the monitoring of allocation and application of the funding for these programmes is particularly important as a tool for scrutiny (albeit indirect) of the actual EU budget.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

The 2008-2009 Budget Review will certainly be scrutinised, albeit most likely in the indirect manner described above.

5. ***Any other observations?***

No.

Romania:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The draft of the Law on cooperation between the Government and the Parliament in European Affairs has been agreed upon by the EAC and the Department for European Affairs of the Government, but has not yet been approved by the Government, neither submitted to the Parliament.

The Rules of procedure of the EAC envisage the monitoring of the debates in the EU Council's formations by sub-committees of the EAC. This monitoring includes checking all changes to the initial document made during the negotiations.

Even if permitted to take decisions changing the initial mandate, in the case the course of the negotiations so demands, without Parliament's approval, the Government has to state in writing the reasons for such actions.

In the same time, the EAC is empowered to select any EU draft document for examining it and issuing an opinion. Once the opinion is issued, the Government is politically compelled to abide. The EAC will, in most cases, express the opinion on behalf of the Parliament.

According to the above mentioned features, our parliamentary scrutiny system is rather a mixed one. Only after the system is implemented we will be able to draw definite conclusions on what our parliament primarily scrutinise.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The Government is the primary subject of the scrutiny. According to the Romanian Constitution, the Parliament is entitled to oversee the government and parliamentary scrutiny in European affairs is no more than a particular case.

While the political commitment of the European Commission to send its proposals straight to the national parliaments has contributed to an increase of the role of the latter in European affairs, the main instrument used by the national parliament to influence European legislation remains scrutiny system by which the Government is closely checked in its work in the Council.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

Benefiting from the experience of most proficient member states, our scrutiny system has been designed to start the scrutiny process as early as possible, even in the prelegislative phase. The scrutiny is considered to be completed when the decision is taken by the EU institutions concerned.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

At national level, the influence of the Parliament in the decisions concerning EU matters is guaranteed by the Law on cooperation between the Government and the Parliament in European Affairs, the Rules of procedure of the EAC, the Standing orders of the Chamber of Deputies and the Standing orders of the Senate, other internal norms of the Parliament and/or Government decisions.

At EU level, the influence of the Parliament is ensured by the rules concerning the increasing role of the National Parliaments and their relations with the EU institutions.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

We agree to the classification criteria employed in the Report.

In the absence of formally adopted legislation on the National scrutiny system, Romania is missing from the Report. The draft legislation proposes a mixed system. Both "document based' elements and "procedural" elements are present.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

3. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

Due to the format of the Convention, with 4 MP in the country's delegation, the Romanian Parliament have had an important say on Romania's behalf and had been active and supportive in the works of the Convention. It never changed its opinion on the Convention's conclusions nor on the good quality of the Draft Constitutional Treaty, which it ratified. Under the known circumstances we have no better option but to adopt a positive stance while sharing the same concerns as that stated in points 3-7 and 12 of the European Parliament's resolution of 11 July 2007 on the convening of the Intergovernmental Conference (IGC): the European Parliament's opinion (Article 48 of the EU Treaty) (11222/2007 – C6-0206/2007 – 2007/0808(CNS))

We welcome the present provisions in the Draft Reform Treaty, regarding the role of National Parliaments, as a progress.

4. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The impact will be at least as profitable to reducing the democratic deficit, as the distinguished authors of the whole concept thought it will be. Increasing the role of National Parliaments at EU level would certainly result in a status improvement at national level, thus contributing to serving democracy in multiple ways. We will be more specific after operating the new mechanism.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

4. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

Yes. The open method of coordination has been used to draw up the National Reform Plan. When issued the first draft of the NRP, the Government consulted the Parliament. The observations made during the successive EAC meetings with the Head of the European Affairs Department, who is the National co-ordinator of the Lisbon Strategy, were incorporated in the NRP.

MPs from both Chambers of the Parliament, participate in activities at National and EU level, having the Lisbon Strategy on the agenda.

5. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

The Parliament of Romania had a say as to the content of the National Reform Programme, as mentioned above. The EAC will monitor the Progress Reports and clarify with the National co-ordinator and representatives of the ministries/agencies responsible, the matters of concern.

6. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

As new member state Romania started its activities on this subject after the 2005 revision.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

6. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The draft of the present multi-annual financial framework was high on the agenda of the Parliament even if it was adopted before Romania's accession, at a time when the authorities were busy achieving the remaining pre-accession conditions.

The Parliament was mostly concerned by means to ensure a good performance in using all the funds destined to Romania. On this end, the EAC and the Finance committees of both Chambers initiated meetings with public officials in the executive branch, connected to this activity, with a view to identifying the best ways and practices in organising the fund spending.

7. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Specific programmes are not being scrutinized. The second part of the answer to the previous question covers this one as well.

8. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

The Finance Minister reports to the EAC before ECOFIN meetings, including those having budget issues on the agenda. At the moment this exercise is reduced to questions and opinions from MPs, resulting in an informal influence on the country's position.

9. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

The EAC intends to organize a joint meeting with the Budget and Finance Committees of both Chambers.

10. ***Any other observations?***

Slovakia:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The National Council of the Slovak Republic scrutinises documents emanating from EU institutions (drafts of legally binding acts) and subsequent documents describing government's negotiation position (so called "preliminary position" elaborated 3 weeks after having received the draft of a legally binding act and "draft of the position of the Slovak Republic" on the drafts of legally binding acts and other acts).

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The Government. The ministers are the main actors in the EU decision making procedures and the parliament can influence their positions in this process through a binding mandate.

3. ***At what point during the EU* decision *making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

The parliament comes in to the process after Commission's legislative proposal and follows it until it is discussed in the Council of the EU and the European Parliament. Specialised committees (excluding the Committee on European Affairs) are involved in the implementation phase in the course of the standard legislative procedures.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

Yes, it is guaranteed by the legislation: Constitutional Act No. 397/2004 Coll. on cooperation between the National Council of the Slovak Republic and the Government of the Slovak Republic in the affairs concerning the European Union and the Rules of Procedures of the National Council of the Slovak Republic (binding mandate).

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Categorisation is not necessary. It is in the competence of each parliament to decide in what way (if any) to enter in the EU decision making process.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

Slovak Republic has expressed its satisfaction with the June European Council results especially in the light of the agreed Draft IGC Mandate since it managed to salvage the substance of the "Constitutional Treaty". The position of the Slovak Republic for the upcoming[3] IGC that was adopted at the session of the Government of the Slovak Republic on 4 July fully supports inter alia the enforced role of the national parliaments following drawing up and adoption of the Reform Treaty *(to be negotiated at the IGC in the second half of 2007).* As regards the Slovak Parliament particular expectations from the IGC (with respect to the future role of national parliaments), the Committee on European Affairs has repeatedly held that it desires to be involved in the IGC by way of being kept fully informed on the part of the Slovak governmental representatives participating at the IGC. Though we have noted some appealing voices calling for national parliaments´ representatives – i.e. observers taking part in the IGC, we are of the opinion (that we share with overwhelming majority of participants attending the 3rd Joint Parliamentary Meeting on the Future of Europe in June in Brussels) that such a mechanism might undermine the institutional balance of the EU. Therefore also with regard to the Intergovernmental Conference we advocate parliamentary EU scrutiny vis-a-vis our government employing effectively legal (EU scrutiny) instruments we have in place.

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The Reform Treaty has *(according to the Draft IGC Mandate)* reinforced the national parliaments´ scrutiny powers in terms of subsidiarity checks by extending currently applied 6 weeks´ period to 8 weeks´ time. It is worth mentioning that the Slovak Parliament (on the basis of the existing legal arrangements concerning the EU scrutiny in the Slovak Republic) has scrutinized the EU affairs (in our opinion) adequately also prior to the COSAC "institutionalization" of subsidiarity and proportionality checks. In this respect we found the period of 6 weeks sufficient for parliaments´ reacting comments as regards Commission proposals. However, by extending this period we welcome the opportunity brought along for our government as to the quality of its preliminary opinions which we take into account while considering the proposals in the process of parliamentary EU scrutiny.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

[3] - **Note:** This part of questionnaire is being drawn up in the first half of July 2007, i.e. prior to the 23rd July when the IGC is due to start.

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

The definition of policies and the setting of priorities in the framework of the Lisbon Strategy is the sole responsibility of the individual ministries which are coordinated through the Government Office of the Slovak Republic.
Slovak parliament is involved in the so-called "open method of coordination" through the participation in the activities of the working group for the Lisbon Strategy, which was established at the beginning of 2004 from representatives of the relevant ministries under the leadership of the European Policy Section Government Office of the Slovak Republic.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

The Government of the Slovak Republic adopted on October 12th 2005 the Lisbon National Reform Program. The Committee on European Affairs discussed the above mentioned document during its 28th meeting on October 20th 2005 and took it into consideration.
During the joint meeting of the four specialized committees of the National Council of the Slovak Republic on November 8th 2005 (the Committee on European Affairs, the Committee on Finance, National Budget and Trade, the Committee on Education, Science, Sport, Youth, Culture and Media and the Committee on Social Affairs and Housing) these committees discussed the Lisbon National Reform Program.
On November 9th 2005 this document was discussed in the plenary meeting of the National Council of the Slovak Republic.
National Progress Report 2006 was discussed in the Committee on European Affairs meeting on October 10th 2006 and National Progress Reports 2007 will be discussed in the next days.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

The process of revision of the Lisbon Strategy goals in the Slovak Republic started in March 2004, based on the document called “The Position of the Slovak Republic towards the Lisbon Strategy”. This document was the first analytical evaluation of the realisation of the Lisbon Strategy in the Slovak Republic.
In September 2004 the Government of the Slovak Republic adopted the document called “*Mid-term Evaluation of the Lisbon Strategy: Contribution of the Slovak Republic for the high level group*”. This document was primarily meant for the high level group of Wim Kok for the evaluation of the Lisbon Strategy.
“The position of the Slovak Republic on the Wim Kok report” was approved in January 2005 and sent to the President of the European Commision.
In compliance with the recommedation of the Wim Kok the Slovak Republic adopted in February 2005 “*The Proposal of the Competitiveness Strategy of the Slovak Republic up to the year 2010*” with the subtitle “*National Lisbon Strategy*”.
The Committee on European Affairs discussed the above mentioned documents during its tenth meeting on January 25th 2005 and took them into consideration.
During the joint meeting of the five committees of the National Council of the Slovak Republic on March 14th 2005 (the Committee on European Affairs, the Committee on Finance, National Budget and Trade, the Committee on Education, Science, Sport, Youth, Culture and Media and the Committee on Social Affairs and Housing) these

committees discussed the document *The Position of the Slovak Republic on the mid-term evaluation of the Lisbon Strategy for the Spring Meeting of the European Council*.
On March 18th 2005 this document was discussed on the plenary meeting of the National Council of the Slovak Republic.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The Committee on European Affairs of the National Council of the Slovak Republic discussed and approved positions of the Slovak Republic to the Financial Perspectives 2007 – 2013 during its session on 20th October 2004.
According to the Amended Rules of Procedure the Committee on European Affairs shall have right to request the specialized committees of the National Council of the Slovak Republic to submit their suggested opinions to the drafts of legally binding acts and other acts of the European Communities and the European Union. In case of Financial Perspectives 2007- 2013 CEA didn't use its power vis-à-vis the specialized committees.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Yes. According to the Constitutional Act members of the Government of the Slovak Republic have to submit to the National Council for its approval the positions of the Slovak Republic before they agree upon them in the Council. Spending programmes were/still are discussed in responsible formations of the Council of the EU, therefore the Committee on European Affairs scrutinises these spending programmes while they are being discussed in the Council. So far the Committee on European Affaires discussed these programmes: Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

Yes. Council of the EU for Economic and Financial Affairs (ECOFIN) deals with the EU budget on special meetings. Before the meeting of the ministers of finance of the members states of the EU, Slovak minister is invited to the hearing on the Committee on European Affairs in order to submit and discuss the Slovak position to the EU budget. Minister of Finance of the Slovak Republic informs the members of the parliament first of all about the crucial topics of the EU budget revenues and expenditures. Discussions about Financial Perspective 2007 – 2013 and spending

programmes according to the EU budget specify and deepen the debate about the priorities of the Slovak Republic in this issue.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

According to the Amended Rules of Procedures the Committee on European Affairs discusses and approves legally binding acts and other acts of the EC/EU, which are discussed by the representatives of the governments of member states of the EU. 2008 – 2009 Budget Review will be discussed during the meeting of ECOFIN. the Committee on European Affairs will be involved in the scrutiny process of the 2008 – 2009 Budget Review before the respective ECOFIN meeting.

5. ***Any other observations?***

No.

Slovenia: National Assembly

Chapter 1: Overview of the EU scrutiny systems of the national parliaments of EU 27

Questions:

1. *What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?*

The National Assembly is primarily scrutinising the documents describing the Government`s negotiation position - draft positions (or positions in certain cases) related to proposals of legislative acts and other documents.

2. *Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.*

The primary subject of the scrutiny is the Government of the Republic of Slovenia. It is the Government who proposes draft positions (or positions in certain cases) of the Republic of Slovenia and the Parliament discusses them and either confirms or rejects or amends them.

When the Government has not implemented, either partially or fully, the positions of the Republic of Slovenia taken by the National Assembly or by its competent committee due to the fact that it has evaluated that such would not be feasible or would not be to the benefit of the Republic of Slovenia, it explains the circumstances and reasons for such decision at the next meeting of such committee. The Government may deliver a written report thereon at the meeting of the competent committee.

3. *At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?*

The Committee on EU Affairs can enter the EU decision making process in different phases, either at the very beginning or later in the process. It also depends on how important the legislative matter is. Besides the relevant documents that the Government hands over to the Parliament, the latter also receives documents directly from the European Commission. It can decide that a particular matter is of such an importance, that it needs to be discussed. In such a case, the competent committee or the Parliament may declare the intention to discuss particular EU affairs or to continue the discussion of such and take, in relation to such EU affairs, the positions of the Republic of Slovenia within a certain time limit, in accordance with the envisaged discussion in EU institutions.

4. *Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?*

The Parliament has influence especially on the decisions made on the national level. This is guaranteed by the Act on Cooperation between the National

Assembly and the Government in EU Affairs that entered in force on April 23, 2004. The Act was adopted on the basis of Article 3a of the Constitution of the Republic of Slovenia. The Parliament shall participate in the formulation of positions of the Republic of Slovenia in relation to those EU affairs that given their subject matter would come under its jurisdiction in accordance with the Constitution and laws.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

According to the suggested categorization of the National Parliaments, the scrutiny system of the National Assembly belongs into group of the so called "procedural" based systems. The basis for a debate is not a act proposal received directly from the Commission, but a draft position or a position of the legislative proposal sent to the National Assembly from the Government. In the Rules of Procedure of the Assembly, as has already been mentioned, there is a provision enabling the competent committee or the National Assembly to adopt a decision on the intention to discuss particular EU affairs or to continue the discussion of such and take, in relation to such EU affairs, the positions of the Republic of Slovenia within a certain time limit, in accordance with the envisaged discussion in EU institutions. But in the end, it is also a procedural based system, since the Government needs to draft the draft position.

Chapter 2: National parliament's expectations from the IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

Although the request that the Chairpersons of the European Affairs Committees of the Portuguese, German and Slovenian Parliaments would be invited to take part as observers in the IGC was refused, the National Assembly expects that:

a. IGC will carry out its work in accordance with the detailed mandate agreed by the European Council and its specific focus on the enhanced role of National Parliaments.

b. National Parliaments will be sufficiently and appropriately informed of the intergovernmental discussions and activities of the IGC.

c. It is important to underline that in the end there will be the National Parliaments the ones to ratify the new treaty and they, therefore, carry an important responsibility in this respect. In our opinion, it is only in the interest of the Governments to inform the National Parliaments regularly and correctly.

2. *What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?*

The mandate agreed in the European Council in June 2007 increases the role of National Parliaments compared to the provisions agreed in the 2004 IGC and sent the message that they are considered to be an important players in the EU decision-making process. We expect that a proposed procedure to monitor subsidiarity will encourage National Parliaments to do it, if required. The extension of the period will give National Parliaments more time to consider more proposals of the Commission and to form their opinion about them. Therefore, they will have greater opportunities to be involved in the work of the EU and a direct role in deciding whether EU legislation in a certain field at the European level is necessary.

Chapter 3: Parliamentary monitoring of the Lisbon Strategy

Questions

1. *Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?*

The National Assembly cooperates closely with the Government when defining the policies and setting priorities in the framework of the Lisbon Strategy. The Government representatives present the new proposals and policies in this field at the sessions of parliamentary bodies (see below) and the topics are discussed. Later, the policies are confirmed and improvements and corrigenda are proposed by the parliamentary bodies.

Regarding the "open method of coordination", the European Commission delegation meets regularly every year three parliamentary working bodies – the Committee on EU Affairs, the Committee on Economy and the Committee on Labour, Family, Social Policy and Disabled to discuss the Slovene improvement of the implementation of the Lisbon Strategy since 2005. The Commission representatives and the parliamentarians share the same interest of the implementation of the Slovene Reform Programme, especially in the light of the Commission recommendations.

2. *Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?*

On September 21, 2006, the Committee on EU Affairs held a joint session with two other parliamentary working bodies - the Committee on Economy and the Committee on Labour, Family, Social Policy and Disabled regarding the establishment of the Slovene Reform Programme on implementation of the Lisbon Strategy.

The Committees welcomed the good cooperation with the Government of the Republic of Slovenia within the sphere of implementation of the Lisbon Strategy and the national reform programmes. The Committees made some remarks about the draft document and proposed a few improvements.

The same three Committees held a joint session the implementation of the Lisbon Strategy in Slovenia on April 18, 2007 to follow the implementation of the Lisbon Strategy in Slovenia as well as response of the Government to the Commission recommendations.
It is also important to mention that the Lisbon Strategy is an important topic by the adoption of the declaration on the guidelines on the functioning of the Republic of Slovenia within EU institutions as well as by Government's presentation of guidelines for Council Meetings.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

The role and participation of the National Assembly after the revision of the Lisbon Strategy in 2005 have remained the same.

Chapter 5: National Parliaments' monitoring of EU Financial programmes: priority setting and allocation of funds

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

A hitherto set forth practice of the National Assembly of the Republic of Slovenia consists of scrutinising the multi-annual financial framework (Financial perspectives) by both working body responsible (working body to whose scope of work the subject matter of the issue discussed belongs) as well as competent working body (working body competent for European Affairs: Committee on EU Affairs, Committee on Foreign Policy) respectively, where opinions formulated by working bodies responsible form the basis of a discussion in competent working bodies.

Resulting from the above procedure a joint session of the Committee on EU Affairs and Committee on Finance and Monetary Policy was held on December 14, 2005 to address the subject of the New Financial Perspective for the period 2007-2013. The Committee on Finance and Monetary Policy issued a positive opinion regarding the proposal of the position of the Republic of Slovenia to end the NFP-bind negotiations. Following its recommendation the Committee on EU Affairs unanimously adopted the proposal in question. The government later on succeeded in negotiating the mandate given by the national parliament on EU level.

However, the Commission for Budgetary and Other Public Finance Control played no role in the NFP scrutiny.

2. *Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?*

While scrutiny of the spending programmes on general rule does not stand as a discussion point on the parliamentary committees' agenda, an exception is made with programmes of most crucial nature. In this light the Committee on EU Affairs convened the 24th extraordinary session on July 21, 2006 to discuss the 7th Research Framework Programme.

In addition to that the Trans-European Networks for Transport and Energy programme was only directly put under examination when adopting the positions on the political guidelines for the activity of the Republic of Slovenia within the institutions of the European Union in 2006. The Committee on EU Affairs namely persisted that Slovenian railway package stay a priority and therefore be entitled to European financial aid.

The Galileo Programme also has been discussed at several meetings of the Committee on EU Affairs in 2006 and 2007.

3. *Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.*

As is the case with the above mentioned documents, also the annual budget of the EU is subject to parliamentary scrutiny. Prior to presenting the position of the Republic of Slovenia in relation to allocation of EU assets on the corresponding session of the Council on Economic and Financial Affairs (ECOFIN), the topic is to be discussed by the Committee on EU Affairs, where the scrutiny of the multi-annual financial framework and the NFP stand as helpful starting points.

4. *Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.*

The Parliament expects to be promptly informed of the 2008-2009 Budget Review by the Government of the Republic of Slovenia to be able to offer its proposal on the presented materia.

5. *Any other observations?*

Slovenia: National Council

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. *What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?*

The National Council is primarily scrutinizing the documents describing the Government's negotiation position.

2. *Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.*

The primary subject of the scrutiny is the Government of the Republic of Slovenia, because it is the Government who proposes draft positions.

3. *At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?*

The International Relation and European Affairs Commission can enter the EU decision making process in different phases, either at the very beginning or later in the process. Commission deals above all documents that the Government hands over to the Parliament before the Council meeting.

4. *Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?*

The Commission can have influence only to the National Assembly Committee on EU Affairs.

5. *The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?*

According to the suggested categorization of the National Parliaments, the scrutiny system of the National Council belongs into group of the so called "procedural" based systems.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. *What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?*

The National Council follows the position of the National Assembly.

2. *What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?*

The National Council follows the position of the National Assembly.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. *Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?*

The National Council has slight influence on definition of policies and the setting of priorities in the framework of the Lisbon Strategy. The National Council regularly deals with Lisbon Strategy and sends its opinions to National Assembly and Government. In the so-called "open method of coordination" is involved with a member who is present at the meetings of the Committee on European Affairs in the National Assembly.

2. *Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?*

Yes.

3. *Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?*

No.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. *Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?*

The National council and its commissions scrutinize Financial perspectives. All Commissions can deal with Financial perspectives and they send their report to National council. The role of all sector commissions are the same - they send report to the National council or/and opinion to the committees of the National Assembly.

2. *Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?*

Non of them. The president of the International Relations and European Affairs Commission is present at the meetings of the Committee on European Affairs in the National Assembly who scrutinizes this programmes.

3. *Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.*

No.

4. *Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.*

No.

5. *Any other observations?*

No.

Spain:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The relevant legislation empowers the Joint Committee on EU Affairs of the Cortes Generales to scrutinise legislative proposals from the European Commission. The Government has to forward a short report on the contents of the proposal.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

Insofar as one of the tasks of the Cortes, according to the Constitution, is to control the Government, the primary subject of the scrutiny of Parliament must be the National Government.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

According to the relevant legislation, the Joint Committee of the Cortes is able to scrutinise legislative proposals from the Commission. The Joint Committee has also, in some occasions, held debates on documents at a prelegislative phase.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Please be aware that the current EU scrutiny system at the Cortes is being comprehensively reviewed by a working group of the Joint Committee on EU Affairs. The review has not yet been completed and the report of the working group has not yet been published, although it may probably be published before the end of the current legislature, which is expected to end early next year.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The Cortes Generales have not yet issued any statement regarding the 2007 ICG.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

The definition of policies related to the Lisbon Strategy as well as their implementation fall broadly within the scope of the Government's right of initiative in the conduct of domestic and European policy.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

The revision of the Lisbon Strategy in 2005 did not noticeably influence the role and participation of the Cortes in the process.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

No, although the financial perspectives have been the subject of political debate at the Plenary as well as in the Joint EU Commission. The Government, through the Secretary of State on EU Affairs, periodically informs the Joint Committee on the development of the negotiations.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

No, the spending programs are not usually scrutinised. None have been scrutinised.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

No, the EU annual budget is not usually scrutinised.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

At the present moment, the scrutiny of the 2008-2009 budget review is not in the parliamentary agenda.

5. ***Any other observations?***

Sweden:

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The emphasis is to control the Government.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The Government. The Riksdag exercises its influence in the EU through the government. The government is answerable to the Riksdag for the way it deals with EU matters. However, EU documents are also scrutinised and opinions sent to the European Commission.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

As early as possible. The committees come in to the process when the committees examine and adopt statements on the EU's Green and White Papers and other EU documents. Also at a later stage, legislative proposals are examined. During the whole procedure it's possible for the sectoral committees to confer with the government on positions or request information within their respective field of responsibility. A negotiating mandate is given given by the committee on EU Affairs prior to all kinds of decisions taken by the Council of Ministers at different stages, i.e. not only legislation but also soft law like resolutions, conclusions etc. A negotiating mandate is also given by the committee on EU Affairs prior decisions in the European Council. The parliament is involved during the implementation phase if law-making is necessary.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

Influence on the national level is guaranteed because the Government is expected to observe recommendations and deliberations by the parliamentary committees, specialised committees as well as the Committee on EU Affairs. If it fails to do so, the government risks criticism by the Committee on the Constitution and, ultimately, a vote of no confidence in the Chamber.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

Yes and no. There has been an alteration in the Swedish system. Parliament 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.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The Swedish Parliament has welcomed the proposed strengthened role for national parliaments. The mechanism for subsidiarity control is believed to contribute to a more independent role for national parliaments in relation to their respective government. Further more, it will lead to more active parliaments, which in turn will increase the democratic influence and legitimacy.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

The Riksdag can be said to have an influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy in the sense that the government is formed on the basis of the representation of the different political parties in parliament and must act according to this fact. Consequently the parliament can be said to be involved also in the so-called open method of coordination. When it comes to setting principles, priorities and guidelines within the Lisbon Strategy and decision-making in the Council of Ministers and the European Council the Swedish government seeks the support of the parliament through meetings with the Committee on EU Affairs or a committee for the specific field of policy in question. Finally it can be noted that the present Swedish government is formed on a majority in the Riksdag.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

The Riksdag has total influence on and responsibility for the policies and the priorities which constitute the Swedish reform program within the Lisbon Strategy in the sense that it is the parliament which makes the decisions regarding different issues, most often on the basis of Government bills.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

The Lisbon Strategy has during the years been discussed in the Committee on EU Affairs whenever the issue has been put on the agenda for a meeting in the Council of Ministers. Due to the decision by the European Council in March 2005 that the member states were requested to present national reform programmes the Swedish government has presented two such programmes for the Riksdag at the same time that they were presented for the European Commission. The Swedish programmes were presented for the parliament in written communications from the Government (communication 2005/06:23 and communication 2006/07:23). At both occasions, spring 2006 and spring 2007, there was a rather long and thorough debate in the parliament, on the basis of reports from the Committee on Industry and Trade (report 2005/06:NU11 and report 2006/07:NU7). The Minister for European Affairs in the Social Democratic government participated in the debate in spring 2006. In the last debate, spring

2007, the present Minister for European Affairs and the present Minister for Industry and Trade participated.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

The Committee on Finance conducts a dialogue with the Government about the multi-annual financial perspectives in the EU-budget. In this discussion the Committee on Finance is given written and spoken information about the work on the financial perspective and has opportunity to give priorities and mandates to the Government. The final mandate to the Government concerning the financial framework 2007-2013 was given by the Committee on EU Affairs during the European Council meeting in December 2005.

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

It is the responsibility of the Committee on Industry and Trade to scrutinize all public spending within the area in the Swedish national budget which belongs to the committee. This includes the spending within the national budget on different EU programmes. This scrutiny is done in the usual work on the budget each year. When those spending programmes are put on the Council agenda they are scrutinised by the Committee on EU Affairs in connection with the Committee's deliberation with the Government. When those spending programmes are put on the Council agenda they are scrutinised by the Committee on EU Affairs in connection with the Committee's deliberation with the Government.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

The Committee on Finance undertakes a dialogue with the Government about the annual budget in a similar way as the dialogue about the multi-annual financial framework. These budget-dialogues in the Committee on Finance has however no formalised link to the scrutiny of individual spending programmes in the national budget process. EU-expenditure from the various spending programs is also scrutinized by each responsible special committee as a part of the annual process for the national budget. The annual budget of the EU is scrutinised by the Committee on EU Affairs prior to the Ecofin-budget meetings. Since the Committee on EU Affairs has an overall picture of all kinds of EU cooperation the scrutiny of the multi-annual framework and the spending programmes are taken into account.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

Because of the new regulations in the Riksdag, there is an increased responsibility for monitoring EU-issues in the specialised committees. The Committee on Finance has identified the 2008-09 budget review as an issue of special interest for the committee and has initiated a dialogue in this matter with the Government. As the issue evolves during the autumn of 2007 the Committee on Finance intends to keep a close eye on the work in progress and make sure that parliamentary standpoints and priorities are brought by the Government into the budget review discussions in the EU. The Committee on EU Affairs has started a dialogue with the Minister responsible for EU Affairs in connection with a smaller working group consisting of one MP from each poltical party in Parliament. The Committee on EU

Affairs will continue these discussions and also discuss the matter prior to the meeting with the General Affairs Council. The issue is of course very important also in connection with the preparations for the Swedish Presidency in autumn 2009.

5. Any other observations?

No.

UK: House of Commons

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The European Scrutiny Committee at present examines all European documents deposited in Parliament by the UK Government, and determines whether they are of legal and/or political importance.

A "European document" is defined in the Committee's Standing Order as:

(i) any proposal under the Community Treaties for legislation by the Council or the Council acting jointly with the European Parliament;
(ii) any document which is published for submission to the European Council, the Council or the European Central Bank;
(iii) any proposal for a common strategy, a joint action or a common position under Title V of the Treaty on European Union which is prepared for submission to the Council or to the European Council;
(iv) any proposal for a common position, framework decision, decision or a convention under Title VI of the Treaty on European Union which is prepared for submission to the Council;
(v) any document (not falling within (ii), (iii) or (iv) above) which is published by one Union institution for or with a view to submission to another Union institution and which does not relate exclusively to consideration of any proposal for legislation;
(vi) any other document relating to European Union matters deposited in the House by a UK Government Minister.

If the Committee finds any document deposited in Parliament to be of legal and/or political importance, it will report the matter to the House, and may also recommend that the document be debated in a European Standing Committee or on the floor of the House (i.e. in plenary).

If a document is recommended for debate, it will be debated on a motion for resolution which has been drafted by the Government. Typically, the motion (which is amendable) will invite the House to express support for the Government's position. The scrutiny process on a document referred for debate ends when the House has formally adopted a resolution on the document.

To inform its consideration of European documents, the European Scrutiny Committee has the power to request an opinion on a document from the appropriate departmental select committee, though at present it uses this power infrequently.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The primary subject of scrutiny is the UK Government. Both Houses of the UK Parliament operate a scrutiny reserve under which Ministers should not give agreement in Council to proposals which are under scrutiny by the relevant committee in either House.

In the Commons the reserve is operated by the European Scrutiny Committee. No Minister should give agreement in Council to a proposal which has not been cleared from scrutiny by the

Committee or which has been recommended for debate by the Committee and is awaiting a resolution of the House.

While the Committee will on appropriate occasions also forward its reports to the Commission under the procedure established in September 2006 (as it has recently with the 2008 APS), the role of the Committee is to hold UK Ministers to account for the positions they take in the Council of Ministers.

3. At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?

The House's scrutiny system is document-based. Depositable documents are defined in the House's Standing Order No. 143. The definition is set out in the response to question 1 above.

Although the basis of the system is the consideration of documents, most policy proposals are not examined on the basis of consideration of one single document at a specific point in the legislative process.

Scrutiny of a policy proposal begins at an early stage since the classes of document deposited include Commission consultation papers and Green and White Papers. Within ten working days of the deposit of any document, the government department which takes responsibility for it should submit an Explanatory Memorandum (EM). Receipt of the EM marks the start of the scrutiny process on the individual document.

As new documents relating to the policy proposal are published and deposited, together with updating EMs, they are scrutinised in turn. In its consideration of later documents the Committee draws on its reports on earlier documents in the procedure

In its consideration of a document, the Committee frequently requests further information from the Government in writing to clarify or elaborate upon the EM, and on occasion takes oral evidence from Ministers and officials. When the Committee has sufficient information it will proceed to make a report on the document, if a report is considered necessary. In that report it will indicate whether it considers the document to be of legal and/or political importance, and whether it should be considered further by the House (i.e. debated in Committee on a motion for resolution).

Scrutiny of an individual document is considered to have been completed when the Committee clears it from scrutiny or when the House adopts a resolution in respect of a document referred to it for debate.

The European Scrutiny Committee is not concerned with the implementation of EU law at national level after acts are adopted at EU level. The substantive scrutiny of transposition and implementation is a matter falling within the remit of the House's (subject-related) Departmental Select Committees, while the technical legal scrutiny of secondary legislation transposing and implementing EU law is a matter for the Joint Committee on Statutory Instruments.

4. Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?

Ministers are responsible for the explanatory memoranda deposited in Parliament which set out the policy implications of the European document in question and the UK Government's position on them. Ministers are also responsible for the answers they give to the Committee in response to its questions on documents, and can be called to attend the Committee for questioning in person.

A document considered legally and/or politically important and recommended for debate is usually referred to a European Standing Committee. A Committee sitting will open with a statement of up to ten minutes by the Minister responsible and a period of up to 50 minutes for questions from other Members before a debate of up to 90 minutes on a motion for resolution moved by the Minister.

The purpose of this system is to ensure proper accountability by Ministers for the policy they have formulated in response to each European document and the line they propose to follow in negotiations in the Council. The relevant Government department, when preparing its negotiating line on a document to come before Council, will have to have regard to the likely views of the European Scrutiny Committee and its requests for information, as well as to the views of the House on the Government's position, and Ministers will have to be prepared to defend their position under close questioning and in debate. The views of the Committee and the House are therefore influential in shaping the Government's policy on each European document.

The system is designed to concentrate on the accountability of UK ministers. Though Ministers are required to give accounts of the agenda before each Council meeting and a report of the outcomes, the system does not seek to exert direct influence over decisions at EU level in the relevant institutions.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

The categorisation of the House of Commons system is broadly appropriate.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

The European Scrutiny Committee last met on 25 July. At that date the draft text of the Reform Treaty (published on 23 July) was available only in French: the English version was not available until 30 July. The Committee was therefore unable to reach any considered view on the provisions of the draft Treaty.

The Committee will take evidence from Ministers on the Intergovernmental Conference in October.

The Committee in the 2001–05 Parliament reported on aspects of the Constitutional Treaty signed in Rome in October 2004. Many of those aspects, insofar as they represent the conclusions of the 2004 IGC, are recast in the present draft Reform Treaty.

The report was published as the Committee's Fourteenth Report of Session 2004–05 (HC 38-xiv), available here: http://www.publications.parliament.uk/pa/cm200405/cmselect/cmeuleg/38-xiv/3802.htm

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

Provisions on 'democratic principles' make a few (minor) changes.

   d. *The period of time given to national parliaments to consider subsidiarity is extended for 6 to 8 weeks.*

e. *There is no provision for a 'red card' (i.e. no provision for a group of national parliaments to block proposals on subsidiarity grounds).*
f. *The "yellow card" mechanism introduced in the Protocol to the Constitutional Treaty on the application of the principles of subsidiarity and proportionality remains. This provides that in the event that a number of national parliaments or chambers representing one-third of the votes allocated to national parliaments[4] give a reasoned opinion objecting to a legislative proposal on subsidiarity grounds, the proposal's originator (normally the Commission) must review its proposal but may still press on with it, provided that it presents its own reasons to justify why it considers that the principle of subsidiarity has been complied with.*
g. *A further provision, dubbed the "orange card", provides that if a simple majority of national parliaments object to a legislative proposal on subsidiarity grounds, the proposal must also be reviewed. If the originator (i.e. the Commission) chooses to maintain the proposal, the matter is referred to the Union legislator. The reasoned opinions of the national parliaments and the reasoned opinion of the Commission in response are sent to Commission and Council for consideration before first reading of the proposal. If the Union legislator considers that the proposal is not compatible with the principle of subsidiarity, either by a majority of 55 % of the members of the Council or a majority of the votes cast in the European Parliament, the legislative proposal shall not be considered further.*
h. *The "yellow-card" provision can easily be overriden. There is still some ambiguity over the "orange card" provision, particularly concerning the specific majorities which apply in the Council and the EP, whether they are to apply to proposals where the EP may only give an opinion, and whether the Council and the EP must both reject a proposal on subsidiarity grounds for it to be dropped.*

The Committee has raised with Ministers its concerns that the drafting of the Reform Treaty text (proposed Article 8c of Title II TEU) places an obligation on national parliaments in a way which may hinder their independence of action. It is provided that "national parliaments shall contribute actively to the good functioning of the Union"). It is also provided that national parliaments shall so contribute "by seeing to it that the principle of subsidiarity is respected". These provisions appear to impose legal duties on national parliaments in relation to their proceedings. These could be justiciable by the ECJ.

The substance of the Article is not in itself contentious, since it merely re-states provisions on national parliament participation which are found elsewhere in the draft Treaty text. It would be unfortunate if the Article were interpreted as placing a duty on national parliaments to participate in all these activities; if the phrase "the good functioning of the Union" were interpreted in terms of a particular political outcome, and if the Article were narrowly interpreted as constraining the ability of national parliaments to participate in EU affairs.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

The Commission and the European Council play a crucial part in the Lisbon Strategy. For example, the following have given the strategy its main impetus:

[4] *one-quarter of the votes on proposals relating to certain justice and home affairs issues*

i. *the Commission's Communications on a wide range of Lisbon-related subjects (such as demographic change, competitiveness and so on);*
j. *the Commission's management of huge Community spending programmes such as the Structural Funds, the R&D Framework Programme and so on;*
k. *the Joint Reports from the Commission and Council to every Spring European Council; and*
l. *the European Council's Conclusions.*

The House of Commons is not involved in the scrutiny of arrangements made under the "open method of coordination". The European Council never intended that national parliaments should be directly involved. But we question the Government about its part in the open method of coordination in the context of the things mentioned above. Our existence, the questions we ask and our reports may influence the way the Government takes part in the discussion of EC policies and legislation. Domestic policies and legislation which implement agreements under the "open method of coordination" are not within the European Scrutiny Committee's remit.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

No; because the British Constitution, in common with the Constitutions of Member States generally, separates the functions of the legislature from those of the executive.

Some of the Departmental Select Committees with interests in economic policy may take an interest in National Reform Programmes. The ESC does not, because the NRPs are about domestic policy rather than proposals for European legislation.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

No, nor was it intended to influence it.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

11. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

Yes. For the 2007-2013 Financial Perspectives initial scrutiny was by the European Scrutiny Committee. The Committee continued scrutiny at the successive stages leading to adoption of the Financial Perspectives. On its recommendation, the House debated the Financial Perspectives three times. Departmental Select Committees (subject committees, in this case the Treasury Committee) may, of their own volition or at the request of the European Scrutiny Committee, also scrutinise the Financial Perspectives.

12. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Yes. All of them.

13. Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.

Yes. Awareness, through scrutiny, of the Financial Perspectives and the spending programmes informs scrutiny of both draft and audited annual budgets in terms of vires *and adherence to ceilings.*

14. Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.

Yes. Scrutiny of any budgetary review Communication will be undertaken initially by the European Scrutiny Committee and is likely to lead to debate by the House.

15. Any other observations?

In essence scrutiny of these matters is the same as for any other proposal from the Commission.

UK: House of Lords

CHAPTER 1: OVERVIEW OF THE EU SCRUTINY SYSTEMS OF THE NATIONAL PARLIAMENTS OF EU 27

Questions:

1. ***What is your parliament scrutinising primarily (documents emanating from EU institutions, documents describing government's negotiation position)?***

The House of Lords EU Committee scrutinises documents emanating from the EU institutions. Each such document is accompanied by an Explanatory Memorandum from the UK Government to the UK Parliament. The Committee examines both the Government and the Commission (see answer to question 2). The Committee can also scrutinise matters on which no document is available.

2. ***Who is the primary subject of the scrutiny (Government and/or European Commission)? Please state reasons.***

The Lords EU Committee carried out a thorough review of how it scrutinises EU legislation in 2002. The Committee's report is available at: http://www.publications.parliament.uk/pa/ld200203/ldselect/ldeucom/15/15.pdf
The Committee stressed that national parliamentary scrutiny of EU legislation has a clear constitutional purpose. The Committee decided that scrutiny should include:

· The accumulation, presentation and summary of relevant material, including information, statistics, explanation and analysis.
· The provision of information to the House and to the public as a contribution to transparency.
· Drawing the attention of the House, the Government, European institutions and the public to significant matters contained within that information and in particular making recommendations—"focusing the debate".
· Contributing to the law-making process by detailed analysis of draft texts, by exposing difficulties and proposing amendments.
· An examination of the Government and its role in agreeing European legislation and, as part of that process, compelling the Government not only to think through what it is doing or has done but sometimes to account for it.
· An examination of the Commission and the policies it formulates.

3. ***At what point during the EU decision making process your parliament comes in to the process and when the scrutiny is considered to be completed? (Prelegislative phase, after Commission's legislative proposal, as reaction to the Government memorandum, before the Council (working group) meeting, during the implementation phase on national level after the decision is taken on the EU-level)?***

The Committee aims to begin its work at the earliest possible stage in the policy-making cycle. This is facilitated by examining the Commission's annual policy strategy and annual legislative and work programme. The Committee reports on legislative proposals and on early discussion documents. The Committee has always believed that inquiries of both kinds can be of value. In the past year the Committee has produced reports on green papers, Communications, and

legislative proposals (at first reading and at second reading in the co-decision process).

The practice of our Sub-Committees has varied according to the subjects involved but there are advantages in choosing as the subjects for our major inquiries proposals at an early stage, not least because the opportunity for significant influence on policy is reduced once proposals come close to final decision and governments are therefore less likely to be persuaded to change their minds. This is particularly important for Sub-Committee C (Foreign Affairs) in dealing with Second Pillar matters, on which there are very few texts but much inter-governmental discussion.

The Committee operates under the terms of a "Scrutiny Reserve Resolution" passed by the House, which is intended to ensure that Ministers do not agree to EU legislation in Council unless the Committee's scrutiny is complete (see Annex 3 of the above report for further information).

Scrutiny is considered to be complete when the Committee releases a document from scrutiny. This can take days or months. For example, the Committee or one of the subject-based Sub-Committees can clear a document from scrutiny with no further action (for example, after noting the contents). Alternatively, the Sub-Committee can retain a document under scrutiny and write to the Minister: correspondence continues until the Sub-Committee is satisfied and clears the document from scrutiny.

Another option is for the Sub-Committee to retain the document under scrutiny and call for evidence on it, which can in turn lead to correspondence with the Minister; or a short report; or a full analysis of the issues in a substantial report, sometimes leading to debate in the plenary of the House: all reports receive a written Government response which is expected within two months of publication. When a Sub-Committee undertakes this sort of inquiry, the document is cleared from scrutiny following publication or the debate in the House (the Committee decides which).

The EU Committee does not generally scrutinise the national implementation of EU legislation, except when following up earlier work (e.g. on a proposal for a revised Directive, when implementation of the previous Directive may be an issue). A separate Committee on the Merits of Statutory Instruments, as one part of its activities, examines, in the case of EU law implemented in the UK through secondary legislation, whether that legislation appropriately implements EU law.

4. ***Do you consider having influence on the decisions taken either on the national or EU-level? How is this guaranteed?***

The Committee considers that it has influence at both the national and EU levels, although measuring influence is very difficult. However, one way of judging our impact is to hear what people tell us.

Regarding the national level, the Leader of the House of Lords (a Government Minister), Baroness Amos, on 18 June 2007 said "the committee has a great deal of influence. The Government always look very carefully at its proposals and

recommendations because of the experience and expertise of its members." (HL Deb Col 6)

Regarding the EU level, several people refer to the Committee as having influence in Brussels. For example, Brendan Donnelly, Director of the Federal Trust, has said recently that the Committee "is widely quoted and is very influential in the Brussels system". Commissioners and MEPs have written to the Committee to praise its work.

The Government have written to the Committee at least twice in the past six months to inform them of instances where report recommendations have been taken up (regarding OLAF and issuing a national statement of assurance on spending of EU funds); and we know of other recent Committee recommendations (about the Court of Auditors, the funding of the CAP, the Fundamental Rights Agency, the Consumer Credit Directive) have been taken up by MEPs.[5] The Committee's reports have been mentioned in the EP plenary, in EP resolutions, in EP Committee meetings and by a Commissioner.

Contributing to a climate of opinion forming in Brussels is a key way in which the Committee can have an impact, by analysing issues and presenting a range of evidence combined with its own conclusions on it.

Influence is not the sole objective of the Committee's scrutiny. As mentioned above (questions 1 and 2), the Committee's scrutiny entails an examination of the Government and its role in agreeing European legislation. As part of that process, the Committee is committed to a process of examination and analysis of the proposals and actions of those responsible for government, with a view to ensuring they are accountable to Parliament for their actions. The scrutiny process compels the Government to think through what it is doing or has done and to account for it. The Committee hopes, therefore, that it is not only its reports that have an impact: the very act of preparing an Explanatory Memorandum for Parliament provides a discipline on the Government and its civil servants, and the need for every EM to be signed by a Minister provides the highest level of accountability.

5. ***The 3rd Biannual Report suggested a possible categorization of National Parliaments according to the scrutiny systems used. Would you agree with the categorisation used there dividing national parliaments in the so called" procedural" and "document" based systems. Is your parliament in the adequate category?***

While there may be some merit in a distinction between scrutiny systems, the categories are not absolute. It is probably a reasonable short-hand explanation to say that the UK system is a document-based one. However, this description does not cover all of the Committee's work.

[5] Some further examples are contained in Chapter 5 of the above-mentioned report. See also the Committee's 2006 report on public awareness of its work: http://www.publications.parliament.uk/pa/ld200506/ldselect/ldeucom/179/179.pdf

For one thing, the Committee scrutinises matters on which no document is available (see, for example, our recent report on whether there should be a separate EU Competition Court).

The Committee's work also includes some aspects which might be described as "procedural". For example, the Government submits written statements to Parliament before and after Council meetings, and the Committee sometimes meets the relevant Government Minister either before a Council meeting to discuss the Government's intentions for that meeting or afterwards to hear a report from the meeting.

Overall, there must be some doubt whether a formal distinction of this kind adds value to an analysis of scrutiny processes.

CHAPTER 2: NATIONAL PARLIAMENT'S EXPECTATIONS FROM THE IGC

Questions:

1. ***What are your parliament´s expectations towards the Reform Treaty to be negotiated during the Intergovernmental Conference in the second half of 2007, especially with regard to the future role of national parliaments?***

2. ***What impact do you foresee for national parliaments if the Reform Treaty takes up the stipulations concerning national parliaments and the early warning system according to the negotiating mandate agreed at the European Council in June 2007?***

The House of Lords EU Committee has published a report on the IGC[6]. A copy has been sent to the COSAC secretariat and all national parliaments. Scrutiny work will continue as texts emerge.

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Questions

1. ***Does your parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your parliament involved in the so-called "open method of coordination"?***

The EU Committee of the House of Lords carried out an inquiry on the Lisbon Strategy and published a report in March 2006, which available at:
http://www.publications.parliament.uk/pa/ld200506/ldselect/ldeucom/137/137.pdf
The Committee was struck by the fact that, although the Strategy is sometimes referred to as part of wider discussions, in March 2006 there had not been any recent debates in either House of the UK Parliament specifically on it. The Committee concluded that UK parliamentary committees should keep a watching brief on the Strategy and we will seek to return to it ourselves in the future. The Committee considered that parliamentary debates on the Strategy would help to raise its profile

[6] http://www.publications.parliament.uk/pa/ld200607/ldselect/ldeucom/142/142.pdf

and engage citizens in the relative economic performance of the Member States and the urgency and desire for economic reform in Europe. The Committee urged Members of both Houses to seek regular debates on the Strategy and asked the Government to consider formally laying the annual Action Plan before Parliament.

The Committee has accepted the OMC in principle. It considered the open method of coordination in paragraphs 45-49 of the above report. The Committee concluded that the method had had few successes. However, given that there was clearly no appetite for extending the EU's powers to permit more central direction, the Committee found that there were simply no other means available for implementing the Lisbon Strategy than to practise the Open Method of Co-ordination.

Regarding the OMC in general, the Committee scrutinises all EU documents that relate to the OMC, such as Commission staff working papers and reports on implementing the OMC (including implementing aspects of the Lisbon Strategy). The Committee has had several exchanges of scrutiny correspondence with the UK Government on OMC, for example in education and in the health sector. The Committee's general view of Open Method of Co-ordination exercises is that they should not be overly burdened by indicators or duplicate existing work. The Committee has been anxious that they should be carried out with as light a touch as possible, concentrating on adding value whilst avoiding nugatory work or infringing on the competence of Member States.

2. ***Is your parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national Progress Reports?***

The EU Committee scrutinised the Commission's December 2006 Annual Progress Report, which included an assessment of the UK national reform programme and country-specific recommendations for economic and employment policies.

The UK Parliament is not involved in the preparation of the UK NRP.

3. ***Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?***

No.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. ***Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?***

Yes. The Financial Affairs Sub-Committee of the EU Committee undertakes an inquiry on the financial framework. The other specialised sub-committees may

also undertake additional work (e.g. the Agriculture Sub-Committee carried out an inquiry on the funding of the CAP).

2. ***Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?***

Yes, all spending programmes are scrutinised. Reports were published on some. Please see Lord Grenfell's speech to the COSAC Chairpersons for details.

3. ***Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.***

Yes, as mentioned by Lord Grenfell in his speech.

4. ***Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.***

Yes. An inquiry will be undertaken by the Financial Affairs Sub-Committee of the EU Committee. The details are still being considered, but it will certainly involve an inquiry taking evidence from stakeholders.

5. ***Any other observations?***

European parliament:

CHAPTER 3: PARLIAMENTARY MONITORING OF THE LISBON STRATEGY

Does your Parliament have any influence on the definition of policies and the setting of priorities in the framework of the Lisbon Strategy? In how far is your Parliament involved in the so-called "open method of coordination"?

The European Parliament has only a limited role in the development and scrutiny of the Lisbon strategy as the Member States, the European Commission and the Council are the main actors in the *Partnership for Growth and Jobs*, as the Lisbon Strategy has become known since its 2005 re-launch.

Notwithstanding this formal lack of powers in relation to the definition of policies and setting of priorities, the European Parliament nevertheless regularly expresses its priorities and convictions and thus seeks to influence the development of the Lisbon Strategy by communicating with and convincing other players in the process of its views.

Resolutions as a way to express priorities

Every year the European Parliament expresses its priorities towards the Council and the Commission in its regular annual *European Parliament resolution on the input to the Spring Council in relation to the Lisbon Strategy* which was this year for the third time prepared by Parliaments Coordination Group on the Lisbon Strategy and forwarded to the Spring Council (P6_TA(2007)0040). This resolution encompasses all areas of the Lisbon Strategy and thus provides a useful focal point for parliamentary input into the development of the Strategy.

As the Lisbon Strategy is a programme encompassing a wide array of policies it is not surprising that by now almost all Parliament resolutions on policies involved in the Lisbon Strategy constitute an appropriate means to communicate to the Commission and/or the Council relevant viewpoints of Parliament. Some recent examples reflecting the diverse areas covered are:

- European Parliament resolution of 12 July 2007 on the 2007 annual report on the eurozone (P6_TA-PROV(2007)0348); *"Considers that the specific eurozone dimension of structural surveillance associated with the Lisbon Strategy should be strengthened by including measures that are needed to improve the functioning of the EMU;"*
- European Parliament resolution of 12 July 2007 on keeping Europe moving − Sustainable mobility for our continent (P6_TA-PROV(2007)0345); *"Proposes that transport policy should be fully integrated into the Lisbon Strategy and taken into account in the assessment and recommendations put forward each year by the Member States in their national plans in order to measure and compare progress;"*
- European Parliament resolution of 11th July 2007 on modernising labour law to meet the challenges of the 21st century (P6_TA-PROV(2007)0339); *"Calls on the Member States to remove the restrictions on access to their labour markets and thus improve worker mobility within the EU, thereby enabling the goals of the single market and the Lisbon Strategy to be achieved more swiftly;"*

Meetings with National Parliaments as a way to encourage debate

In addition, Parliament actively seeks to seize the opportunity to lead the debate on how the Lisbon Agenda should be linked to other major strategies and imperatives at European level, including sustainable development, energy policy and coping with ageing. The dialogue between the European Parliament and National Parliaments on many levels is seen as a positive development to encourage such a debate.

European Parliament Committees also regularly hear Members of the Commission and representatives of Council Presidencies. These hearings are a further valuable opportunity to make Parliament's point of view heard.

Parliament's Budgetary Powers and the Lisbon Strategy

Another indirect way how Parliament can exert some influence with regard to the development of the Lisbon Strategy is by using its budgetary powers effectively to achieve adequate financial resources for the European Union to implement policies related to the Lisbon Strategy.

In this spirit, Parliament gave clear message for the 2008 budget. Cuts applied by Council in the budget for competitiveness for growth and jobs and a reduction of payments for cohesion are not supported by Parliament. Parliament's strategy is underpinned by the idea of a "budget for results": the allocation of financial resources must follow political priorities. The insufficient funding for competitiveness programs was already flagged up by Parliament in the context of the Financial Perspective talks when the adequate funding of Lisbon goals was high on Parliament's agenda.

Parliament's involvement in the Open Method of Coordination (OMC)

As the Open Method of Coordination (OMC) is an intergovernmental governance tool it falls within the work of the Member States and measures are primarily to be taken by the Member States. Hence, the involvement of the European Parliament is relatively weak. However, Parliament regularly gives its opinion on the Integrated Guidelines for Growth and Jobs consisting of the Broad Economic Policy Guidelines and the Employment Guidelines and it does so within the framework of the Lisbon governance cycle.

For the Broad Economic Policy Guidelines, Parliament has no formal role to play. However, in order to make its voice heard Parliament's Committee on Economic and Monetary Affairs prepares a resolution to be presented to plenary every year in time for the decisive Spring European Council. With the vote in plenary on this own-initiative report, Parliament's position on the developments with regard to the Broad Economic Policy Guidelines is adopted and forwarded to the Commission and Council. This year's resolution again deplored the lack of powers for Parliament with regard to the economic guidelines: *"repeats in this connection that the economic and structural policy guidelines must receive the same legislative status as the guidelines for employment policy measures and that an inter-institutional agreement must be drawn up in order to clarify Parliament's participation in this context."*

The situation slightly differs for the second pillar of the Integrated Guidelines, the Employment Guidelines: Here Parliament has to be consulted on the proposed guidelines and modifications thereof every year under a consultation procedure with the Committee on Employment and Social Affairs as the Committee responsible.

Is your Parliament involved in the implementation of the Lisbon Strategy, especially with regard to the establishment of the National Reform Programmes and the related national progress reports?

Many of the measures agreed to implement the Lisbon goals are not legislative but intergovernmental, based on coordination and benchmarking among Member States, with the European Parliament in a bystander's role. However, other measures require Community legislation, with Parliament playing a key part as legislator.

Since the start of the original Lisbon Strategy in 2000, Parliament has been involved in a number of legislative procedures leading to the adoption of key Community legislation for the implementation of the Strategy. Inter alia, Parliament adopted legislation opening up several markets, including electricity, gas, postal services and rail freight. Public procurement rules were updated, the Financial Services Action Plan has been advanced, and the Services Directive was adopted.

The 2005 mid-term review of the Lisbon Strategy led, among other things, to the Commission establishing the Community Lisbon Programme (CLP) which complements the national reform programmes on the European level. The CLP has made considerable progress with some three quarters of its measures adopted by the end of July 2006 by the Commission. Parliament in its legislative role also needs to approve some of the measures and a number of relevant legislative procedures are currently conducted such as the Proposal for a Directive of the European Parliament and of the Council on improving the portability of supplementary pension rights or the Audiovisual Media Services Directive.

Did the revision of the Lisbon Strategy in 2005 have any influence on the role and participation of your parliament in the process?

The review of the Lisbon Strategy did not in any way change the formal powers of Parliament in the governance of the Strategy. Therefore, Parliaments role in the OMC-related aspects of the Strategy remains as limited as prior to the review. At the same time, there has also been no change to the legislative powers of Parliament leaving its role in the adoption of relevant Community legislation unchanged and important.

Since the 2005 re-launch of the Lisbon Strategy, the debate on all aspects of the strategy in the European Parliament has intensified noticeably in the different stages of parliamentary work and in Parliament's official bodies. Parliament has developed the communication of its points of views and priorities as regards the Strategy in numerous ways:

- Regular meetings with Members of National Parliaments in various "formations" (e.g. Members of national budgetary committees meeting the Members of the EP Committee on Budgets, the interparliamentary meeting on the future of Europe etc) have contributed to an increase in parliamentary momentum of the Strategy.
- In December 2004, the Coordination Group on the Lisbon Strategy was put in place. The Group comprises 33 Members from the different political groups representing the 10 Parliamentary Committees most concerned by the Lisbon Strategy. It provides a forum for regular open discussion and contributed since 2005 to the debate by

preparing a *European Parliament resolution on the input to the Spring Council in relation to the Lisbon Strategy*, this year for the third time.

CHAPTER 5: NATIONAL PARLIAMENTS' MONITORING OF EU FINANCIAL PROGRAMMES: PRIORITY SETTING AND ALLOCATION OF FUNDS

Questions

1. Does your Parliament scrutinise the multi-annual financial framework (Financial perspectives)? Are specialist committees involved in the scrutiny? If 'yes', what is their role? What was the role of the sector committee, responsible for budget control?

The scrutiny and follow up of the multiannual financial framework is one of the regular tasks of the EP, this task is carried out mainly by the committee on budgets on the basis of a document on Financial Programming[7]. This document is provided by the Commission, twice a year, to the Budgetary Authority. Specialised committee are involved in this process in all legislative procedure with financial impact. EP rules (art. 36)[8] of procedure foresee a Verification of financial compatibility.

The activity of the committee on budget control is more concentrated on the scrutiny of the annual budget for the discharge procedure more than the multiannual financial framework.

2. Does your Parliament scrutinise the spending programmes (Seventh Research Framework Programme, Trans-European Networks for Transport and Energy, Galileo, Community Programme for Employment and Social Solidarity, etc...)? Which of the above mentioned programmes have been scrutinised?

3. Does your Parliament scrutinise the annual budget of the EU? Does the scrutiny of the multi-annual financial framework and of the spending programmes, if performed, bring an added value in scrutiny of the annual budget of the EU? Please specify.

The monitoring of the spending programs is one of the activities carried by all parliamentary committees. During the preparation of the budget for the following year specialised committees jointly with the committee on budgets organise "monitoring groups". Several working documents[9], making the analysis of different sector are produced during the each budgetary procedure, which are the result of activities carried by the committees. Each specialised committee vote an opinion on the budget based on their analysis of the functioning of the programs under their responsibility. Further to that budgetary committees command every

[7] http://ec.europa.eu/budget/library/documents/annual_budgets_reports_accounts/2008/sec_2007_500_apb_2008_doc_5_en.pdf

[8] http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+RULES-EP+20070903+RULE-036+DOC+XML+V0//EN&language=EN&navigationBar=YES

[9] http://www.europarl.europa.eu/comparl/budg/budg2008/procedure/procedure_en.htm

year some external independent studies[10] on different areas and organise hearings and workshops.

The activities of the budgetary control deeply scrutiny the programs based on the annual reports and the special reports of the Court of Auditor, all the working documents can be found on the Budgetary control web site[11]

4. Does your Parliament intend to scrutinize the 2008-2009 Budget Review? Please specify.

The European Parliament will be a major actor of the review 2008-2009 and the one after 2013. No modification can be done to the Multiannual financial framework without approval of the European Parliament.

[10] http://www.europarl.europa.eu/activities/expert/eStudies/catalog.do?language=EN
[11] http://www.europarl.europa.eu/comparl/cont/adopt/discharge/2006/commission_en.htm#financial