

November 2006

**Annex to the  
6th biannual report  
of COSAC:  
National Parliaments'  
replies to the questionnaire**

Prepared by the COSAC Secretariat and presented to:

XXXVI Conference of Community  
and European Affairs Committees  
of Parliaments of the European Union

19-21 November 2006  
Helsinki, Finland



## **Responses to the Questionnaire**

Questionnaire: 6th biannual report.....	3
1. Austria.....	10
2. Belgium.....	16
Chamber of Deputies .....	16
3. Belgium.....	20
Senate.....	20
4. Cyprus .....	27
5. The Czech Chamber of Deputies .....	34
6. Czech Senate.....	40
7. Denmark.....	46
8. Estonia.....	53
9. Finland .....	59
10. France.....	65
National Assembly.....	65
11. France.....	72
Senate.....	72
12. Germany.....	79
Bundestag.....	79
13. Germany.....	86
Bundesrat .....	86
14. Greece .....	90
15. Hungary.....	93
16. Ireland .....	100
17. Italy .....	106
chamber and senate .....	106
18. Latvia .....	113
19. Lithuania .....	121
20. Luxembourg.....	128
21. Malta .....	135
22. The Netherlands.....	140
tweede kamer .....	140
23. The Netherlands.....	146
Senate.....	146
24. Poland .....	154
Sejm .....	154
25. Poland .....	160
Senate.....	160
26. Portugal .....	166
27. Slovakia.....	176
28. Slovenia.....	183
29. Sweden.....	189
30. UK Parliament .....	195
House of Commons.....	195
31. United Kingdom.....	206
House of Lords.....	206
32. The European Parliament Contribution .....	212

# Questionnaire: 6th biannual report

## **Chapter 1: Subsidiarity and proportionality**

At meeting on 15 - 16 June 2006 the European Council agreed that "National parliaments are encouraged to strengthen cooperation within the framework of the Conference of European Affairs Committees (COSAC) when monitoring subsidiarity." Furthermore, the Conference of Speakers of EU parliaments suggested, in the conclusions of their meeting on 1 July 2006, that COSAC consider initiating a discussion on strengthening cooperation on monitoring the principle of subsidiarity.

Based on the Contribution of the XXXIV COSAC meeting in London, COSAC will conduct two subsidiarity and proportionality checks by national parliaments on Commission legislative proposals during the year 2006. The first one of these checks was launched on 17 July 2006 and concerns a Commission Proposal for a Council Regulation amending Regulation (EC) No 2201/2003 as regards jurisdiction and introducing rules concerning applicable law in matrimonial matters.

The aim of this chapter is to report on the experiences gained from the subsidiarity and proportionality check, as well as to gather information on the expectations of national parliaments concerning the strengthening of cooperation among national parliaments and within the framework of COSAC.

### **QUESTIONS:**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?
2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

## **Chapter 2: Cooperation with the Commission**

The Commission announced in its Communication to the European Council "A Citizens' Agenda - Delivering Results for Europe" of 10 May 2006 (COM(2006) 211 final) its intention to "...transmit directly all new proposals and consultation papers to national parliaments, inviting them to react so as to improve the process of policy formulation." The aim is that national parliaments are properly informed of the Commission's legislative initiatives; this could help to involve them in the decision-making process at an early stage. The direct transmission of documents by the Commission to national parliaments started on 1 September 2006.

Chapter 2 of the 6th bi-annual report will provide an overview on the measures national parliaments intend to take with regard to the reception of and response to documents sent by the Commission.

Furthermore, this chapter will examine whether, and how, national parliaments scrutinised the Commission's Annual Policy Strategy in the past, and how they intend to deal with it in the future.

The last conference of Speakers of EU Parliaments in Copenhagen encouraged national parliaments to scrutinise the Annual Policy Strategy and consult the Commission on their findings. In this context, the Speakers called on the Secretaries General to consider specific provisions for the Commission to present its Annual Policy Strategy and Legislative and Work Programme to national parliaments in 2007. The Annual Policy Strategy is covered by the Commission's initiative of direct transmission of documents to national parliaments.

## QUESTIONS:

### I) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?
2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)
3. How do you intend to react to the Commission's documents?
  - a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?
  - b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?
  - c) Do you intend to keep a six-week time limit<sup>1</sup> for your reaction?
  - d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?
  - e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?
4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

---

<sup>1</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

a) If yes, which bodies were involved in the discussion?  
What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

## **Chapter 3: Justice and Home Affairs: question of passerelle**

In its Communication "A Citizens' Agenda - Delivering Results for Europe" (COM(2006) 211 final) of 10 May 2006, the Commission announced an initiative to improve decision taking and accountability in the area of police and judicial cooperation and legal migration. It refers to Articles 42 of the Treaty on European Union and 67(2) of the Treaty establishing the European Community. Both provisions allow for changes to the current decision making arrangements ("passerelle clauses"). The June European Council also called upon the Finnish Presidency to explore, in close collaboration with the Commission, the possibilities of improving decision-making and action in the area of Freedom, Security and Justice on the basis of existing treaties.

Activating the provisions of the Article 42 of the Treaty on European Union requires a unanimous decision of the Council after consulting the European Parliament and an adoption of that decision in accordance with the respective constitutional requirements in each Member State. The use of Article 67(2) leads to the application of the co-decision procedure to all or parts of Title IV (Visas, Asylum, Immigration and other Policies related to Free Movement of Persons). It requires a unanimous decision by the Council after consultation of the European Parliament.

Chapter 3 of the biannual report seeks to establish which national parliaments have been informed by their governments about the possible use of the passerelle clauses, which have already deliberated on the issue and what stance they have taken. Special attention is given to the different constitutional requirements for the adoption of Council decisions under Article 42 of the Treaty on European Union and Article 67(2) of the Treaty establishing the European Communities and the involvement of national parliaments in this procedure.

### QUESTIONS:

1. Has your parliament discussed the Commission initiative?
2. What is the view of your parliament vis-à-vis this initiative?
3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?
4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?
5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

### **Chapter 4: Comitology**

On 17 July 2006, the Council adopted a decision to change the so-called "comitology"-procedure (2006/512/EC). This procedure allows for the delegation of legislative measures to the Commission and provides for the control of these measures by committees composed of representatives from the Member States, the Council, the European Parliament and the Commission have also adopted an interinstitutional agreement relating to the new procedure.

The most significant change to the current procedure (which dates from 1999) applies where the basic legislative act has been adopted jointly by the European Parliament and the Council under the co-decision procedure. In this case, the European Parliament has obtained a new right to reject by an absolute majority any "quasi-legislative" measures proposed by the Commission, on the ground that these measures exceed the implementing powers provided for in the basic instrument or are not compatible with the aim or the content of the basic instrument or do not respect the principles of subsidiarity or proportionality.

The aim of chapter 4 is to look into the new inter-institutional agreement and establish whether national parliaments have dealt with the changes in the comitology procedure, and, if yes, what stance they have taken. It could also raise the question of the extent to which national parliaments have scrutinised decisions taken within the comitology procedure in the past and whether or how they want to deal with such decisions in the future. Many comitology decisions are highly technical and specialised but there are also politically and legally significant items involved. The purpose of this chapter is to exchange best practices on how national parliaments distinguish between these two categories.

### QUESTIONS:

1. Did your parliament follow the recent changes in the comitology procedure?
2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?
4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?
5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

### **Chapter 5: Future cooperation with the European Parliament**

The cooperation between national parliaments and the European Parliament is becoming ever more intensive. In that context some new methods of cooperation have been developed, namely "Joint Parliamentary Meetings" and "Joint Committee Meetings" are organised jointly by the European Parliament and the parliament of the Member State holding the Presidency of the European Union.

Joint Parliamentary Meetings are meetings on broad political topics that are organised and chaired jointly by the parliament of the Member State holding the Council Presidency and the European Parliament: they take place at the European Parliament's premises in Brussels.

Joint Committee Meetings are meetings on specific political sectors/issues that are organised and chaired jointly by a committee of the parliament of the Member State holding the Council Presidency and a committee of the European Parliament: they take place at the European Parliament's premises in Brussels.

The practice was initiated during the Luxembourg Presidency in the first half of 2005. Since then, these meetings have become a regular form of cooperation between parliaments. The phenomenon being still fairly new, the aim of this chapter is to take a closer look at how the meetings have been organised and what conclusions can be drawn for the organisation of future meetings of this kind.

Chapter 5 will examine the organisation of the Joint Parliamentary Meetings and Joint Committee Meetings that have taken place so far. Based mainly on the experiences of Luxembourg, Netherlands, United Kingdom, Austria and the European Parliament it may bring out possible suggestions as how to develop further this form of cooperation.

### **QUESTIONS:**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.
2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?
4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?
5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

## **Chapter 6: Northern Dimension of the European Union**

The Northern Dimension in the external and cross-border policies of the European Union reflects the EU's relations with Russia (and particularly North-west Russia) in the Baltic Sea region and Arctic Sea region. The Northern Dimension addresses the specific areas of activities, challenges and opportunities arising in those regions and aims to strengthen dialogue and cooperation between the EU Member States, the countries associated with the EU under the EEA, and the Russian Federation. The Northern Dimension is implemented in tandem with the Partnership and Cooperation Agreement with Russia. What distinguishes the Northern Dimension from the rest of policy on Russia and external relations is the partnership operational model. Practical cooperation is planned, implemented and funded by many different actors, such as the European Commission and the Member States, the Northern Dimension's partnership countries Iceland, Norway and Russia, the observer countries Canada and the USA, regional organisations (Nordic Council of Ministers, Council of the Baltic Sea States, Barents Euro-Arctic Council, Arctic Council), international financial institutions, local-level actors, companies, the scientific community and nongovernmental organisations. A particular emphasis of the Northern Dimension is placed on subsidiarity, and on ensuring the active participation of all stakeholders in the North, including regional organisations, local and regional authorities, the academic and business communities, and civil society.

The importance of the Northern Dimension has been accentuated since the Union's enlargement in 2004. It has gained added prominence as one of the instruments of the Union's policy on Russia. The Northern Dimension is organised as a policy in its own right ensuring that the N.D. and its partnerships are not subject to in swings in relations between the EU and Russia.

The aim of chapter 6 is to look into the concept of the Northern Dimension as well as looking into its relatively new and innovative method. The chapter focuses on the parliamentary aspects of the Northern Dimension.

### **QUESTIONS:**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).



1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?
2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?
3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

# 1. Austria

## **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

*COSAC should be the forum for an exchange of practises in the field of the new possibilities offered by the European Commission and the European Council. Parliaments will have to implement procedures in order to react swiftly and in a coordinated manner among national parliaments.*

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

*In the case where European affairs committees (select committees) are responsible for this kind of scrutiny COSAC as the forum of this committees even can play a more efficient role.*

## **Chapter 2: Cooperation with the Commission**

### **1) Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

*Yes.*

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

*A new category of documents will be established in the EU-database of the Austrian parliament.*

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

*It is envisaged that the EU-Committees of both chambers (Main Committee or its Permanent Subcommittee on EU-affairs of the Nationalrat/EU-*

*Committee of the Bundesrat) will have the responsibility to check incoming documents.*

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

*This has not been decided yet.*

c) Do you intend to keep a six-week time limit<sup>2</sup> for your reaction?

*The future procedure should meet the 6-weeks-period of the protocol of the Amsterdam Treaty as well as future (possible) provisions of the Constitutional Treaty.*

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

*As political groups in the Austrian parliament comprise MPs of both chambers and we have one common parliamentary administration cooperation and coordination should be ensured.*

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

*This has not been decided yet. A communication from the speaker to the European institutions could be one possible option.*

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

*It will differ in that respect as time limits will have to be taken into account, more cooperation and coordination with other national parliaments will be needed and scrutiny itself will focus on different aspects.*

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

---

<sup>2</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

*Yes, since parliaments will be informed some time before receiving the same document from government.*

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

*On 7 December 2006 the Commission's Annual Working Programme for 2006 was on the agenda of the plenary meeting of the Nationalrat. Since 2005 members of government have to provide parliament with reports on the chapters of the programme in their field of competence – those reports are discussed in the sectorial committees and may be forwarded to the plenary. In those debates and documents the Strategy Programme of the Commission may be touched as well.*

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

*So far, the Annual Policy Strategy has not yet been separately debated. The discussion on the Annual Working Programme, however, was widely seen as an asset.*

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

*Yes.*

## Chapter 3: Justice and Home Affairs: question of passerelle

1. Has your parliament discussed the Commission initiative?

*Not yet.*

2. What is the view of your parliament vis-à-vis this initiative?

*The passerelle clause has not been object of a debate so far.*

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

*Government is in favour of this initiative and advocated the insertion of point 10 into the conclusions of the last European Council in June 2006. Also during the Austrian EU presidency the Hauptausschuss of the Nationalrat was informed about this summit some days prior to its meeting.*

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

*Yes, it would be the ordinary way of scrutinizing government's action in the Council.*

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

*It would affect parliament's ability to influence EU legislation because future changes would not require unanimity in the Council anymore. The scrutiny system itself would remain the same.*

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

*The recent changes have not been on the agenda of a committee meeting, however they may well have been discussed on the political group level.*

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

*No data is available on that. In any case, scrutiny would have followed the general rules.*

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

*As the period has been extended to 3 months, there should be sufficient time available.*

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

*Yes. The register provides sufficient information about pending comitology procedures as all comitology documents transmitted to the EP are available except for those classified as confidential. Draft measures, summary records,*

*dates of committee meetings, voting results and documentation concerning committee developments (modifications etc.) are available.*

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

*This distinction cannot really be made in general. In some sense, however, there is a distinction as the Hauptausschuss is in charge of preparation of European Councils and IGCs whereas its Permanent Subcommittee deals with specific EU projects ("more technical").*

## **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

*Yes, they do by allowing participants to get to know positions of other member states and other EU institutions.*

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

*In general, yes as they focus on issues that to a great extent are either in the competence of member states or intergovernmental.*

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

*Yes.*

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

*From our own (positive) experience we want to stress that it is crucial that the European Parliament and the national parliament of the country of the EU-Presidency plan and work together as equal partners from the beginning.*

*Whereas the ways of preparation found for the Joint Parliamentary Meetings or Joint Committee Meetings seem to be satisfactory the invitations to committee meetings of the European Parliament on more specific topics are sent out unilaterally and rather on short term which often produces overlapping of interparliamentary events. Therefore it is suggested that also these meetings are included in a working programme which is coordinated between the President of the parliament of the member state holding the EU-Presidency and the President of the European Parliament.*

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

*In Austria we try to bring together the Austrian MEPs with their national counterparts twice a year in order to discuss current questions.*

## **Chapter 6: Northern Dimension of the European Union**

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

*No participation.*

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

*So far the Northern Dimension has not been placed on any agenda of an EU-affairs committee meeting. However, EU projects addressing the Northern Dimension are included in the internal database as well and thus, in theory, object to scrutiny.*

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

*As it is mentioned in the introduction there already exist various parliamentary fora in the framework of the Northern Dimension who have been controlling action on the governmental level for many years. The Euromediterranean dimension is more challenging as far for instance migration and security for the whole continent are concerned – there the Euromediterranean Parliamentary Assembly as an overall forum makes sense. Therefore, parliamentary scrutiny on the Northern Dimension by the existing institutions is considered to be sufficient for the time being.*

(Wien, 26. September 2006)

## 2. Belgium

### ***Chamber of Deputies***

#### **Chapitre 1 : Subsidiarité et proportionnalité**

- 1.1. La COSAC doit attirer l'attention des parlements nationaux sur les propositions de la Commission qui pourraient contenir une infraction au principe de subsidiarité.
- 1.2. A la Chambre des représentants de Belgique, une commission d'enquête parlementaire est un instrument spécifique et temporaire. Elle ne constitue pas la formule adéquate pour le contrôle de subsidiarité.  
Au sein de la Chambre des représentants de Belgique, l'on songe plutôt à faire vérifier l'application du principe de subsidiarité par les commissions compétentes, épaulées par une cellule d'analyse du Service des Affaires européennes.

#### **Chapitre 2 : Coopération avec la Commission**

- I. Transmission directe des documents de la Commission
  - I.1. Les documents étaient, jusqu'à présent, transmis à la Chambre via la Représentation permanente belge auprès de l'Union européenne. Celle-ci transmettait aussi bien les documents de la Commission que ceux du Conseil. Il y a donc pour l'instant une certaine redondance. Le tri des documents demande plus de temps.
  - I.2. Les documents de la Commission sont reçus dans boîte de courriels (mail box). Un lien direct est instauré avec les parlements régionaux et communautaires pour leur transmettre également (en *real time*) les documents de la Commission (sans sélection).  
Pour ce qui est de l'élaboration des documents au niveau de la Chambre des représentants de Belgique, l'intention est de créer une base de données contenant des documents européens pertinents au niveau fédéral. Cette base de données comprendrait un synopsis du document, un lien avec les documents de base ; une fiche d'impact au niveau de la Belgique, etc. Cette base de données deviendrait l'outil de base pour les acteurs concernés par la procédure de subsidiarité, en particulier les Europromoteurs et les commissions sectorielles compétentes.
  - I.3.
    - a. L'on prévoit une collaboration entre le Comité d'avis chargé des Questions européennes et les commissions sectorielles compétentes.
    - b. L'on a également l'ambition d'examiner les dossiers de consultation, etc.



- c. L'on essaiera de formuler un avis dans un délai raisonnable.
- d. Lors de la discussion sur l'accord de coopération en matière de subsidiarité entre les différentes assemblées parlementaires du système fédéral belge, chaque assemblée a préféré développer, de façon autonome, sa propre procédure d'avis.
- e. Via courriel, à l'adresse prévue par la Commission européenne.

I.4. L'on tenterait d'organiser une analyse plus systématique des documents.

I.5. La valeur ajoutée réside dans le fait que cet envoi direct par la Commission constitue une invitation explicite adressée aux parlements nationaux de formuler des observations. De ce point de vue, cette initiative de la Commission représente une nouvelle dynamique pour le renforcement de l'implication des parlements nationaux dans le processus de décision européen.

## II. La Politique de Stratégie Annuelle

II.1. a. Le Comité d'avis fédéral chargé des Questions européennes examine chaque année (au début de l'année) le programme de travail de l'Union européenne lors d'un échange de vues (sans résolution ou motion) avec les Représentants belges au sein du COREPER I et II.

II.1. b. La politique de stratégie annuelle est examinée lors d'une audition au sein du Comité d'avis fédéral chargé des Questions européennes avec le membre belge de la Commission européenne.

II.2. La discussion de la Politique de Stratégie annuelle est considérée comme une nécessité. C'est le cadre de référence du Comité d'avis chargé des Questions européennes pour les initiatives à prendre.

II.3. Il serait logique que la Politique de Stratégie annuelle soit également examinée et discutée par la COSAC.

## **Chapitre 3. : Justice et affaires intérieures : une question de passerelle**

3.1. Il n'y a pas eu de discussion spécifique à cette occasion. Lors de l'examen des Traités qui introduisaient la technique des passerelles, ces formules ont été bien accueillies par la Chambre. Elles étaient considérées comme un pas en avant vers la communautarisation du troisième pilier (JAI).

3.2. Voir I

3.3. Le gouvernement était en faveur de cette initiative. La Chambre a pris connaissance de cette initiative lors du Forum sur l'avenir de l'Europe (avril 2006 au Parlement européen) au cours duquel M. Barroso a annoncé l'application de cette passerelle.

La Chambre a pris connaissance de la position du gouvernement belge lors des échanges de vues, au sein du Comité d'avis fédéral chargé des Questions européennes, avec le Premier ministre à l'occasion des Sommets européens.

- 3.4. Le gouvernement peut faire référence à l'accord général du Parlement donné lors de la ratification du Traité introduisant les clauses passerelles concernées.
- 3.5. Aussi longtemps que cette matière reste intergouvernementale, elle fait l'objet d'un contrôle parlementaire traditionnel (interpellations, questions écrites et orales, par les parlementaires individuellement). Le transfert vers le premier pilier impliquera que le contrôle se fera d'une façon plus systématique entre autres, dans le cadre de la procédure de subsidiarité qui sera bientôt introduite et appliquée.

#### **Chapitre 4 : Comitologie**

- 4.1. Le Secrétariat du Comité d'avis chargé des Questions européennes a suivi ce dossier
- 4.2. Pour autant que la comitologie concerne la formulation des normes afin d'exécuter des normes législatives européennes, des fonctionnaires nationaux sont impliqués.  
De ce fait, cette phase de décision ressortit à la responsabilité ministérielle. Le contrôle parlementaire traditionnel (interpellations, questions, ...) est d'application. Il n'y a donc pas de procédure spécifique.  
  
Avec l'instauration de la procédure de subsidiarité, il serait logique que même les propositions de la comitologie soient soumises au test de subsidiarité.
- 4.3. Comme le Parlement européen sera dorénavant impliqué dans la comitologie, une formule de coopération entre le Parlement européen et les Parlements nationaux peut résoudre le problème.
- 4.4. Le registre « Comitologie » 2003 suffit.
- 4.5. Le rôle du Parlement n'est pas d'effectuer une évaluation technique.  
Le Parlement doit identifier – même pour les sujets qui semblent, à première vue, techniques – les choix politiques et l'impact de ceux-ci sur la société.  
C'est sur la base de ce « démantèlement technique » que le parlement national doit éclairer son choix politique.

#### **Chapitre 5 : Coopération future avec le Parlement européen**

- 5.1. Les réunions communes du Parlement européen et du Parlement national apportent certainement une valeur ajoutée. Elles fournissent un cadre général au sein duquel les parlementaires nationaux peuvent situer leur travail législatif au niveau national.  
Les rencontres interparlementaires doivent cependant être dosées.  
Souvent les réunions sont « trop organisées » (questionnaires et réunions préparatoires, etc.)  
Les parlements ne disposent pas toujours de la capacité de suivre la prolifération des initiatives du Parlement européen (fréquence, questionnaires à remplir, etc.).
- 5.2. voir point 1
- 5.3. voir point 1

- 5.4. (ainsi 5.5.) Les propositions formulées dans les rapports Leinen, Neyts, Cravinho,... du Parlement européen sur la coopération parlementaire doivent être réalisées.

#### **Chapitre 6 : La dimension septentrionale de l'Union européenne**

- 6.1. occasionnellement, le Parlement belge participe aux activités du Conseil nordique.
- 6.2. non
- 6.3. oui, il serait logique de développer un parallèle avec la Dimension euro-méditerranéenne de l'Union européenne. La « politique de voisinage » qui couvre aussi bien les régions méditerranéennes et nordiques, devrait aussi, en ce qui concerne la dimension septentrionale, avoir une dimension parlementaire (coopération interparlementaire).

Bruxelles, le 10 octobre 2006

### 3. Belgium

#### ***Senate***

##### **Chapitre 1: Subsidiarité et proportionnalité**

1. En ce qui concerne les conclusions du Conseil, comment aimeriez-vous voir le rôle de la COSAC renforcé en rapport avec le contrôle de subsidiarité ?

**La COSAC reste un organe qui permet aux parlements nationaux d'échanger des positions et des idées. Bien que cet échange puisse être intensifié, l'acteur principal pour les contrôles de subsidiarité et de proportionnalité reste le parlement national.**

2. A ce sujet, de quelle façon le rôle des commissions parlementaires d'enquête devrait être pris en compte (par exemple, dans le cas d'un système où les commissions parlementaires d'enquête sont responsables du contrôle de subsidiarité et de proportionnalité) ?

**Dans le cadre du contrôle de subsidiarité, c'est le Comité d'avis fédéral chargé des Questions européennes au parlement belge qui se penche sur tous les sujets européens transversaux. Les commissions permanentes spécialisées font le contrôle quand il s'agit des sujets plus spécialisés ou techniques.**

##### **Chapitre 2: Coopération avec la Commission**

###### **I) Transmission directe des documents de la Commission**

1. La transmission directe de documents par la Commission augmente-t-elle le volume de documents relatifs à l'UE reçus par votre parlement ?

**Oui. Ces documents s'ajoutent aux documents du Conseil que la représentation permanente envoie au Sénat.**

2. D'un point de vue technique, comment votre parlement a-t-il l'intention de traiter des documents qui lui sont transférés directement par la Commission (par exemple en établissant de nouveaux moyens pour la réception des documents, tel une base de données séparée ou l'utilisation de mécanismes déjà existants) ?

**Dans un premier temps, le Sénat utilise les mécanismes et procédures existants. Les documents reçus sont envoyés aux commissions concernées qui utilisent les procédures existantes pour traiter ces documents.**

**L'idée est de combiner les efforts faits dans ce cadre, avec les obligations du Sénat vis-à-vis le système IPEX.**

**Pour la réception des documents, une nouvelle adresse de courrier électronique a été créée, auquel les fonctionnaires du service des affaires européens qui gèrent la transmission de ces documents, ont accès.**

3. Comment pensez-vous réagir aux documents de la Commission?

a) Quel organe de votre parlement aura le contrôle des documents et décidera du contenu de la réaction envers la Commission (par exemple, la commission des affaires communautaires, une commission sectorielle, l'assemblée plénière) ?

**La commission compétente contrôle les documents et décide quelle action doit être prise (pas d'action, débat, proposition de résolution). Si une résolution est proposée par la commission compétente, l'assemblée plénière prend la décision finale.**

b) Votre parlement contrôlera/réagira t-il uniquement aux propositions législatives ou aussi aux documents de consultation, documents de travail etc.?

**Tous les documents reçus de la Commission sont envoyés aux commissions compétentes.**

c) Avez-vous l'intention de garder un temps limite de 6 semaines<sup>3</sup> pour votre réaction ?  
**oui**

d) Si votre parlement est un parlement bicaméral, y aura-t-il une coopération entre les deux chambres concernant le contrôle des documents transmis par la Commission et la réaction à ceux-ci ?

**Non. Les assemblées législatives s'informent mutuellement. Dans ce cadre, un accord de coopération a été conclu entre les assemblées législatives fédérale et régionales.**

e) De quelle façon allez-vous formellement répondre (par exemple : lettre de président du parlement, président de la commission, etc.) ?

---

<sup>3</sup> Le Protocole relatif au rôle des parlements nationaux dans l'UE annexé au Traité d'Amsterdam énonce que six semaines doivent s'écouler entre le moment où la Commission met une proposition à disposition des parlements nationaux et du Conseil en toutes les langues et la date à laquelle elle est mise à l'ordre du jour du Conseil pour être décidée (soit pour l'adoption d'une loi ou pour l'adoption d'une position commune).

**La procédure classique d'envoi des résolutions adoptées par le Sénat est suivie : la résolution est envoyée aux personnes concernées accompagnée d'une lettre du Président du Sénat.**

4. La façon dont votre Parlement traitera des documents directement transmis par la Commission (comparez avec la question 3) différera-t-elle de la procédure utilisée dans le passé par votre Parlement dans le cadre des questions relatives à l'UE ?

**A court terme, il n'y a pas de différence. A long terme, une certaine automatisation (en tenant compte des procédures IPEX) est envisagée.**

5. Votre parlement considère-t-il la transmission directe des propositions législatives et des documents de consultation aux parlements nationaux comme apportant une valeur ajoutée, comparativement à la situation passée ?

**Oui**

## II. La Politique de Stratégie Annuelle

1. Votre parlement a-t-il tenu dans le passé, des débats sur la Politique de Stratégie Annuelle de la Commission?

a) Si oui, quels organes étaient impliqués dans les discussions?  
Quelle était la conclusion des débats et comment a-t-elle été utilisée ? (par exemple, l'adoption d'un avis à soumettre au gouvernement) ?

**Un débat avec le commissaire européen Louis Michel a été organisé par le Comité d'avis fédéral chargé des questions européennes, avec la commission des Relations extérieures et de la Défense du Sénat et la commission des Relations extérieures de la Chambre et des représentants des parlements régionaux de Belgique.**

b) Si non, comment planifiez-vous de traiter de la Politique de Stratégie Annuelle dans le futur?

**Pas d'application**

2. Votre parlement considère-t-il la discussion de la Politique de Stratégie Annuelle comme un atout ?

**Oui**

3. Seriez-vous intéressé d'en discuter dans un contexte interparlementaire (à savoir la COSAC) ?

**Oui, pour des raisons d'information des positions prises par les autres parlements nationaux. Il faut néanmoins insister sur le fait que ce débat ne**

**peut remplacer le débat au niveau national. L'évaluation de la politique de stratégie annuelle de la Commission reste une compétence du parlement national et pas de la COSAC.**

### **Chapitre 3 : Justice et affaires intérieures : une question de passerelle**

1. Votre parlement a-t-il discuté de l'initiative de la Commission ?

**Oui, durant le débat au sein du Comité d'avis fédéral chargé des questions européennes concernant les résultats du Conseil européen de juin 2006.**

2. Quelle est l'opinion de votre parlement à l'égard de cette initiative?

**Durant cette réunion, M. Philippe Mahoux, président de la délégation du Sénat auprès du Comité d'avis fédéral chargé des questions européennes, a remarqué qu'en ce qui concerne les passerelles en matière de Justice et Affaires intérieures, le Sénat est amené à ratifier des traités internationaux conclus en dehors du cadre de l'Union européenne, par exemple le traité de Prüm sur la criminalité organisée, le terrorisme et la migration illégale. On est donc confronté à un accord sur des matières du troisième pilier de l'Union européenne, mais dans un cadre multilatéral, ce qui veut dire que les citoyens européens ne bénéficient pas du même niveau de protection garanti à tous par les traités européens.**

**Le Sénat n'a pas formulé d'opinion à l'égard de cette initiative.**

3. Votre gouvernement a-t-il pris position par rapport à cette initiative et si oui, comment votre parlement en a-t-il pris connaissance ?

**Durant cette réunion, M. Guy Verhofstadt, Premier ministre, a fait remarquer que la même problématique s'est posée en ce qui concerne les accords de Schengen, qui étaient aussi une forme de coopération renforcée mise en place en dehors des traités européens. C'est pourquoi il est partisan de l'utilisation des passerelles pour communautariser la politique de justice et affaires intérieures.**

4. Comment votre parlement peut-il influencer sur la position de votre gouvernement relative à cette initiative ?

#### **Par les instruments classiques de contrôle parlementaire**

5. Est-ce que le transfert de certaines questions relevant de la Justice et des affaires intérieures du troisième pilier vers le premier aurait un impact sur la manière dont votre parlement exerce son contrôle sur ces politiques ?

**Non**

#### **Chapitre 4 : Comitologie**

1. Votre parlement a-t-il suivi les changements récents dans la procédure de comitologie ?

**Non. Ceci est un aspect du pouvoir exécutif.**

2. Est-ce que dans le passé votre parlement/chambre a contrôlé les décisions prises dans le cadre de la procédure de comitologie, et si, comment la procédure fonctionne-t-elle ? Envisagez-vous de vous occuper de la comitologie à l'avenir ?

**Non**

3. Pensez vous que le délai imparti pour l'examen des décisions parlementaires dans les procédures de comitologie est suffisant? Sinon, comment pensez vous qu'il puisse être amélioré?

**Pas d'application**

4. Pensez vous que le registre "Comitologie" de la Commission, qui a été créé en décembre 2003, donne assez d'informations sur les procédures de comitologie en cours/en suspend? Sinon, comment ce registre pourrait-il être amélioré?

**Pas d'application**

5. Y a-t-il une distinction au sein de votre assemblée entre les sujets techniques et les sujets politiques? Si oui, comment? Contrôlez-vous ces deux types de sujets?

**Pas d'application**

#### **Chapitre 5 : Coopération future avec le Parlement européen**

1. Votre parlement considère-t-il que les réunions communes apportent une valeur ajoutée à la coopération interparlementaire et/ou au travail de votre parlement ? Veuillez expliquer.

**Oui. Ce sont des moments d'échange d'information entre les parlementaires.**

2. Votre parlement considère-t-il que les sujets sélectionnés pour les réunions sont intéressants et d'actualité ? Les sujets sélectionnés pour les réunions satisfont-ils les intérêts des parlements nationaux et du Parlement européen ?

**Oui**



3. Votre parlement est-il satisfait du nombre de réunions actuellement organisées (à savoir, par Présidence, à peu près deux Rencontres parlementaires et des Rencontres des commissions parlementaires) ?

**Oui. Une augmentation du nombre des réunions risque d'alourdir trop le travail des parlementaires au sein du parlement national.**

4. Votre parlement a-t-il des observations à faire sur la question de comment continuer à développer l'organisation des Rencontres parlementaires et des Rencontres des commissions parlementaires ?

**Non.**

5. Avez-vous des suggestions à faire sur d'autres formes possibles de coopération entre les parlements nationaux et le parlement européen ? Veuillez expliquer.

**Non**

#### **Chapitre 6 : La Dimension septentrionale de l'Union européenne**

La Dimension Septentrionale se développe à l'intérieur des organisations européennes et intergouvernementales, ainsi que dans les organisations internationales, dont quelques-unes ont une dimension parlementaire (par exemple, le Conseil des Etats de la Mer Baltique – CEMB; le Conseil Euro Arctique de la Mer de Barents – CEAB; le Conseil Arctique – CA; le Conseil Nordique des Ministres – CNM; «Coopération parlementaire dans la région de l'Arctique»; «la Conférence Parlementaire de la Mer Baltique»; le Conseil Nordique).

1. Veuillez indiquer si votre parlement participe au travail d'une des organisations précitées. Dans l'affirmative, comment votre parlement coordonne t-il sa participation globale à ou son contrôle des affaires étrangères et européennes, avec le travail effectué par ses délégations en coopération avec ces organisations?

**Non.**

2. Votre parlement suit-il les politiques et activités de la Dimension Septentrionale de l'UE (par exemple, la Dimension Septentrionale pour les politiques de l'Union, les Directions se rapportant à l'implémentation de la Dimension Septentrionale, le Premier et le Deuxième Plan d'Action relatif à la Dimension du Nord, les Directives se rapportant au développement d'une déclaration politique et d'un document relatif à la structure de la politique pour la politique de la Dimension Septentrionale à partir de 2007 ?

**Non.**

3. Votre parlement considère t-il que la Dimension Septentrionale fait l'objet d'un contrôle parlementaire adéquat ? Devrait-on tirer un parallèle avec la Dimension Euro-méditerranéenne de l'Union ?

**Pas d'application.**

## 4. Cyprus

### Chapter 1: Subsidiarity and proportionality

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

**The organization of special meetings at COSAC level dealing only with the subsidiarity and proportionality check whereby the annual legislative programme of the Commission could be discussed in place of the current practice of merely pinpointing proposals by individual Member States.**

**Furthermore, at a later stage, meetings could be arranged whereby individual legislative proposals of utmost importance to Member States could be discussed in depth pertaining to subsidiarity and proportionality.**

**Moreover, COSAC could further promote interaction between national parliaments during the examination of proposals on the subsidiarity and proportionality principle.**

**In order to promote the more effective use of the IPEX system, national parliaments could post a small summary in English on each relevant document in the system so as to enable other national parliaments to be aware of their positions concerning the proposal.**

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

**In the case where the select committees of national parliaments are involved in the subsidiarity and proportionality check, COSAC could promote the coordination and organization of joint meetings of these committees and possibly those of the European Parliament where interested parties can participate in the discussion of the matter at hand.**

**As a first step, the relevant European Parliament committees could be consulted on matters relating to the subsidiarity and proportionality principle as soon as the annual legislative programme of the Commission is examined in order to get a first impression of their views on each proposal. This would enable the future organization of joint meetings with national parliaments to conduct the subsidiarity and proportionality principle on each proposal.**

### Chapter 2: Cooperation with the Commission

## I) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

**Yes.**

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

**There will be no new database created specifically for Commission documents. Documents which are forwarded to the select committees as well as those which are under discussion before the European Affairs Committee are duly introduced in the database of the recently introduced Office Automation System. There are thoughts to gradually introduce all Commission documents in the abovementioned system in the near future for ease of reference, archiving and processing of such documents.**

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

**At the current stage the European Affairs Committee has expressed interest in examining each proposal pertaining to the subsidiarity and proportionality principle. However the involvement of the sectoral committees and the plenary is a possibility to be considered.**

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

**At the current stage the European Affairs Committee examines mainly legislative proposals**

c) Do you intend to keep a six-week time limit<sup>4</sup> for your reaction?

**Yes, in as much as this is practically possible.**

---

<sup>4</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

**Not applicable.**

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

**The matter is under consideration.**

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

**Being a new Member State with no previous experience in dealing with EU documents we have not yet developed a definitive procedure.**

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

**Yes. All documents are now submitted directly by the Commission thereby overcoming problems previously faced where the government failed to transmit the relevant documents to the parliament in time to provide the parliament with a genuine opportunity to examine these and formulate a position on each matter.**

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

**The European Affairs Committee has dealt with the Annual Legislative Programme of the Commission.**

a) If yes, which bodies were involved in the discussion?  
What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

**The European Affairs Committee.**

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

**The European Affairs Committee is planning to examine the Annual Policy Strategy.**

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

**Yes.**

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

**Yes.**

**Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

**No.**

2. What is the view of your parliament vis-à-vis this initiative?

**Not applicable.**

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

**Yes. Information received verbally by technocrats of the competent ministry.**

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

**Due to the political system (clear separation of powers) the House of Representatives cannot legally bind the government. However, it can exert political influence.**

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

**No.**

**Chapter 4: Comitology**

**The House of Representatives of the Republic of Cyprus has never been involved with the comitology procedure.**

1. Did your parliament follow the recent changes in the comitology procedure?

**No.**

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

**No.**

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

**No.**

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

**No.**

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

**No.**

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

**The House of Representatives shares the opinion that the different joint meetings organized, are of great importance for the further strengthening of cooperation among the national parliaments.**

**Due to the fact that these meetings are becoming somewhat a regular form of cooperation between parliaments, this provides an opportunity for a valuable exchange of opinions between the members of national parliaments, as well as an opportunity for programming measures and actions related to the different issues under debate. Moreover, participation by representatives of competent Committees of National Parliaments provides a valuable insight into the approach of the Union's institutions to issues of vital interest.**

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

**Yes.**

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

**Yes, taking into account that the House of Representatives is a small Parliament with a limited number of Members undertaking a lot of commitments.**

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

**No.**

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

**Committees of the European Parliament could visit on a more regular basis National Parliaments. Also, in order to foster relations between national parliaments, similar meetings should be hosted by the national parliaments of the Member States.**

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

**No.**



2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

**No.**

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

**It is necessary for coordination so that activities of the various organisations in the area are not duplicated.**

## 5. The Czech Chamber of Deputies

### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

*The COSAC should serve as a forum for an exchange of the best practices, information and views between national parliaments on subsidiarity issues. We deem its present role satisfactory.*

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

*The select committees should be engaged into deliberation of the EU documents at the national level.*

### **Chapter 2: Cooperation with the Commission**

#### **1) Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

*Yes. However, the increase is merely quantitative. Since the Chamber of Deputies is directly connected to the EU Extranet of the Council, the new communication channel only means, that the same documents are delivered also by an alternative way.*

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

*A new, specific e-mail box was established in order to receive and archive the documents. Since the way of transmission does not enable to sort the delivered documents according to their subject, no separate database will be created and thus the role of the new communication channel will be mostly supportive.*

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

*In the Chamber of Deputies the EU agenda is scrutinised primarily in the Committee on European Affairs. Documents of high importance may be nevertheless also scrutinised in the plenary and/or forwarded to responsible sectoral committees.*

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

*The nature of the document (i.e. whether it is legislative proposal or not) is only one of the assessment criteria for the decision on the scrutiny level of a document. Therefore, the scrutiny applies to different kinds of documents and subsequently the reaction may as well concern any document irrespective of its nature.*

c) Do you intend to keep a six-week time limit for your reaction?

*Yes.*

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

*Most probably no. With respect to the different political composition of the chambers their positions and reactions to single documents may differ significantly.*

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

*An usual course of action would be to reply through a letter of the chairman of the Committee on European Affairs after the deliberation of the matter by the Committee. In case of subsidiarity check, the Committee sends its resolution to the European Commission, Council of the European Union, European Parliament and to the COSAC chairpersons.*

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

*No. In fact, there will be no specific procedure regarding the directly transmitted documents. However, the date of delivery from the Commission will be decisive for the calculation of the six-week time limit granted by the Protocol on the role of national parliaments in the EU.*

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

*The Chamber of Deputies does regard as an added value the earlier transmission date (compared to the Council's EU Extranet) and the possibility to communicate its opinions to the Commission directly.*

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

*No.*

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

*Discussion of the Annual Policy Strategy were so far held only under the debate on the Commission's Legislative and Work Programme on the level of the Committee on European Affairs. In the future, the Annual Policy Strategy shall be the focus of the debate.*

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

*Yes. The Committee on European Affairs considers the discussion of the Annual Policy Strategy more desirable than discussing the Legislative and Work Programme of the Commission because of the latter's more general nature.*

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

*Yes.*

## **Chapter 3: Justice and Home Affairs: question of passarelle**

1. Has your parliament discussed the Commission initiative?

*The Chamber of Deputies has already discussed the possibilities of the Article 42 of the Treaty on European Union in the Committee on European Affairs as a part of a discussion following the scrutiny of the delivered documents.*

2. What is the view of your parliament vis-à-vis this initiative?

*Generally speaking, the Committee on European Affairs supports the attitude of the Government towards so called “passerelle clause”. The Czech Republic confirms the need to open the discussion towards the more efficient decision-making in police cooperation, but the Czech Republic does not consider the “communitarisation” via the passerelle clauses of the third pillar as the only solution to the actual state of negotiation. However, no specific resolution has been passed so far.*

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

*Not yet.*

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

*Yes, the Chamber of Deputies can exert influence on the stance of the Government vis-à-vis this initiative. The Committee on the European Affairs or the Chamber of Deputies itself can ask the Government to follow its instructions.*

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

*No. The Chamber of Deputies exercises the similar scrutiny system for the acts issued in the framework of the I. as well as in the III. pillar. The difference is made in accordance to the field that is treated by the document.*

#### **Chapter 4 :Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

*Yes, the Chamber of Deputies follows all the recent changes in the comitology carefully.*

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

*There has been no scrutiny of a decision taken within the comitology procedure.*

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

*No opinion.*

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

*The Register is not a subject of our regular interest.*

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

*No such distinction is made.*

## **Chapter 5 :Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to interparliamentary cooperation and/or the work of your parliament? Please explain.

*The Chamber of Deputies highly appreciates the contacts with the European Parliament and it welcomes the Joint Parliamentary and Joint Committee Meetings as a basis for regular cooperation and communication.*

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

*The topics selected to the meeting by the Member State holding the Council Presidency and the European Parliament have so far been chosen appropriately to the significance of these meetings.*

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

*Yes.*

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

*This matter is currently subjected to a discussion.*

5. Do you have any suggestion concerning other possible forms and ways of cooperation between national parliaments and the European Parliament? Please explain.

*Two Joint meetings seem to be appropriate for regular cooperation. Other meetings should be considered ad hoc.*

## **Chapter 5 :Northern Dimension of the European Union**

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

*The Chamber of Deputies does not participate in the work of the organizations mentioned above.*

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

*The Chamber of Deputies follows all the Northern Dimension policies and activities with the utmost attention, however it does not specifically focus on the issues related to the Northern Dimension.*

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

*The Chamber of Deputies considers the existing scrutiny of the Northern Dimension to be adequate and it will follow all the future progress.*

## 6. Czech Senate

### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

*Under current provisions of the Treaties, the COSAC should play the role of the body enhancing the capacity of parliaments to deal with subsidiarity issues (the annual selection of potentially sensitive legislative proposals for coordinated subsidiarity test, support for information exchange via IPEX, discussions during COSAC meetings).*

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

*Due to very different internal structure and powers of bodies of national parliaments, the equivalent communication among select committees cannot be generally provided for at European level. Nevertheless, they should be engaged implicitly through the EU-Affairs Committees of legislatures of the Members States.*

### **Chapter 2: Cooperation with the Commission**

#### **1) Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

*Strictly speaking it does because more documents come to the Czech Senate. However, the Senate is and has been receiving all legislative proposals and communication documents via CZ government from the EU Extranet of the Council of the EU. Therefore, we do not receive anything new.*

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

*A special E mail address has been created to receive documents directly transmitted from the Commission but no new technical means to deal with the documents seem necessary. Existing mechanisms for management of incoming documents are being used, the Commission source serving as an addition. The Czech Senate does not change its procedures on the "input" side but rather focuses on the "output" i.e. the possibility to address Commission directly with Senate reactions.*

3. How do you intend to react to the Commission's documents?



*As part of general ex-ante scrutiny, the Senate will, in cases where it deems necessary, address the Commission with its comments, recommendations and opinions. These will take the form of Senate resolutions and will be discussed and voted by the plenary if a Senate Committee recommends doing so.*

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

*The two designated committees, EU or Foreign Affairs Committee, may on their own initiative or on behalf of sectoral committees, recommend to the plenary a reaction towards the Commission. Should there be an opinion from the Czech Senate addressed to the Commission, it will always go through the plenary.*

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

*The Czech Senate will continue scrutinising all above mentioned documents in its normal procedure and the possibility to address a reaction to the Commission is open in all those cases.*

c) Do you intend to keep a six-week time limit<sup>5</sup> for your reaction?

*We do intend to do so; however, Senate parliamentary practice shows that this is a deadline not always possible to keep.*

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

*Unresolved at the moment.*

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

*A letter of the Senate speaker with attached resolution.*

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

*No.*

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

*Yes. The Czech Senate is above all eager to see how the Commission will take the reactions of national parliaments into account.*

---

<sup>5</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

*A debate on APS was held in 2004 as part of Legislative and Work Programme of the Commission for the year 2005. In 2005 only the LWP 2006 has been discussed.*

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

*The EU Affairs Committee discussed the APS. It has been taken into account therefore the outcome was not further used.*

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

*The APS has been evaluated as too general for any substantial discussion to take place. The participation of European commissioner could make the discussion valuable. There is, however, no formal decision on how to deal with APS in the future.*

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

*See answer to point 2.*

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

## **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

*The Commission Communication "A Citizens' Agenda - Delivering Results for Europe" was subject to debate in the EU Affairs Committee shortly after its publication. The Committee has approved a recommendation for resolution of the Senate that will be on the agenda of the plenary on October 5<sup>th</sup>. In this document a first brief mention is made on the bridging clauses of art.42 TEU and 67(2) TEC. Committee deems it necessary that the invocation of these very provisions should be, with regard to the importance of eventual changes, preceded by a thorough debate with representatives of national parliaments.*

2. What is the view of your parliament vis-à-vis this initiative?

*See answer to question no.1.*

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

*As all other governments, the Czech government has taken a position on the initiative. The reserved approach of the Czech government was presented at the recently held Tampere Informal Council. However there has been no official information given to the Senate on the government's position as yet.*

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

*According to the constitutional and related provisions of the Czech legal order, the Senate surely would be able to influence an outcome resulting in an “action” scenario, i.e. if a decision on transfer was to be eventually proposed. This would be done through both ex-ante scrutiny of the proposal and through ratification process by both chambers of the Czech Parliament that the agreed Council decision would most likely have to endure. On the contrary, in case of a “non-action” scenario, i.e. should there be no formal proposal tabled, the influence on discussions is more limited. It would take the form of a request for information on the Government’s position on the subject. A discussion on the Government’s stance, within at least the EU Affairs Committee, is planned.*

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

*Not fundamentally. In fact, only procedural changes would need to be made. The ex-ante scrutiny process on III Pillar instruments is currently covered by the Foreign Affairs and Security Committee while all other issues besides CFSP are dealt with by the Committee on European Affairs. Should the transfer be realized, this division would no longer be deemed sensible.*

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

*Individual senators and naturally expert staff have; there has not been a formal debate in Senate bodies.*

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

*No scrutiny in the past. As for the future, comitology is seen as a sensitive area that escapes control by national parliaments; however, no concrete practise is put forward yet.*

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

*Since the Czech Senate has never carried out scrutiny of decisions taken within comitology procedures, there cannot be an informed answer. Given the amount of work in regular ex ante scrutiny, the Senate may not have the means to engage in scrutiny of decisions taken within comitology procedures.*

4. Do you find that the Commission’s Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

## **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

*Exchange of views with colleagues from other national parliaments is in general highly valued. Joint meetings bring new impetuses for the work of the Senate.*

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

*Yes.*

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

*This number seems to be almost too high especially as regards Joint Parliamentary Meetings. The decision as to how many joint meetings per presidency are held should not be mechanically by number but by pertinence and importance of topics on the agenda of the presidency.*

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?
5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the afore mentioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

*Czech Senate does not participate in any of the afore mentioned organisations.*

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

*No.*

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

## 7. Denmark

### Chapter 1: Subsidiarity and proportionality

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?
2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

**Despite COSAC's more active approach in the course of the past two years as far as getting involved in monitoring the principle of subsidiarity is concerned, there is still room for strengthening the role of COSAC in this field.**

**COSAC is a forum in which contacts on subsidiarity issues can take place between the competent committees of national parliaments at political level. Its function should be to facilitate an exchange of information and best practices regarding how to deal with the subsidiarity principle in the national context, to discuss common problems and occasionally to set out common recommendations for improved practices for European Union institutions regarding compliance with the subsidiarity principle. An example of how this could be done was provided by the Luxembourg COSAC in May, 2005, when the third railway package was examined as a pilot project to test the subsidiarity early-warning mechanism in the Constitutional Treaty. Also the decision by COSAC to examine two legislative proposals during 2006 as regards their compliance with the subsidiarity principal demonstrates that national parliaments are keen to strengthen their role in this field.**

**COSAC is the ideal forum for exchanging information and views between national parliaments on subsidiarity issues, because it comprises the main actors in most national parliaments when it comes to monitoring subsidiarity i.e., the European affairs committees. But it would be an even more useful forum if national parliaments would open COSAC up to the participation of sectoral committees, which have an important role in the scrutiny of European Union matters in some of the national parliaments.**

**As far as the treaty-based role of COSAC is concerned, no fundamental changes are needed. The protocol to the Amsterdam Treaty on the role of national parliaments already provides COSAC with the authority to examine any legislative proposal or initiative and allows it to address contributions to the EU institutions notably in relation to the application of the principle of subsidiarity.**

### Chapter 2: Cooperation with the Commission

#### I) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

**No. The Danish Parliament already receives all Commission documents through an automatic web-service developed by the Parliament. The automatic transmission of documents from the Commission will merely change the method of document collection (from pull to push).**

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

**There are already two specific databases used by the Danish Parliament which contain Commission documents: an internal parliamentary database used to associate Commission documents with other parliamentary documents and questions - and an external web based service which allows users to find all relevant documents with regards to a specific legislative procedure. There are currently no plans to change these systems.**

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

**The EU committee will coordinate all action on parliamentary opinions. Relevant dossiers may be referred to a sectoral committee, in which case a joint opinion will be issued from the Chairs of the relevant committees.**

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

**Since the implementation of the Treaty of Amsterdam, the Danish Parliament has had procedures in place to react to consultation documents. This practice will continue and will be supplemented by possible opinions on individual legislative texts. It is not beyond the remit of the Committee to issue an opinion on a working document; however consideration of working documents will usually be part of the scrutiny of a legislative procedure.**

c) Do you intend to keep a six-week time limit<sup>6</sup> for your reaction?

**The Commission has not adopted any specific time limit for parliamentary opinions on legislative acts; however the Danish Parliament will strive to issue opinions as early as possible in order to ensure their relevancy. With regards to consultation documents, the Danish Parliament will strive to meet the deadlines as formulated in the individual documents.**

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

---

<sup>6</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

N/A

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

**Opinions will be issued by the relevant committee chairs**

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

**No.**

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

**Yes - as a political commitment from the Commission to have a direct relationship with the national parliaments. Particular importance is placed on the Commission's commitment to reply to parliamentary opinions.**

II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

**Yes**

a) If yes, which bodies were involved in the discussion?

**The European Affairs Committee has in the past reviewed the Commissions Annual Policy Strategy during the course of its regular scrutiny of EU matters.**

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

**No formal declaration or opinion was issued as a result of the meeting, however MPs and MEPs had an opportunity to ask questions and make their opinions known to the Danish Government and Commission during the course of the hearing.**

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

**The Danish Parliament is awaiting a decision from the EU Speakers Conference with regards to how to set up a coinciding debate on the Annual**



**Policy Strategy and the Work Programme. The current Slovak Presidency of the Speakers Conference has been mandated to look into this matter.**

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

**Yes.**

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

**Yes - see above.**

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

**The European Affairs Committee had a discussion with the Minister of Justice on 11 May 2006 about among other things the Commission initiative. Furthermore the Minister responded to questions about the initiative during question time on 17 May 2006.**

2. What is the view of your parliament vis-à-vis this initiative?

**No formal decision has been taken as regards the Parliament's position vis-à-vis this initiative.**

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

**According to a statement of the Minister of Foreign Affairs during question time in Parliament on 17 May 2006, the Danish Government will not hinder a transfer of competence from the third pillar to the first pillar. However, because of the Danish "opt-out" in the field of Justice and Home Affairs, Denmark will not be able to participate in this part of the cooperation in the event of a transfer.**

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

**Yes, a majority in Parliament could exert influence on the stance of the Government either through a decision in the Chamber or a mandate in the European Affairs Committee.**

**Influence can also be exerted through traditional means such as debates, questions to Ministers, etc.**

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

**Yes, a transfer of areas in the field of Police and Judicial Cooperation to the first pillar would affect the way the Folketinget scrutinizes these policies.**

Currently Denmark participates fully in this area, which means that all decisions taken are subject to full scrutiny by parliament. In some cases it is obligatory for the Government to obtain the consent of Parliament in other cases a mandate can be granted by the European Affairs Committee.

However, because of Denmark's opt-out in the field of Justice and Home Affairs, a transfer of areas from the third to the first pillar would mean that Denmark no longer would be bound by decisions in these areas. Consequently Denmark would not take part in any adoptions or votes in the Council.

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

**Yes, the proposal on a reformed comitology system was followed by the European Affairs Committee, which mandated the government on the issue before the council adopted the new decision.**

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

**Yes, this has happened at numerous occasions. All important draft implementing measures (proposals for directives, regulations and decisions) tabled by the Commission within the regulatory procedure and proposals with a general scope within the management procedure are forwarded to the European Affairs Committee. In addition to this the committee mandates the Government concerning all such proposals provided they are *of a greater importance*.**

**In practise most comitology proposals are presented to the committee through a written procedure because of the short deadlines. However, as far as proposals of a greater importance are concerned, they must be put on the agenda of the committee to allow it to mandate the Government on the issues.**

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

**An important problem with the comitology system is the short time made available for parliamentary scrutiny. Today the Commission only gives the comitology-committees a period of two weeks to raise objections from the time when draft measures are forwarded to Member States. We would like to suggest that this period of time is extended to four weeks to allow adequate parliamentary scrutiny**

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

**The Register of Comitology has improved transparency in the field of Comitology significantly. However, the Register only contains references to the draft measures forwarded to the committees but not the draft measures themselves. It would increase**

**transparency if the draft measures were made available to the parliaments in the Register at the same time as they are transmitted to governments.**

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

**Only “important” draft implementing measures (proposals for directives, regulations and decisions) tabled by the Commission within the regulatory procedure and proposals with a general scope within the management procedure are scrutinised by the European Affairs Committee.**

**In practise it is the Government that assesses which draft implementing measures are “important” and should be forwarded to the committee for scrutiny.**

## **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

**Parliamentary meeting are always helpful in order to enhance parliamentary awareness on specific EU matters and as a means to strengthen networks amongst parliamentarians. Joint parliamentary meetings have in particular helped enhance the cooperation between the European Parliament and the National Parliaments on a practical level.**

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

**Yes.**

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

**Yes, however the number of other (ad hoc) parliamentary meetings hosted by the European Parliament is problematic. It can be difficult for members of parliament to understand the difference between a Joint Parliamentary Meeting and an ad hoc meeting hosted by a committee of the European Parliament. In general, the ad hoc meetings hosted by committees are organized with very short notice and often lack the professional organization that we have come to expect from the Joint Parliamentary Meetings. Indeed it can be difficult for national MPs to prioritize their attendance in parliamentary meetings, as there does not appear to be an overall strategy vis á vis the national parliaments.**

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

**Thus far the Joint Parliamentary Meetings have focused on areas where the national parliaments and the European Parliament have joint responsibility - or in areas that are the sole responsibility of Member States. It might also be an idea to hold Joint Parliamentary Meetings in areas of political concern where the European Parliament**

is co-legislator.

**In addition particular consideration should be given to the administration of speaking time during these meetings. Not only should members of national parliaments be given at least a 2/1 advantage in speaking time - speaking lists should not be managed in such a way as to benefit the political groups of the European Parliament (speaking lists should be evenly distributed - members of the EP should not be given special treatment to speak first, so as to allow them to leave the meeting after they have spoken).**

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

**In the periphery of parliamentary meetings hosted by the European Parliament, it might also be useful if the European Parliament decided to host meetings for accompanying staff members from the national parliaments. This would allow parliamentary officials to strengthen their parliamentary networks with officials from EU parliaments.**

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

**The Danish Parliament participates in the parliamentary conferences of the Nordic Council, the Baltic Sea Council and the Arctic Council.**

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?
3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

**The Folketinget is satisfied with the existing parliamentary cooperation on the development of the Northern dimension.**

## 8. Estonia

### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

The procedure used at the moment by COSAC works well, although the possibility to submit common positions should be more readily employed.

In addition, there should be in place an information exchange system on a regular basis regarding the additional subsidiarity checks conducted by national parliaments that are not coordinated by COSAC. The exchange of information should preferably take place through the IPEX website. In order to facilitate access to the information, national parliaments should strive to provide on the IPEX website translations to English of the opinions where they have found a breach on the subsidiarity principle. The COSAC secretariat should compile annual summaries on the subsidiarity checks conducted by national parliaments.

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

During the subsidiarity and proportionality checks in the Riigikogu the standing committees have been involved in the process only by giving their opinion to the EU Affairs Committee. In practical terms they could be encouraged to exchange information with their colleagues from respective committees in other parliaments.

### **Chapter 2: Cooperation with the Commission**

#### **I) Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

Yes, because the EU Affairs Committee of the Riigikogu has full access to the Government's EU documents database.

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

Existing mechanisms.

3. How do you intend to react to the Commission's documents?

- a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

We do not intend to introduce additional or new procedures due to transmission of the Commission documents.

- b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

All documents which have an impact on Estonian legislation or have significant social and/or economic consequences.

- c) Do you intend to keep a six-week time limit<sup>7</sup> for your reaction?

We intend to, but from a legal point of view we need the Government's position on a given document to react to.

- d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

-----

- e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

EU Affairs Committee Chairman's letter (EUAFCO gives its position in the name of the Riigikogu)

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

No

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

Depends on how it will work out in practice.

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

No, only **LWP**

---

<sup>7</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

a) If yes, which bodies were involved in the discussion?

EU Affairs Committee and the committee took note of the programme.

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

In the same manner, however trying to involve the sectorial committees more.

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

Yes, within the committees' framework, not plenary.

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

Yes, it seems to be a good idea.

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

The question of passerelle has been discussed in the Riigikogu only by the EU Affairs Committee. First, the issue was discussed in the framework of Estonia's positions in the European Council held in 15 and 16 June, 2006 (EU Affairs Committee sitting on 12 June, 2006). Next, the question was touched upon in the framework of Estonia's positions at the Justice and Home Affairs Council meeting held in 24 July, 2006 (EU Affairs Committee sitting on 21 July, 2006). And recently, the EU Affairs Committee debated on the question of passerelle during its 15 September, 2006 sitting in the framework of Estonia's positions at the informal Justice and Home Affairs ministerial meeting held in 21 and 22 September, 2006.

2. What is the view of your parliament vis-à-vis this initiative?

The EU Affairs Committee supports the position of the government (see answer to question no. 3).

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

The government has discussed the initiative in the context of Estonia's positions in the European Council held in 15 and 16 June, 2006 and at Justice and Home Affairs Council meeting held in 24 July, 2006.

The government supports the making of the functioning of the EU more efficient and the development of different areas in the framework of the existing treaties. The problems arisen during the ratification process of the Constitutional Treaty should not hold back

further development of the EU. Nevertheless, the decisions should not endanger the perspective for entering into force of the Constitutional Treaty and it should not be possible to interpret these decisions as picking out certain parts from the Constitutional Treaty. The government welcomes opening of the debate on making police and judicial cooperation in criminal matters in the EU more efficient in the framework of the existing treaties since the current decision-making system hinders the attainment of results (government sitting on 25 May, 2006).

Thus, in order to achieve results the decision-making process regarding Title VI of the Treaty on European Union needs to be made more efficient. In principle, the government supports reaching this aim in the framework of the existing treaties. At the same time, while making the decision-making process more efficient we should not jeopardize the entering into force of the Constitutional Treaty. However, the specific proposals contained in the communication on implementing the Hague Programme: the way forward [COM (2006) 331] need further analysis (government sitting on 20 July, 2006).

The parliament has been informed about these positions through the EU Affairs Committee where the aforementioned positions were discussed prior to the Council meetings (see answers to questions no. 1 and 2).

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

Yes, the parliament can influence the government position through the EU Affairs Committee. The EU Affairs Committee discusses the government positions prior to the Council meetings and may form an opinion that does not concur with the government position.

As regards the communication on implementing the Hague Programme: the way forward [COM (2006) 331], the government is expected to submit the communication as well as government position on it to the parliament in the nearest future. The Board of the Riigikogu shall forward the documents to the EU Affairs Committee and designate one or more relevant standing committees to provide an opinion on the communication to the EU Affairs Committee. After receiving the opinion(s) the EU Affairs Committee shall discuss the communication and form an opinion. Again, it is possible that the opinion of the EU Affairs Committee does not concur with the government position.

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

No.

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?  
Not as a separate agenda topic.



2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

Rarely and in the cases the committee was discussing comitology related issues, it has been the Government to inform about the relevant issues.

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?
4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?
5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

All documents which have an impact on Estonian legislation or have significant social and/or economic consequences are scrutinised.

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament?

Yes, they provide different points of view and reasoning as well as give a European perspective to some issues that otherwise could be treated in purely domestic context.

2. Does your parliament consider that the topics selected to the meetings are interesting and topical?

Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament? Yes

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

Yes.

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?
5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference" - BSPC; Nordic Council, Baltic Assembly - BA).

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

Council of the Baltic Sea States – CBSS; Baltic Sea Parliamentary Conference – BSPC, Nordic Council – NC, Baltic Assembly – BA.

Estonian parliament is represented through the Estonian delegation to the Baltic Assembly, which is a member or a cooperation partner in the abovementioned intergovernmental and parliamentary organisations. The aim is to follow the developments and management of problems in the region.

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)? Yes.
3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension? Yes.

## 9. Finland

### Chapter 1: Subsidiarity and proportionality

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

**COSAC is a useful arena for exchanging information on subsidiarity in general. The theme could be a permanent topic on the agendas, and the discussions could concern subsidiarity control practices in general or specific, topical questions like infringements found by parliaments or whether the Commission's assessments are adequate etc.**

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

**In the Finnish system, the select committees are fully involved also in subsidiarity monitoring. Before every COSAC meeting the EU committees should consult with their select committees about the agenda.**

### Chapter 2: Cooperation with the Commission

#### 1) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

Not really. The same documents have always been available from several sources.

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

**The basis for our EU scrutiny will continue to be the communications from the Finnish government, which includes all those Commission documents that, in the Finnish view, need to be dealt with in parliament.**

**The documents sent by the Commission are retained for a short time in a dedicated mailbox, and deleted when the mailbox is full. As all the documents are stored both in Finnish and Institution-maintained databases, with appropriate search functions, setting up a parliamentary database has been deemed redundant.**

3. How do you intend to react to the Commission's documents? **See above.**

**The Parliament does not intend to deal with these documents at all, as that would only duplicate existing procedures.**

- a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?
- b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?
- c) Do you intend to keep a six-week time limit<sup>8</sup> for your reaction?
- d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?
- e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

**We don't intend to deal with them.**

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

**Several other parliaments consider that the transmission of documents by the Commission provides added value, and the Eduskunta must accept this. The Eduskunta itself sees no added value and notes that all these documents have always been available to all – and frequently the Commission has invited comments by anyone interested.**

## II. Annual Policy Strategy

---

<sup>8</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

**No.**

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

**We could possibly organise a discussion in the Grand Committee. There seems to be rather limited interest in this exercise in the Eduskunta.**

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

Such discussions would be useful only if they led to some kind of result or at least interaction. There are also reservations of principle: are national parliaments really the counterparts of the Commission?

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

**We see it as a useful topic for COSAC only if the meeting is organised just after the release of the Strategy.**

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

**We have dealt with the matter in the Internal Affairs Committee, Legal Affairs Committee and the Grand Committee.**

2. What is the view of your parliament vis-à-vis this initiative?

**We support the work to improve decision making in the third pillar issues, but we note that there are some problems concerning material criminal law.**

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

**Yes, the Finnish presidency has been a moving force behind this initiative, which has been subject of regular consultations with the Eduskunta. We are currently (27 September) awaiting the government's report from the Tampere**

**informal ministers' meeting, and any policy modifications the government may have adduced.**

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

**According to the Finnish EU-scrutiny, the government is politically obliged to take into account the views of Eduskunta.**

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

**No.**

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

**Yes, we did.**

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

**In some cases yes, but these are rare exceptions.**

**In most cases, matters delegated to the comitology procedure do not require parliamentary scrutiny, either because the substance issues are within the delegated powers of the government or administration, or because the European legal act referring the issue to comitology is deemed to contain a delegation approved by the Eduskunta. Where these conditions are not fulfilled, the government is obliged to seek parliamentary sanction for its representative's actions in the comitology procedure.**

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

**We have been able to work under the given time limits.**

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

**We have no experience of the Commission's register. It is the job of the Finnish government to keep the Eduskunta informed of any procedures requiring parliamentary sanction.**

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

**No distinction made or needed. Either there is a delegation of authority in Finnish law, or else the government submits the issue to the Eduskunta.**

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

**Yes we do. Their value lies primarily in the exchange of information and informal networking.**

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

**Generally, they do.**

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

**We feel that the number of meeting is sufficient. More meetings would disturb the main task of parliaments as a legislator – and scrutiniser of EU legislation.**

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

**We feel that basic rules should be agreed between national parliaments and the European Parliament on JPMs and JCMs. This would make cooperation more simple and efficient.**

**The basis for cooperation should be equality between co-organisers. This means that agendas, the practical organisation of meetings (speaking time, keynote speakers, working groups etc.) and output (reports, public information etc.) need to be agreed between the co-organisers, and the agreement respected by both.**

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

**Two joint meetings are close to the maximum possible level of regular cooperation. Anything else should be considered ad hoc.**

#### **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the afore mentioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

**Yes, we have parliamentary delegation participating in each of the afore mentioned organisations. In addition to work done by separate delegations in these organisations the Eduskunta created last April an "International Conference" which enables the members of the various delegations to discuss their work and to promote more coherent positions of the Finnish Parliament on issues that are dealt with in these organisations.**

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

**Yes, regularly and intensively.**

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

**In Finland it is. The same applies to Euro-Med –cooperation, which, in addition to actual parliamentary scrutiny, also has an interparliamentary aspect.**



## 10. France

### ***National Assembly***

#### **Chapitre 1: Subsidiarité et proportionnalité**

*1. En ce qui concerne les conclusions du Conseil, comment aimeriez-vous voir le rôle de la COSAC renforcé en rapport avec le contrôle de subsidiarité ?*

La COSAC peut encore renforcer le rôle qu'elle a déjà commencé à jouer dans le domaine des échanges d'expériences, d'informations entre parlements nationaux en ce qui concerne le contrôle de l'application des principes de subsidiarité et de proportionnalité. La mise en œuvre régulière d'opérations concertées de contrôle de subsidiarité et de proportionnalité - comme ce fut le cas en 2005 pour le « troisième paquet ferroviaire » ou récemment pour les conflits de loi en matière de divorce - permettent de nourrir et de renforcer une démarche concertée de contrôle de la subsidiarité et de la proportionnalité. L'établissement, par la COSAC, de bilans réguliers de la mise en œuvre de ce contrôle par les parlements sera également utile.

*2. A ce sujet, de quelle façon le rôle des commissions parlementaires d'enquête devrait être pris en compte (par exemple, dans le cas d'un système où les commissions parlementaires d'enquête sont responsables du contrôle de subsidiarité et de proportionnalité)?*

Le contrôle de subsidiarité et de proportionnalité des actes communautaires n'est pas de la compétence des commissions d'enquête à l'Assemblée nationale. Il est du ressort de la Délégation pour l'Union européenne, en lien avec les commissions sectorielles compétentes.

#### **Chapitre 2: Coopération avec la Commission**

##### **I) Transmission directe des documents de la Commission**

*1. La transmission directe de documents par la Commission augmente-t-elle le volume de documents relatifs à l'UE reçus par votre parlement ?*

La transmission directe fait en partie double emploi avec les textes déjà transmis par le Gouvernement. Un réexamen de la transmission des textes par le Gouvernement sera effectuée, à la lumière de ce qui aura été transmis par la Commission, sur une période de référence donnée.

*2. D'un point de vue technique, comment votre parlement a-t-il l'intention de traiter des documents qui lui sont transférés directement par la Commission (par exemple en établissant de nouveaux moyens pour la réception des documents, tel une base de données séparée, ou l'utilisation de mécanismes déjà existants) ?*

La procédure d'examen des documents transmis par la Commission est encore à l'étude. Elle précisera notamment les rôles respectifs de la Délégation et des commissions permanentes.

*3. Comment pensez-vous réagir aux documents de la Commission?*

*a) Quel organe de votre parlement aura le contrôle des documents et décidera du contenu de la réaction envers la Commission (par exemple, la commission des affaires communautaires, une commission sectorielle, l'assemblée plénière) ?*

*b) Votre parlement contrôlera/réagira-t-il uniquement aux propositions législatives ou aussi aux documents de consultation, documents de travail etc.?*

*c) Avez-vous l'intention de garder un temps limite de 6 semaines<sup>9</sup> pour votre réaction ?*

*d) Si votre parlement est un parlement bicaméral, y aura-t-il une coopération entre les deux chambres concernant le contrôle des documents transmis par la Commission et la réaction à ceux-ci ?*

*e) De quelle façon allez-vous formellement répondre (par exemple: lettre de président du parlement, président de la commission, etc.)?*

*4. La façon dont votre Parlement traitera des documents directement transmis par la Commission (comparez avec la question 3) diffèrera-t-elle de la procédure utilisée dans le passé par votre Parlement dans le cadre des questions relatives à l'UE ?*

*5. Votre parlement considère-t-il la transmission directe des propositions législatives et des documents de consultation aux parlements nationaux comme apportant une valeur ajoutée, comparativement à la situation passée?*

---

<sup>9</sup> Le Protocole relatif au rôle des parlements nationaux dans l'UE annexé au Traité d'Amsterdam énonce que six semaines doivent s'écouler entre le moment où la Commission met une proposition à disposition des parlements nationaux et du Conseil en toutes les langues et la date à laquelle elle est mise à l'ordre du jour du Conseil pour être décidée (soit pour l'adoption d'une loi ou pour l'adoption d'une position commune).

## II. La Politique de Stratégie Annuelle

*1. Votre parlement a-t-il tenu dans le passé, des débats sur la Politique de Stratégie Annuelle de la Commission?*

*a) Si oui, quels organes étaient impliqués dans les discussions?  
Quelle était la conclusion des débats et comment a-t-elle été utilisée? (par exemple, l'adoption d'un avis à soumettre au gouvernement) ?*

*b) Si non, comment planifiez-vous de traiter de la Politique de Stratégie Annuelle dans le futur?*

L'Assemblée nationale a organisé, le 24 janvier 2006, un débat en séance publique avec M. José Manuel Barroso, Président de la Commission. Ce débat a été l'occasion d'évoquer la stratégie politique annuelle et le programme de travail de la Commission pour 2006.

Par ailleurs, la Délégation pour l'Union européenne de l'Assemblée examine chaque année le programme de travail de la Commission et émet un avis sur ce programme. (Cet avis est consultable sur le site de l'Assemblée nationale [www.assemblee-nationale.fr/12/europe/rap-per/p2769.asp#p434\\_64607](http://www.assemblee-nationale.fr/12/europe/rap-per/p2769.asp#p434_64607))

*2. Votre parlement considère-t-il la discussion de la Politique de Stratégie Annuelle comme un atout?*

La discussion sur la stratégie politique annuelle peut constituer un moment important de débat avec la Commission.

*3. Seriez-vous intéressé d'en discuter dans un contexte interparlementaire (à savoir la COSAC) ?*

Il serait intéressant que ce débat se déroule dans le cadre de la COSAC.

## Chapitre 3: Justice et affaires intérieures: une question de passerelle

*1. Votre parlement a-t-il discuté de l'initiative de la Commission ?*

### 1.1. Activation de la clause passerelle prévue à l'article 42 TUE :

L'Assemblée nationale a adopté, le 29 mars 2006, avant l'initiative de la Commission, la résolution n° 560, dont le paragraphe 5 « suggère au Gouvernement français de proposer à ses partenaires de faire usage de la « clause passerelle » prévue à l'article 42 du traité sur l'Union européenne, afin de clarifier le cadre juridique actuel et de donner un nouvel élan à l'Europe de la justice ». Cette résolution a été adoptée sur l'initiative de la Délégation pour l'Union européenne, sur le rapport n° 2829 de M. Christian Philip sur les conséquences de l'arrêt de la Cour de justice du 13 septembre 2005. Le Gouvernement français a repris cette suggestion dans la contribution sur les améliorations institutionnelles envisageables

à partir des traités existants, qu'il a adressée aux autres Etats membres le 24 avril 2006.

Le texte de la résolution n° 560 de l'Assemblée nationale est consultable à cette adresse : <http://www.assemblee-nationale.fr/12/pdf/ta/ta0560.pdf>

Le rapport n° 2829 de la Délégation de l'Assemblée nationale pour l'Union européenne est en ligne à cette adresse :

<http://www.assemblee-nationale.fr/12/pdf/europe/rap-info/i2829.pdf>

#### 1.2. Activation de la clause passerelle prévue à l'article 67.2 TCE :

La Délégation pour l'Union européenne, dans une communication présentée par son président, M. Pierre Lequiller, lors de l'examen de la proposition de décision du Conseil prise en application de l'article 67.2 TCE ayant étendu la majorité qualifiée à l'immigration illégale et au contrôle aux frontières<sup>10</sup>, a regretté que l'immigration légale ait été exclue du champ du passage à la majorité qualifiée et à la codécision. Elle est donc favorable au passage à la majorité qualifiée et à la codécision en matière d'immigration légale.

Le texte de cette communication peut-être consulté à cette adresse :

[http://www.assemblee-nationale.fr/europe/dossiers\\_e/e2788.asp](http://www.assemblee-nationale.fr/europe/dossiers_e/e2788.asp)

### *2. Quelle est l'opinion de votre parlement à l'égard de cette initiative?*

#### 2.1. Activation de la clause passerelle prévue à l'article 42 TUE :

L'Assemblée nationale est favorable à cette initiative, puisqu'elle a adopté une résolution appelant à faire usage de cette clause (cf. réponse précédente).

#### 2.1. Activation de la clause passerelle prévue à l'article 67.2 TCE :

La Délégation pour l'Union européenne de l'Assemblée nationale est favorable à l'extension de la majorité qualifiée et de la codécision à l'immigration légale (cf. réponse précédente).

### *3. Votre gouvernement a-t-il pris position par rapport à cette initiative et si oui, comment votre parlement en a-t-il pris connaissance?*

#### 3.1. Activation de la clause passerelle prévue à l'article 42 TUE :

Le Gouvernement français a proposé aux autres Etats membres de faire usage de la clause passerelle prévue à l'article 42 du traité sur l'Union européenne dans la contribution sur les améliorations institutionnelles envisageables à partir des traités existants, qu'il a adressée à ses partenaires le 24 avril 2006.

Cette contribution est en ligne à l'adresse suivante :

<http://www.diplomatie.gouv.fr/fr/IMG/pdf/contribution-FR.pdf>

#### 3.2. Activation de la clause passerelle prévue à l'article 67.2 TCE :

Le Gouvernement français n'a pas pris officiellement position sur l'initiative de la Commission à ce sujet, à notre connaissance. Il ne s'était pas opposé, lors des

---

<sup>10</sup> Devenue la décision 2004/927/CE du 22 décembre 2004.

négociations ayant conduit à l'adoption de la décision 2004/927/CE, précitée, à l'extension de la majorité qualifiée et de la codécision à l'immigration légale, à notre connaissance.

*4. Comment votre parlement peut-il influencer sur la position de votre gouvernement relative à cette initiative ?*

L'Assemblée nationale a déjà influé sur la position du Gouvernement français en adoptant la résolution n° 560 du 29 mars 2006, précitée.

De plus, l'Assemblée nationale pourra se prononcer à nouveau sur ce sujet prochainement, car elle a été saisie de la communication de la Commission intitulée « *la mise en œuvre du programme de La Haye : la voie à suivre* » (COM [2006] 331 final) du 3 juillet 2006 – dans laquelle la Commission appelle à la mise en œuvre des clauses passerelles prévues aux articles 42 TUE et 67 TCE – en application de l'article 88-4 de la Constitution. Elle pourra donc influencer sur la position du Gouvernement à ce sujet en adoptant des résolutions au titre de l'article 88-4 de la Constitution. Les Délégations pour l'Union européenne de l'Assemblée nationale et du Sénat ont également la possibilité d'adopter des conclusions sur cette question.

En cas de mise en œuvre de l'article 42 du traité sur l'Union européenne, il convient également de relever que le Parlement français devrait autoriser la ratification de la décision du Conseil mettant en œuvre cette clause, conformément à l'article 53 de la Constitution. Une révision constitutionnelle préalable serait, en outre, vraisemblablement nécessaire (cf. rapport de M. Philip, précité, p. 20-21). Si tel est le cas, cette révision constitutionnelle devrait être votée par l'Assemblée nationale et par le Sénat, puis approuvée, au choix du Président de la République, par le Congrès (réunissant l'ensemble des députés et des sénateurs) à la majorité des trois cinquièmes ou par référendum.

*5. Est-ce que le transfert de certaines questions relevant de la Justice et des affaires intérieures du troisième pilier vers le premier aurait un impact sur la manière dont votre parlement exerce son contrôle sur ces politiques ?*

Le passage à la majorité qualifiée et à la codécision n'entraînerait pas, en soi, de changement des modalités de contrôle du Parlement français sur ces politiques. En pratique, le passage à la majorité qualifiée devrait cependant accroître la portée normative des textes adoptés, donc justifierait un examen encore plus approfondi des propositions et projets de textes relevant de ces matières.

#### **Chapitre 4: Comitologie**

*1. Votre parlement a-t-il suivi les changements récents dans la procédure de comitologie ?*

La Délégation pour l'Union européenne a eu transmission de la proposition de décision du Conseil fixant les modalités de l'exercice des compétences d'exécution

conférées à la Commission. Elle a approuvé cette proposition de décision lors de sa réunion du 23 octobre 2003.

*2. Est-ce que dans le passé votre parlement/chambre a contrôlé les décisions prises dans le cadre de la procédure de comitologie, et si, comment la procédure fonctionne-t-elle ? Envisagez-vous de vous occuper de la comitologie à l'avenir ?*

L'Assemblée ne suit pas spécifiquement les décisions prises dans le cadre de la procédure de comitologie.

### **Chapitre 5: Coopération future avec le Parlement européen**

*1. Votre parlement considère-t-il que les réunions communes apportent une valeur ajoutée à la coopération interparlementaire et/ou au travail de votre parlement ? Veuillez expliquer.*

*2. Votre parlement considère-t-il que les sujets sélectionnés pour les réunions sont intéressants et d'actualité? Les sujets sélectionnés pour les réunions satisfont-ils les intérêts des parlements nationaux et du Parlement européen?*

*3. Votre parlement est-il satisfait du nombre de réunions actuellement organisées (à savoir, par Présidence, à peu près deux Rencontres parlementaires et des Rencontres des commissions parlementaires)?*

*4. Votre parlement a-t-il des observations à faire sur la question de comment continuer à développer l'organisation des Rencontres parlementaires et des Rencontres des commissions parlementaires?*

*5. Avez-vous des suggestions à faire sur d'autres formes possibles de coopération entre les parlements nationaux et le parlement européen ? Veuillez expliquer.*

#### **Réponse aux questions 1 à 5 :**

Les réunions communes tenues avec le Parlement européen, pilotées conjointement par la présidence parlementaire du pays en charge de la présidence semestrielle de l'Union et par le Parlement européen, constituent un élément essentiel d'un approfondissement du dialogue entre les parlements nationaux et le Parlement européen. Elles participent à un développement de l'espace politique européen et à rapprocher l'Europe des citoyens.

Elles permettent également d'échanger utilement sur tel ou tel projet de l'Union et contribuent ainsi à une efficacité renforcée du contrôle parlementaire de l'action des gouvernements en matière européenne. Il convient de veiller à bien préserver et développer l'expression des parlements nationaux, que ce soit dans le cadre des tables rondes et surtout de la synthèse effectuée en séance plénière. Le caractère interactif des réunions doit être amplifié.

## **Chapitre 6: La Dimension septentrionale de l'Union européenne**

*1. Veuillez indiquer si votre parlement participe au travail d'une des organisations précitées. Dans l'affirmative, comment votre parlement coordonne-t-il sa participation globale à ou son contrôle des affaires étrangères et européennes, avec le travail effectué par ses délégations en coopération avec ces organisations?*

L'Assemblée nationale ne participe pas au travail des organisations parlementaires traitant de la dimension septentrionale citées dans le questionnaire, sous la forme d'une délégation parlementaire spécialisée comme elle le fait pour d'autres Assemblées parlementaires internationales (en particulier OTAN, UEO, Conseil de l'Europe, OSCE, Assemblée parlementaire euroméditerranéenne (APEM), Francophonie...)

*2. Votre parlement suit-il les politiques et activités de la Dimension Septentrionale de l'UE (par exemple, la Dimension Septentrionale pour les politiques de l'Union, les Directions se rapportant à l'implémentation de la Dimension Septentrionale, le Premier et le Deuxième Plan d'Action relatif à la Dimension du Nord, les Directives se rapportant au développement d'une déclaration politique et d'un document relatif à la structure de la politique pour la politique de la Dimension Septentrionale à partir de 2007 ?*

L'Assemblée nationale suit les politiques et activités de la dimension septentrionale de l'Union européenne dans le cadre des travaux de la Délégation pour l'Union européenne et de la Commission des affaires étrangères.

*3. Votre parlement considère-t-il que la Dimension Septentrionale fait l'objet d'un contrôle parlementaire adéquat ? Devrait-on tirer un parallèle avec la Dimension Euro-méditerranéenne de l'Union ?*

L'Assemblée nationale s'efforce d'améliorer le suivi des dossiers dans le cadre des structures existantes, avant d'envisager la création d'une délégation spécialisée. Elle a jusqu'à présent estimé que la Délégation pour l'Union européenne et la Commission des affaires étrangères étaient les instances les plus appropriées pour suivre la dimension septentrionale de l'Union européenne.

Les enjeux de la dimension euroméditerranéenne de l'Union sont tels, en termes de déséquilibres démographiques et économiques, de tensions politiques, sécuritaires et migratoires Nord-Sud, de chocs culturels et religieux, que l'Union européenne en a fait une priorité de ses relations extérieures et l'a accompagnée d'institutions spécialisées.

La dimension septentrionale de l'Union représente des enjeux très importants sur lesquels elle doit porter une attention croissante, mais qui ne doit pas se traduire nécessairement par les mêmes dispositifs institutionnels que pour l'euroméditerranée.

# 11. France

## Senate

### Chapitre I : subsidiarité et proportionnalité

1. **En ce qui concerne les conclusions du Conseil, comment aimeriez-vous voir le rôle de la COSAC renforcé en rapport avec le contrôle de subsidiarité ?**

La COSAC contribue à coordonner l'action des Parlements nationaux sur les sujets communautaires et elle a choisi deux textes pour un contrôle de subsidiarité et de proportionnalité en 2006. Elle doit avoir un débat à ce sujet en novembre 2006 et proposer de nouveaux textes pour 2007, qui seraient « prioritaires » dans le contrôle de subsidiarité et de proportionnalité. Le renforcement du rôle de la COSAC pourrait se traduire par un éventuel accroissement du nombre de textes à examiner. La COSAC devrait également, sur la base des informations recueillies auprès des parlements nationaux, rédiger un rapport de synthèse sur le contrôle de subsidiarité et de proportionnalité. Sur la base de ce rapport, elle pourrait essayer de définir la meilleure manière d'appréhender ces deux notions. Elle distinguerait les meilleures pratiques et établirait une méthodologie du contrôle de subsidiarité et du contrôle de proportionnalité (définition des critères pertinents).

2. **A ce sujet, de quelle façon le rôle des commissions parlementaires d'enquête devrait être pris en compte (par exemple, dans le cas d'un système où les commissions parlementaires d'enquête sont responsables du contrôle de subsidiarité et de proportionnalité) ?**

3.

En l'absence de décision formelle, la délégation pour l'Union européenne du Sénat est l'organe actuellement chargé du contrôle de subsidiarité et de proportionnalité. Son rôle est déjà pris en compte puisqu'elle participe aux travaux de la COSAC.

### Chapitre 2 : coopération avec la Commission

#### **I - Transmission directe des documents de la Commission**

1. **La transmission directe de documents par la Commission augmente-t-elle le volume de documents relatifs à l'UE reçus par votre Parlement ?**

Non. Le Sénat reçoit déjà plusieurs centaines de documents transmis par le Gouvernement chaque année. Après un mois d'expérience, sauf rares exceptions, les documents transmis directement par la Commission sont les mêmes que ceux transmis par le Gouvernement, et parviennent dans des délais très proches.

2. **D'un point de vue technique, comment votre Parlement a-t-il l'intention de traiter des documents qui lui sont transférés directement par la Commission (par exemple en établissant de nouveaux moyens pour la réception des documents, tel une base de données séparée, ou l'utilisation de mécanismes déjà existants) ?**

Rien n'a encore été décidé sur ce point.



**3. Comment pensez-vous réagir aux documents de la Commission ?**

**a) Quel organe de votre Parlement aura le contrôle des documents et décidera du contenu de la réaction envers la Commission (par exemple la commission des affaires communautaires, une commission sectorielle, l'assemblée plénière)**

Aucune décision formelle n'a été prise, mais compte tenu des délais d'examen utiles (6 semaines), la délégation pour l'Union européenne du Sénat est l'organe qui se prononcera au regard des critères de subsidiarité et de proportionnalité, décision qui sera transmise à la Commission européenne ainsi qu'aux autres institutions intéressées (Conseil, Parlement européen) et à la COSAC.

**b) Votre parlement contrôlera/réagira-t-il uniquement aux propositions législatives ou aussi aux documents de consultation, documents de travail etc.**

Le Sénat pourra réagir à tout document qui lui sera transmis directement par la Commission européenne, mais il ne se prononcera pas formellement sur tous les textes. Il interviendra sur les textes qui lui semblent les plus importants au regard des principes de proportionnalité et de subsidiarité. Pour les documents de consultation, s'ils contiennent des dispositions manifestement contraires aux deux principes énoncés, le Sénat pourra réagir auprès de la Commission européenne avant qu'une proposition de législation européenne soit adoptée.

**c) Avez-vous l'intention de garder un temps limite de 6 semaines pour votre réaction ?**

Oui. Il est important de fixer une durée limitée dans le temps, afin de recueillir sur une même période les avis des différents parlements et d'agir le plus en amont possible, avant que les discussions commencent. Si la réaction des parlements nationaux intervient plusieurs mois après la transmission de la Commission, il est peu vraisemblable que celle-ci « corrige le tir » alors que les négociations au Conseil et les débats au Parlement européen auront déjà commencé sur la base de ses propositions.

**d) Si votre Parlement est un Parlement bicaméral, y aura-t-il une coopération entre les deux chambres concernant le contrôle des documents transmis par la Commission et la réaction à ceux-ci ?**

Une coopération informelle existe entre l'Assemblée nationale et le Sénat français, mais une coordination, aboutissant par exemple à une position identique sur chaque texte communautaire, n'est pas envisageable. Chaque assemblée est autonome et reste donc libre de ses prises de position sur chaque sujet.

**e) De quelle façon allez-vous formellement répondre (par exemple : lettre de président du Parlement, président de la commission etc) ?**

Aucune décision formelle n'a été prise, mais le contrôle de subsidiarité et de proportionnalité étant actuellement assumé par la délégation pour l'Union européenne du Sénat, il appartient au Président de la délégation de faire connaître aux institutions communautaires sa position. L'envoi par courrier électronique sera privilégié.

**4. La façon dont votre Parlement traitera des documents directement transmis par la Commission (comparez avec la question 3) différera-t-elle de la procédure utilisée dans le passé par votre Parlement dans le cadre des questions relatives à l'UE ?**

Non. La délégation pour l'Union européenne du Sénat, qui instruit déjà les textes communautaires en application de la Constitution, en adoptant des propositions de résolutions, des conclusions ou en adressant des lettres au gouvernement, se prononcera aussi sur le respect de la proportionnalité et de la subsidiarité. La seule différence portera sur le respect d'un délai de réaction de 6 semaines.

**5. Votre Parlement considère-t-il la transmission directe des propositions législatives et des documents de consultation aux parlements nationaux comme apportant une valeur ajoutée, comparativement à la situation passée ?**

Oui, cette initiative a une réelle valeur ajoutée dans la mesure où elle permet un dialogue direct entre les parlements nationaux et la Commission européenne, c'est-à-dire si la Commission européenne répond aux parlements nationaux et tient compte de leur avis sur les questions de proportionnalité et de subsidiarité.

**II - La politique de stratégie annuelle**

**1. Votre Parlement a-t-il tenu dans le passé des débats sur la politique de stratégie annuelle de la Commission ?**

**a) Si oui, quels organes étaient impliqués dans les discussions ? Quelle était la conclusion des débats et comment a-t-elle été utilisée ? (par exemple, l'adoption d'un avis à soumettre au gouvernement) ?**

**b) Si non, comment planifiez-vous de traiter de la politique de stratégie annuelle dans le futur ?**

Le Sénat n'a pas tenu de débat sur la politique de stratégie annuelle de la Commission. Le programme de travail de la Commission est examiné sous la forme d'une procédure écrite.

**2. Votre Parlement considère-t-il la discussion de la politique de stratégie annuelle comme un atout ?**

Discuter de la politique de stratégie annuelle permet de faire un « tour d'horizon » de la politique européenne, mais elle ne remplace pas un examen approfondi de chaque proposition de la Commission européenne. Il peut également exister des décalages entre les intentions exprimées dans le programme de travail et les résultats concrets. Enfin, le programme de travail est souvent un catalogue qui ne permet pas de distinguer l'essentiel de l'accessoire.

**3. Seriez-vous intéressé d'en discuter dans un contexte interparlementaire (à savoir la COSAC) ?**

Il semblerait plus utile que la Commission vienne présenter chaque année ses **priorités** devant la COSAC.

**Chapitre 3 : Justice et affaires intérieures, une question de passerelle**

**1. Votre parlement a-t-il discuté de l'initiative de la Commission ?**

Non. Il faut préciser que la suggestion de la Commission européenne de recourir aux « clauses passerelles » de l'article 67 §2 du traité instituant la Communauté européenne et de l'article 42 du traité sur l'Union européenne n'a pas fait l'objet d'un texte spécifique. Cependant, la communication de la Commission « *Mise en œuvre du programme de La Haye : la voie à suivre* » (COM (2006) 0331 final) a été transmise par le Gouvernement et sera donc examinée par le Parlement.

**2. Quelle est l'opinion de votre parlement à l'égard de cette initiative ?**

Dans la mesure où aucun débat n'a eu lieu, le Sénat n'a pas de position. Un débat devrait cependant avoir lieu devant la délégation pour l'Union européenne prochainement.

**3. Votre gouvernement a-t-il pris position par rapport à cette initiative et si oui, comment votre parlement en a-t-il pris connaissance ?**

Le gouvernement français a adressé le 24 avril 2006 une lettre à ses partenaires européens mentionnant explicitement le recours à la clause passerelle de l'article 42 du traité sur l'Union européenne parmi une liste de propositions pour améliorer le fonctionnement des traités existants. Cette proposition a été présentée au Sénat lors de la séance publique du 14 juin 2006 préalable au Conseil européen. En revanche, le gouvernement français n'a pas pris position sur le recours à la clause passerelle de l'article 67§2 du traité instituant la Communauté européenne.

**4. Comment votre parlement peut-il influencer sur la position de votre gouvernement relative à cette initiative ?**

Le Sénat peut adopter une résolution en vertu de l'article 88-4 de la Constitution qui exprimerait sa position sur le recours à la clause passerelle. Les sénateurs peuvent également faire valoir leur opinion par de nombreux moyens, par exemple lors des débats préalables au Conseil européen, lors de l'audition du ministre des affaires européennes ou par une lettre au ministre des affaires européennes etc. Il faut ajouter que, dans le cas où le Conseil déciderait d'utiliser la « clause-passerelle », le Parlement devrait autoriser la ratification de cette décision, en application de l'article 53 de la Constitution. En outre, une révision constitutionnelle pourrait être nécessaire, ce qui exigerait un vote de l'Assemblée nationale et du Sénat puis une approbation par les deux chambres réunies en Congrès, à la majorité des trois cinquièmes, ou par référendum.

**5. Est-ce que le transfert de certaines questions relevant de la justice et des affaires intérieures du troisième pilier vers le premier pilier aurait un impact sur la manière dont votre Parlement exerce son contrôle sur ces politiques ?**

L'article 88-4 s'applique aussi bien aux propositions relevant du « troisième pilier » que du « premier pilier », il n'y aura donc pas de conséquences sur les modalités générales d'examen par le Parlement français. Cependant, le transfert de certaines matières du « troisième pilier » au « premier pilier » pourrait conduire à priver le Parlement français du droit d'autoriser la ratification de certaines conventions et de certains accords internationaux conclus en vertu de l'article 24 du traité sur l'Union européenne.

**Chapitre 4 : comitologie**

**1. Votre parlement a-t-il suivi les changements récents dans la procédure de comitologie ?**

Non.

**2. Est-ce que dans le passé votre parlement/chambre a contrôlé les décisions prises dans le cadre de la procédure de comitologie, et si oui, comment la procédure fonctionne-t-elle ? Envisagez-vous de vous occuper de la comitologie à l'avenir ?**

Non, le Sénat n'a effectué aucun contrôle de décisions prises dans le cadre de la procédure de comitologie. Il n'est pas envisagé de le faire pour l'avenir, sauf souhait manifesté par les sénateurs.

**3. Pensez-vous que le délai imparti pour l'examen des décisions parlementaires dans les procédures de comitologie est suffisant ? Sinon, comment pensez-vous qu'il puisse être amélioré ?**

Sans objet. Le Sénat n'a pris aucune décision sur des textes en comitologie.

**4. Pensez-vous que le registre "comitologie" de la commission, qui a été créé en décembre 2003, donne assez d'informations sur les procédures de comitologie en cours/ en suspens ? Sinon, comment ce registre pourrait-il être amélioré ?**

Sans objet. Le Sénat français n'utilise pas le registre "comitologie".

**5. Y a-t-il une distinction au sein de votre assemblée entre les sujets techniques et les sujets politiques ? Si oui, comment ? Contrôlez-vous ces deux types de sujets ?**

Oui. Le Parlement français intervient sur les questions européennes en application de l'article 88-4 de la Constitution qui est ainsi rédigé : *"Le Gouvernement soumet à l'Assemblée nationale et au Sénat, dès leur transmission au Conseil de l'Union européenne, les projets ou propositions d'actes des Communautés européennes et de l'Union européenne comportant des dispositions de nature législative. Il peut également leur soumettre les autres projets ou propositions d'actes ainsi que tout document émanant d'une institution de l'Union européenne. Selon des modalités fixées par le règlement de chaque assemblée, des résolutions peuvent être votées, le cas échéant en dehors des sessions, sur les projets, propositions ou documents mentionnés à l'alinéa précédent."* La vocation du Sénat est donc d'intervenir en priorité sur les dispositions communautaires de nature législative, celles qui précisément auront un impact sur la législation française. Le domaine de la loi est précisé à l'article 34 de la Constitution<sup>11</sup>.

Par ailleurs, au-delà de la distinction entre les mesures relevant du domaine législatif, au cœur de l'activité parlementaire, et du domaine réglementaire, le Sénat s'efforce de concentrer ses travaux sur les sujets de nature politique, et non sur les sujets purement techniques.

## **Chapitre 5 : Coopération future avec le Parlement européen**

### **1. Votre Parlement considère-t-il que les réunions communes apportent une valeur ajoutée à la coopération interparlementaire et/ou au travail de votre parlement ? Veuillez expliquer.**

Oui, les réunions communes sont utiles si les parlementaires nationaux ont une réelle possibilité d'exprimer leurs points de vue. En effet, si les travaux du Parlement européen sont bien connus et disponibles aisément dans toutes les langues de l'Union, les travaux des parlements nationaux sont moins directement accessibles en raison notamment de l'absence de traduction.

### **2. Votre parlement considère-t-il que les sujets sélectionnés pour les réunions sont intéressants et d'actualité ? Les sujets sélectionnés pour les réunions satisfont-ils les intérêts des parlements nationaux et du Parlement européen ?**

---

<sup>11</sup> Article 34 :

La loi est votée par le Parlement.

La loi fixe les règles concernant :

- les droits civiques et les garanties fondamentales accordées aux citoyens pour l'exercice des libertés publiques ;
- les sujétions imposées par la Défense Nationale aux citoyens en leur personne et en leurs biens ;
- la nationalité, l'état et la capacité des personnes, les régimes matrimoniaux, les successions et libéralités ;
- la détermination des crimes et délits ainsi que les peines qui leur sont applicables ; la procédure pénale ;
- l'amnistie ; la création de nouveaux ordres de juridiction et le statut des magistrats ;
- l'assiette, le taux et les modalités de recouvrement des impositions de toutes natures ; le régime d'émission de la monnaie.

La loi fixe également les règles concernant :

- le régime électoral des assemblées parlementaires et des assemblées locales ;
- la création de catégories d'établissements publics ;
- les garanties fondamentales accordées aux fonctionnaires civils et militaires de l'Etat ;
- les nationalisations d'entreprises et les transferts de propriété d'entreprises du secteur public au secteur privé.

La loi détermine les principes fondamentaux :

- de l'organisation générale de la Défense Nationale ;
- de la libre administration des collectivités territoriales, de leurs compétences et de leurs ressources ;
- de l'enseignement ;
- de la préservation de l'environnement ;
- du régime de la propriété, des droits réels et des obligations civiles et commerciales ;
- du droit du travail, du droit syndical et de la sécurité sociale.

(...)

Les sujets sélectionnés sont plutôt bien choisis. On remarque cependant plusieurs réunions sur un même thème (stratégie de Lisbonne) alors que des sujets très importants pour les parlements nationaux n'ont fait l'objet d'aucune réunion conjointe, par exemple le projet de directive "services". Les débats ont eu lieu séparément au Parlement européen et dans les parlements nationaux (même si, à l'initiative du Parlement français, des réunions ont été organisées avec des parlementaires européens). Les réunions conjointes pourraient à l'avenir se concentrer sur des projets de directive ou de règlement emblématiques. Certains nouveaux thèmes pourraient enfin faire l'objet de réunions conjointes comme la politique commerciale, l'environnement, les affaires sociales ou la santé.

**3. Votre Parlement est-il satisfait du nombre de réunions actuellement organisées (à savoir par Présidence, à peu près deux rencontres parlementaires et des rencontres des commissions parlementaires) ?**

Oui. Le rythme est soutenu, ce qui se justifie en ce moment de réflexion, mais il peut être difficile à tenir sur le long terme, car les parlementaires nationaux ont des obligations fortes de présence dans leur parlement. Il faut un calendrier restreint de réunions, afin de ne pas les banaliser et de permettre une présence effective des parlementaires nationaux.

**4. Votre Parlement a-t-il des observations à faire sur la question de comment continuer à développer l'organisation des rencontres parlementaires et des rencontres des commissions parlementaires ?**

Il faut continuer sur le même principe, mais en associant davantage les parlements nationaux au choix des thèmes et à la préparation des réunions. Pour ce faire, une information préalable des parlements nationaux sur les thèmes de réunions envisagés, par l'intermédiaire de la COSAC, serait utile. Enfin, un compte-rendu détaillé de ces réunions devrait être disponible (incluant les interventions des parlementaires nationaux).

**5. Avez-vous des suggestions à faire sur d'autres formes de coopération entre les parlements nationaux et le parlement européen ? Veuillez expliquer.**

Aucune autre suggestion.

**Chapitre 6 : la dimension septentrionale de l'Union européenne**

**1. Veuillez indiquer si votre parlement participe au travail d'une des organisations précitées. Dans l'affirmative, comment votre parlement coordonne-t-il sa participation globale ou son contrôle des affaires étrangères et européennes, avec le travail effectué par ses délégations en coopération avec ces organisations ?**

Non, le Sénat français ne participe pas à ces organisations.

**2. Votre parlement suit-il les politiques et activités de la dimension septentrionale de l'UE (par exemple, la dimension septentrionale pour les politiques de l'Union, les directions se rapportant à l'implémentation de la dimension septentrionale, le premier et le deuxième plan d'action relatif à la dimension du Nord, les directives se rapportant au développement d'une déclaration politique et d'un document relatif à la structure de la politique pour la politique de la dimension septentrionale à partir de 2007) ?**

Le Sénat suit la dimension septentrionale de l'UE lorsqu'il est saisi de textes et de communications en rapport avec ce thème. Il a par exemple examiné les accords liant l'Islande et la Norvège au système d'information Schengen (SIS).

**3. Votre parlement considère-t-il que la dimension septentrionale fait l'objet d'un contrôle parlementaire adéquat ? Devrait-on tirer un parallèle avec la dimension euro-méditerranéenne de l'Union ?**

La dimension septentrionale de l'Union fait l'objet d'un suivi parlementaire adéquat. La dimension euro-méditerranéenne de l'Union se fonde sur la déclaration de Barcelone de 1995, et vise à un dialogue culturel, économique mais aussi politique, avec les pays de la rive sud de la Méditerranée. Son objet est sensiblement différent. La dimension euro-méditerranéenne de l'Union bénéficie de crédits communautaires au travers du programme MEDA.

## 12. Germany

### ***Bundestag***

#### **Chapitre 1: Subsidiarité et proportionnalité**

1. En ce qui concerne les conclusions du Conseil, comment aimeriez-vous voir le rôle de la COSAC renforcé en rapport avec le contrôle de subsidiarité ?

La Commission pour les affaires de l'Union européenne du Bundestag mesure l'importance d'un contrôle de subsidiarité renforcé au niveau des parlements nationaux. La COSAC est, en attente de l'entrée en vigueur du Traité constitutionnel, un forum parlementaire appropriée pour un contrôle de subsidiarité.

2. A ce sujet, de quelle façon le rôle des commissions parlementaires d'enquête devrait être pris en compte (par exemple, dans le cas d'un système où les commissions parlementaires d'enquête sont responsables du contrôle de subsidiarité et de proportionnalité)?

Le traité établissant une Constitution pour l'Europe n'étant pas entré en vigueur et le Bundestag allemand n'ayant à ce jour introduit aucune procédure distincte en vue de l'examen des projets de l'Union européenne sous l'angle des principes de subsidiarité et de proportionnalité, la procédure applicable reste celle relative aux textes de l'Union, telle que visée aux articles 93 et 93a du règlement du Bundestag.

#### **Chapitre 2: Coopération avec la Commission**

##### **I) Transmission directe des documents de la Commission**

1. La transmission directe de documents par la Commission augmente t-elle le volume de documents relatifs à l'UE reçus par votre parlement ?

La transmission directe des documents par la commission ayant commencée au 1 septembre 2006, le volume de documents ne peut encore être mesurée. Une première estimation après 2 mois laisse penser que le nombre de documents transmis correspondra aux estimations faites par la Commission de l'ordre de 800 à 1000 documents par an.

2. D'un point de vue technique, comment votre parlement a-t-il l'intention de traiter des documents qui lui sont transférés directement par la Commission (par exemple

en établissant de nouveaux moyens pour la réception des documents, tel une base de données séparée, ou l'utilisation de mécanismes déjà existants) ?

Une procédure technique pour traiter des documents est actuellement sujet de réflexions non achevées au niveau du Bundestag.

3. Comment pensez-vous réagir aux documents de la Commission?

a) Quel organe de votre parlement aura le contrôle des documents et décidera du contenu de la réaction envers la Commission (par exemple, la commission des affaires communautaires, une commission sectorielle, l'assemblée plénière) ?

Cette question est actuellement sujet de délibérations internes au niveau politique du Bundestag.

b) Votre parlement contrôlera/réagira t-il uniquement aux propositions législatives ou aussi aux documents de consultation, documents de travail etc.?

Voire ci dessus.

c) Avez-vous l'intention de garder un temps limite de 6 semaines pour votre réaction ?

Voire ci-dessus.

d) Si votre parlement est un parlement bicaméral, y aura-t-il une coopération entre les deux chambres concernant le contrôle des documents transmis par la Commission et la réaction à ceux-ci ?

Voire ci-dessus.

e) De quelle façon allez-vous formellement répondre (par exemple: lettre de président du parlement, président de la commission, etc.)?

Voire ci-dessus.

4. La façon dont votre Parlement traitera des documents directement transmis par la Commission (comparez avec la question 3) diffèrera t-elle de la procédure utilisée dans le passé par votre Parlement dans le cadre des questions relatives à l'UE ?

Voire ci-dessus.



5. Votre parlement considère-t-il la transmission directe des propositions législatives et des documents de consultation aux parlements nationaux comme apportant une valeur ajoutée, comparativement à la situation passée?

Voire ci-dessus.

## II. La Politique de Stratégie Annuelle

1. Votre parlement a-t-il tenu dans le passé, des débats sur la Politique de Stratégie Annuelle de la Commission?

Non.

a) Si oui, quels organes étaient impliqués dans les discussions?  
Quelle était la conclusion des débats et comment a-t-elle été utilisée? (par exemple, l'adoption d'un avis à soumettre au gouvernement) ?

b) Si non, comment planifiez-vous de traiter de la Politique de Stratégie Annuelle dans le futur?

Les membres des tous les groupes politiques au sein de la Commission pour les affaires de l'Union européenne se sont exprimés à engager un débat régulier sur la Politique de Stratégie Annuelle de la Commission. Une proposition vise de prévoir un débat annuel sur la Politique de Stratégie Annuelle de la Commission en séance plénière. Néanmoins, aucune décision définitive n'a encore été prise à ce sujet.

2. Votre parlement considère-t-il la discussion de la Politique de Stratégie Annuelle comme un atout?

Oui.

3. Seriez-vous intéressé d'en discuter dans un contexte interparlementaire (à savoir la COSAC) ?

Oui.

## Chapitre 3: Justice et affaires intérieures: une question de passerelle

1. Votre parlement a-t-il discuté de l'initiative de la Commission ?

Non.

2. Quelle est l'opinion de votre parlement à l'égard de cette initiative?

Voire ci-dessus.

3. Votre gouvernement a-t-il pris position par rapport à cette initiative et si oui, comment votre parlement en a-t-il pris connaissance?

Oui. La question de la passerelle a été abordée par le Gouvernement fédéral en réunion de la Commission pour les affaires de l'Union européenne du 27 septembre 2006 lors du rapport fait sur le Conseil Justice et affaires intérieures du 21 et 22 septembre à Tampere.

4. Comment votre parlement peut-il influencer sur la position de votre gouvernement relative à cette initiative ?

Le gouvernement fédéral est tenu de lui faire rapport en détail et dans le plus proche délai et de l'informer dans quelle mesure sont pris en compte, lors des délibérations des conseils de ministres, les avis exprimés par le Bundestag. Cette vaste obligation d'informer assure une prise d'influence adéquate du Bundestag sur la politique de l'Union européenne.

5. Est-ce que le transfert de certaines questions relevant de la Justice et des affaires intérieures du troisième pilier vers le premier aurait un impact sur la manière dont votre parlement exerce son contrôle sur ces politiques ?

Voire réponse à la question Nr.1.

#### **Chapitre 4: Comitologie**

1. Votre parlement a-t-il suivi les changements récents dans la procédure de comitologie ?

Non.

2. Est-ce que dans le passé votre parlement/chambre a contrôlé les décisions prises dans le cadre de la procédure de comitologie, et si, comment la procédure fonctionne-t-elle ? Envisagez-vous de vous occuper de la comitologie à l'avenir ?

Non.

3. Pensez-vous que le délai imparti pour l'examen des décisions parlementaires dans les procédures de comitologie est suffisant? Sinon, comment pensez-vous qu'il puisse être amélioré?

Voire réponse à la question Nr. 1.

4. Pensez vous que le registre "Comitologie" de la Commission, qui a été créé en décembre 2003, donne assez d'informations sur les procédures de comitologie en cours/en suspend? Sinon, comment ce registre pourrait-il être amélioré?

Voire réponse à la question Nr. 1.

5. Y a-t-il une distinction au sein de votre assemblée entre les sujets techniques et les sujets politiques? Si oui, comment? Contrôlez-vous ces deux types de sujets?

Voire réponse à la question Nr. 1.

### **Chapitre 5: Coopération future avec le Parlement européen**

1. Votre parlement considère-t-il que les réunions communes apportent une valeur ajoutée à la coopération interparlementaire et/ou au travail de votre parlement ? Veuillez expliquer.

Oui. Le Bundestag attache une grande importance à une coopération étroite avec le Parlement Européen et avec les autres parlements nationaux.

2. Votre parlement considère-t-il que les sujets sélectionnés pour les réunions sont intéressants et d'actualité? Les sujets sélectionnés pour les réunions satisfont-ils les intérêts des parlements nationaux et du Parlement européen?

De manière générale, oui.

3. Votre parlement est-il satisfait du nombre de réunions actuellement organisées (à savoir, par Présidence, à peu près deux Rencontres parlementaires et des Rencontres des commissions parlementaires)?

Oui, le nombre de rencontres ne devrait néanmoins pas augmenter, étant vu le calendrier chargé de rencontres interparlementaires.

4. Votre parlement a-t-il des observations à faire sur la question de comment continuer à développer l'organisation des Rencontres parlementaires et des Rencontres des commissions parlementaires?
5. Avez-vous des suggestions à faire sur d'autres formes possibles de coopération entre les parlements nationaux et le parlement européen ? Veuillez expliquer.

Yes:

- a. If a topic is introduced by a panel of experts on a particular subject, members of national parliaments or the European Parliaments should not be part of the panel but rather contribute to the debate. If panels of

parliamentarians are deemed necessary, they should represent not only one but a wide range of political families.

- b. The setting up and handling of the speaking list must be open and transparent. Guidelines agreed before the conference should be respected.
- c. The selection of Parliamentarians who are asked to take an active part in a meeting (rapporteur, key note speaker, etc.) must be open and transparent. Participants must know what exactly is expected of them in good time before the conference (cf. answer to question 8).
- d. Parliamentarians taking the floor in the plenary hall in Brussels could be asked to stand up and give their name first. In this way, all participants would know who is speaking. They could also be encouraged to speak freely and not read out prepared speeches.
- e. For the next "Future of Europe" meeting, a seating order similar to the Convention on the Future of Europe could be considered: All participants would be seated in alphabetical order instead of sitting together as national delegations. This would symbolise the common aim of the debate which lies beyond national interest.

Nota bene: Answers of the German Bundestag given to the questionnaire about the organisation of Joint Parliamentary Meetings and Joint Committee Meetings.

#### **Chapitre 6: La Dimension septentrionale de l'Union européenne**

La Dimension Septentrionale se développe à l'intérieur des organisations européennes et intergouvernementales, ainsi que dans les organisations internationales, dont quelques-unes ont une dimension parlementaire (par exemple, le Conseil des Etats de la Mer Baltique – CEMB; le Conseil Euro Arctique de la Mer de Barents – CEAB; le Conseil Arctique – CA; le Conseil Nordique des Ministres – CNM; «Coopération parlementaire dans la région de l'Arctique»; «la Conférence Parlementaire de la Mer Baltique»; le Conseil Nordique).

1. Veuillez indiquer si votre parlement participe au travail d'une des organisations précitées. Dans l'affirmative, comment votre parlement coordonne t-il sa participation globale à ou son contrôle des affaires étrangères et européennes, avec le travail effectué par ses délégations en coopération avec ces organisations?

Le Bundestag est membre de la Conférence Parlementaire de la Mer Baltique et organise la prochaine assemblée plénière à Berlin du 25 au 28 août 2007.

2. Votre parlement suit-il les politiques et activités de la Dimension Septentrionale de l'UE (par exemple, la Dimension Septentrionale pour les politiques de l'Union, les Directions se rapportant à l'implémentation de la Dimension Septentrionale, le

Premier et le Deuxième Plan d'Action relatif à la Dimension du Nord, les Directives se rapportant au développement d'une déclaration politique et d'un document relatif à la structure de la politique pour la politique de la Dimension Septentrionale à partir de 2007 ?

Oui.

3. Votre parlement considère t-il que la Dimension Septentrionale fait l'objet d'un contrôle parlementaire adéquat ? Devrait-on tirer un parallèle avec la Dimension Euro-méditerranéenne de l'Union ?

D'une manière générale, oui.

## 13. Germany

### ***Bundesrat***

#### **Chapter 1    Subsidiarity and proportionality principle**

- Question 1)        The Bundesrat considers the role of COSAC with regard to the subsidiarity issue very useful as it is. In the future COSAC should also serve as a mechanism to enable parliaments to exchange views on best practice in order to help them improve their scrutiny systems in the area. The outcome of the subsidiarity test run on the 3rd railway package proved very helpful in this context.
- Question 2)        In the Bundesrat the Committee on Questions of the European Union is the competent committee for deliberation on EU legislative proposals and other EU documents. This also includes the subsidiarity and proportionality check. The EU Committee deliberates on the basis of recommendations from the sectoral committees.

#### **Chapter        2        Cooperation with the Commission**

##### **I.                    Direct transmission of Commission documents**

- Question 1)        EU documents are transmitted to the Bundesrat by the Federal Government. In addition, the Bundesrat also receives documents as part of the new procedure of direct transmission of Commission documents. The Bundesrat is currently examining to what extent Commission documents shall also be transmitted by the Federal Government.
- Question 2)        The Bundesrat has set up a new e-mail inbox. In addition, the existing mechanisms for consultancy procedures are employed in the Bundesrat.
- Question 3)
- a) The Bundesrat's committees examine the documents and submit recommendations to the plenary on the Opinion to be adopted. These may also comprise a recommendation to transmit the Bundesrat's Opinion to the Commission.
  - b) As has been the case to date, the Bundesrat will examine legislative proposals and consultation documents and draw up opinions on these documents.

- c) There is currently no intention to make use of the 6-week time limit. However, it is likely that it will be possible to meet this deadline in many instances.
- d) A decision has not yet been taken on the specific arrangements for cooperation.
- e) The Bundesrat will transmit the opinions to be circulated to the Commission together with a letter of notification. This is an official letter of notification transmitted by the President of the Bundesrat to the President of the Commission.

Question 4) The Bundesrat will use the consultancy procedure employed to date in addressing Commission documents transmitted directly.

Question 5) The Bundesrat welcomes direct transmission of Commission documents as a significant contribution to implementing the notions of enhancing democracy and subsidiarity, making Europe closer to its citizens and improving law-making in the EU, which will in turn foster greater acceptance of European unification amongst Europe's citizens. The Bundesrat assumes that the subsidiarity principle will be integrated more fully into the Commission's initiatives as part of the Commission's advocacy of partnership as the basis for European unification.

## **II. Annual political strategy**

Question 1) The Bundesrat has not yet debated the Annual Political Strategy.

- a) Not applicable
- b) A decision has not yet been taken on future discussion of the Annual Political Strategy.

Question 2) This question can only be answered if and when the issue of discussion of the Annual Political Strategy has been resolved.

Question 3) This question can only be answered if and when the issue of discussion of the Annual Political Strategy has been resolved.

## **Chapter 3 Justice and Home Affairs: Appraisal of the passerelle**

Question 1) The Bundesrat tabled its opinion on the Commission communication "A Citizens' Agenda" of 10th May 2006 in its resolution dated 7th July 2006.

Question 2) In its resolution of 7th July 2006, the Bundesrat rejected the utilisation of the passerelle in the fields of "freedom, security and justice" and

"legal migration", as it is not appropriate to pre-empt the draft Constitutional Treaty.

The provisions envisaged in the draft Constitutional Treaty constitute a fine-tuned and well-balanced system. The Commission initiative would go beyond the shift in powers and responsibilities envisaged in the draft Constitutional Treaty.

Question 3) The Federal Government is in agreement with the Bundesrat in rejecting this position.

Question 4) The Federal Government was obliged to take due account of the Bundesrat's position in determining its negotiating position at the EU level.

Question 5) Shifting certain topics in the sphere of Justice and Home Affairs from the third to the first pillar would not alter the manner in which the Bundesrat examines such topics. However, it would increase the amount of draft legislation to be examined.

#### **Chapter 4 Comitology procedure**

Question 1) The Bundesrat submitted its Opinion on the amendment of the comitology procedure on 14th March 2003.

Question 2) To date, decisions on comitology procedure have not been scrutinised by the Bundesrat. There are currently no plans to introduce such scrutiny.

Question 3) This question cannot be answered, as the Bundesrat has not scrutinised decisions on comitology procedure so far.

Question 4) The Bundesrat has not to date commented on this question.

Question 5) This question cannot be answered, as the Bundesrat has not scrutinised decisions on comitology procedure so far.

#### **Chapter 5 Future cooperation with the European Parliament**

1. The Bundesrat finds the Joint Meetings useful. They allow the Bundesrat's members an exchange of experience in addition to the already existing forms of interparliamentary cooperation.



2. The topics are interesting and useful. From the Bundesrat's point of view, it is decisive to pick up current, newsworthy topics to guarantee the success for these meetings in the future as well as in the past.
3. Yes, the Bundesrat experiences the now existing meetings as adequate. Since the members of the Bundesrat are also members of the government in their states, it would be difficult to take more meetings into their schedules.
4. No
5. No

## **Chapter 6 The Northern Dimension and the European Union**

- Question 1) The Bundesrat does not participate in the work of any of the aforementioned organisations. At federal state level, Schleswig-Holstein, Mecklenburg-Western Pomerania and Hamburg take part in meetings of the Council of the Baltic Sea States.
- Question 2) The Bundesrat has not yet considered the activities of the EU in the context of the Northern Dimension.
- Question 3) It is not possible to comment as the Northern Dimension has not been considered.

## 14. Greece

Questionnaire for the 6<sup>th</sup> Biannual Report

### Chapter 1.

1. The strengthened role of COSAC has been de facto recognized through the acceptance of its demands by the Heads of member states, during the European Council of last June.

For the better organization of the monitoring of subsidiarity, the role of COSAC should be coordinating, in the whole process, if we assume that the Committees for European Affairs are coordinating the monitoring process in their respective Parliaments. As it has been stated before, COSAC could act like a clearing house of National Parliaments opinions on cases of breach of subsidiarity and proportionality principles.

Technically there is a need for close cooperation between the COSAC secretariat and IPEX in order to achieve this coordination.

2. We believe that in most National Parliaments the Committees for European Affairs have always a part to play in monitoring the European legislation proposals, either in initiating the monitoring process, or concluding it. Therefore they are aware of what is going on in this field and they can act as links between COSAC and select Committees.

### Chapter 2.

#### I) Direct transmission of Commission documents

1. The amount of documents has been increased considerably
2. The technical part has not yet been discussed. For the moment, the documents are being transmitted to the Secretariat of the Committee for European Affairs.
3. a) No formal decision has been reached yet, but the process which seems most likely to be adopted is the following: The Committee for European Affairs will receive the documents and will make a first screening. Those which are considered important will be debated in joint meetings of the Committee for European Affairs and the competent sectoral committee.  
b) Any document could be debated if the Committee for European Affairs decides accordingly.  
c) This is the aim, but it depends on other factors as well (translation of the documents, whether the government's explanatory note is received on time, etc)  
d) We have one chamber.  
e) Most likely the reply will be signed by the Speaker.

4. The process is quite similar. The only difference between the provisions of the Standing Orders in force and the procedure that is being considered, is the part of the Committee for European Affairs as the body that will select the documents that will be scrutinized.
5. Yes. It is obvious that the direct access to the documents is better compared to the situation that existed (at least in our Parliament) when we received them by our Government. The fact that national Parliaments can open a dialogue with the Commission, over a legislative proposal, automatically promotes their role. What is also important is that N.P.s can receive information on a very early stage (green and white books, working documents and communication documents that are not always available at the europa website ), so they know what the trends are and they can envisage their action accordingly.

## II Annual Policy Strategy

1. a) Not regularly  
b) What we consider more useful is debating the Commission's Annual Working Programme rather than the Policy Strategy, as the first is more detailed and enables our Committee for European Affairs to have an overview of the legislation proposals. On several occasions it has been mentioned that our Committee for European Affairs will debate the Annual Working Programme every year and maybe in this context the Strategy Policy as well.
2. see above
3. Yes, if the time of publication is convenient.

## Chapter 3

1. Not directly
2. Though this item has not been discussed independently, in general our Parliament has always supported greater involvement of the European Parliament in EU decision making process. However the majority of MPs as well as our Government is against the implementation of segments of the Constitutional Treaty, before its ratification by all the member States.
3. We do not know the exact reaction of the Government to this initiative. (see above).
4. Our Parliament through the competent Committees and the Committee for European Affairs can exert influence either by inviting Ministers to Hearings or by drafting opinions. However the existing means are not legally binding.
5. No the distinction between pillars does not affect the scrutiny (in terms of provisions, because in essence it is clear that scrutiny is more effective in third pillar policies ).

## Chapter 5

1. The importance of these meetings lies in the fact that they bring together all the components of the European Union institutional structure. To some extent this is also done in COSAC but the limited representation and the time limits, do not permit to all the political groups represented in the EP to voice their views.
2. According to our MPs who participated, the selection of topics was satisfactory.
3. We think that some sectoral committees have been neglected in this context.
4. In order to differentiate these Meetings from the Parliamentary Committee Chairs Meetings organized by the presidencies we consider necessary the possibility of opposition parties to be represented .
5. No

#### Chapter 6

1. We do not participate in any of the above mentioned forums.
2. Not very closely. Only as part of the agenda of the Finnish Presidency.
3. This has not been raised.

## 15. Hungary

### Chapter 1: Subsidiarity and proportionality

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

*COSAC should continue in its valuable role as a forum for cooperation in instigating and evaluating tests of subsidiarity. We currently see no reason or real possibility to extend this role much further.*

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

*The Hungarian National Assembly is not directly concerned by this problem as standing committees are not involved in the subsidiarity check. It is our view that, for reasons of practicability and efficiency, COSAC should only be in contact with the EU committees of national parliaments; it should be the responsibility of these committees to adequately represent select or standing committees in COSAC.*

### Chapter 2: Cooperation with the Commission

#### I) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

*In practice the transmission of Commission documents does not increase the amount of documents at a great extent, as the National Assembly has received all Council documents (except classified ones) through the Ministry for Foreign Affairs since the 1<sup>st</sup> of May 2004. Thus, the parliament has already access to all Commission documents being transmitted to the Council. At the moment it seems, that documents transmitted by the Commission are equivalent to those, received from the Ministry for Foreign Affairs.*

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

*The National Assembly intend to distribute Commission documents via the internal IT network of the National Assembly. Accordingly, members of Parliament, and the staff of the Parliament could have access to them. In detail it means, that a link will*

*be placed where each document could be downloaded, but the system would not provide searching options. As above mentioned, the database of the National Assembly already contains all Commission documents transmitted to the Council, so that, a structured searching possibility is insured for the users.*

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

*The European Affairs Committee will scrutinise documents, and decide whether it finds a breach of the subsidiarity principle and recommends that the National Assembly makes a statement to this effect. The plenary then holds a (final) vote on this issue.*

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

*The possibility exists to scrutinise or, in some form, react to any document. It is likely that the bulk of examined documents will be legislative proposals.*

c) Do you intend to keep a six-week time limit<sup>12</sup> for your reaction?

*Yes. (If reaction is not possible within this time limit, the National Assembly will attempt to voice its opinion to Government under a scrutiny procedure.)*

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

*The Hungarian National Assembly is a unicameral parliament.*

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

*In the framework of a COSAC conciliation a letter by the chairman of the Committee on European Affairs will be sent. However, if the Parliament adopts a reasoned opinion, it will be signed by the speaker.*

---

<sup>12</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

*Yes. The basic differences are that (a) under the general scrutiny procedure, the Government must formally present its viewpoint to the Committee, in a subsidiarity test this is not formally required; (b) in a subsidiarity procedure, the plenary retains the right to make the ultimate decision, whereas in a procedure of scrutiny this right is vested in the European Affairs Committee.*

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

*We have received most of these papers from the Government in the past. Added value exists in the somewhat larger number of papers arriving (e.g. commission opinions with references like C(2006)XXXX final), and a somewhat earlier arrival date.*

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

*In 2005, the Committee on European Affairs hold an open day on the Annual Legislative and Work Programme of the Commission, but neither the Hungarian National Assembly, nor the Committee on European Affairs has ever discussed the Annual Policy Strategy.*

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

*As regards the Annual Legislative and Work Programme of 2006, the Committee on European Affairs hold an open day which means that invitation was sent to the chairmen of the parliamentary standing committees, the chairmen of the EU affairs sub-committees, the leaders of the parliamentary factions, Hungarian MEPs, ambassadors of EU Member States and stakeholders of civil society. No formal outcome was adopted on the meeting.*

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

*It could be in a similar form like in the case of the ALWP before (committee meeting or open day). Nevertheless external experts would be involved in the debate.*

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

*Yes, the discussion of the Annual Policy Strategy helps national parliaments to gain a general overview on European policies. It also provides opportunity to influence the content of the Legislative and Work Programme.*

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

*Yes*

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

*No political discussion concerning the initiative has taken place until now.*

2. What is the view of your parliament vis-à-vis this initiative?

*No political discussion concerning the initiative has taken place until now.*

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

*The Hungarian National Assembly has not received any information on the government's position concerning the proposal.*

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

*The Hungarian National Assembly has the possibility to scrutinize any drafts considered of significance for the Republic of Hungary, furthermore the National Assembly may request information on the position of the government prior to the meetings of the European Council or other strategic European events.*

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

*As the decisions falling within the scope of both pillars are subject to the same general rules of scrutiny, the transfer of matters would not influence the way the parliament examines these policies*

### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?



*The changes have been followed by experts in the European Affairs Committee and the parliamentary factions. There has been no political discussion of this decision, or procedural changes introduced as a result thereof.*

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

*The possibility exists to scrutinise decisions taken in the comitology procedure, as the Hungarian Government is represented in the decision-making. This possibility has not been made use of in the past. Scrutiny of a comitology procedure would fall under the general rules of scrutiny. If an issue of sufficient significance should arise, the Hungarian Parliament will not hesitate to scrutinise the procedure, there are, however, no express plans to do so.*

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

*At this point we have no experience in this regard.*

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

*The database provides sufficient information to decide whether a comitology procedure should be brought under scrutiny. We have no experience about possible practical problems during an actual process of scrutiny.*

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

*There is no formal distinction between political and technical items as such. However, one of the main criteria for the selection of any document or procedure for scrutiny is that the issue should be of outstanding political importance for the Republic of Hungary.*

## **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

*Of course the members of the delegations participating at the joint meetings consider these events utmost helpful on the one hand for their daily work, and on the other for their long-term co-operation with their colleagues from the national parliaments and from the EP. These joint meetings generally direct the attention of the political leaders*

*to important issues on the EU agenda, which could be soon reflected in the agenda of the national legislations.*

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

*Yes, it is the case. The topics are inevitably important to serve both interests, the NPs and the EP.*

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

*Yes.*

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

*According to the Hague guidelines, entitled the Interparliamentary Co-operation in the European Union, adopted by the Conference of Speakers of the EU Parliaments on 2-3 July 2004, the Secretaries General have the possibility to submit to the Conference of Speakers issues of common interest to focus on during the following period. It might be advisable that the issues identified under this framework, could serve as a starting point for working out the topics of the joint meetings organised by the EP. In this way the topics could be identified with the contribution of all the parliaments.*

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

*We propose considering that rapporteurs of certain widely debated topics and relevance for both, the future of the EU and the MSs, be invited by sectoral committees of the NPs similar to the participation of Mr. Lamassoure, standing rapporteur on the own resources.*

*In addition it might be important for the members of NPs to have the opportunity on an ad hoc basis to take the floor in committee meetings of the EP if they have important comments on certain issues. Also, vice-versa, MEPs should be given the chance to participate on an ad hoc basis at the meetings of sectoral committees of the national parliaments. This two-direction channel of information-flow would be useful for both sides.*

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro

Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

*The Hungarian National Assembly does not take part in the mentioned organisations.*

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

*Whereas the Hungarian Parliament does not specifically focus on the issues related to the Northern Dimension, the Committee on European Affairs welcomed the initiative to strengthen this cooperation when the Finnish ambassador, at a parliamentary hearing, informed the MPs about the presidency's agenda.*

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

*At this point the Hungarian Parliament does not have experience concerning issues of significance falling within the scope of the Northern Dimension.*

## 16. Ireland

### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?
2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

The European Commission has undertaken to transmit directly all new proposals and consultation papers directly to national parliaments inviting them ‘to react so as to improve the process of policy formulation’.

The European Council on 15-16 June 2006, called on the Commission to ‘duly consider’ comments by national parliaments – in particular with regard to the subsidiarity and proportionality principle.

The conclusion of the Conference of Speakers’ suggested that COSAC consider initiating a discussion on strengthening cooperation on monitoring the principle of subsidiarity.

In light of the developments above it would be timely for an early discussion in COSAC on how this might be arranged so that observations by national parliaments have an optimal impact.

The COSAC initiatives in relation to monitoring compliance with the principles of subsidiarity and proportionality of two Commission proposals have been important advances in strengthening cooperation when monitoring subsidiarity.

COSAC should evaluate the operation of the current initiative in respect of the 2006 Legislative and Work Programme with a view to holding a similar exercise in 2007 in respect of a small number of proposals. To facilitate this consideration should be given to establishing a ‘subsidiarity’ working group at official level, in cooperation with the COSAC Secretariat. The role of the working group would be to monitor developments, provide regular updates on and facilitate ongoing exchange of information and experience of participating national parliaments on subsidiarity and proportionality matters (participation of national parliaments in the subsidiarity process would continue to be voluntary.) This would facilitate improvement in the quality of the subsidiarity and proportionality checks and strengthen cooperation within the framework of COSAC when monitoring these matters.

### **Chapter 2: Cooperation with the Commission**

## I) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

Yes. Prior to this initiative the Oireachtas did not necessarily receive all non-legislative documents in accordance with the EU Scrutiny process in the Oireachtas

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

A dedicated database was created in the Oireachtas to receive the documents forwarded by the European Commission directly to national parliaments.

3. How do you intend to react to the Commission's documents?

- a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

The EU-Scrutiny Committee will continue to scrutinise the documents initially. When proposals are referred for further scrutiny to sectoral committees, the sectoral committees will decide whether they wish to respond, including the content of the response, to the Commission.

- b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

Legislative proposals will be prioritised and where necessary all other documents will receive due consideration; sectoral committees will consider documents brought to their attention and will also decide whether to forward comments on these to the Commission.

- c) Do you intend to keep a six-week time limit<sup>13</sup> for your reaction?  
Where practicable the Oireachtas will follow the six-week time limit.

---

<sup>13</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

Yes. The EU Scrutiny Committee and Joint (sectoral) Committees of the Oireachtas will scrutinise and react to Commission documents. Joint Committees of the Oireachtas comprise members of both Houses of the Oireachtas sitting and voting together.

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

A reply will be forwarded by the Committee Chairman on behalf of the relevant Oireachtas committee.

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

There is already a comprehensive system in place in the Oireachtas for scrutiny of EU draft legislation including Green Papers and White Papers.

It is intended to build on the current system and incorporate the additional documents, where required.

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

Yes. It is a valuable signal of the important place of national parliaments in the EU decision-making process.

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

The Commission's Annual Policy Strategy has informed debate in the Oireachtas Joint Committee on European Affairs.

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

Yes. It is an important aid in the formulation of perspectives in the Committee.

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

This is a matter that could be kept under review.

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?
2. What is the view of your parliament vis-à-vis this initiative?
3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?
4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?
5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

These matters were considered by the Scrutiny Committee earlier this year. Given the importance of the issues involved, the subject-matter was forwarded for further consideration by the Joint Committee on European Affairs. That Committee will consider these matters further with the Tánaiste and Minister for Justice in November.

### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?  
Yes.
2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

Yes. The scrutiny procedure closely followed the usual procedure for the scrutiny of legislative proposals. Proposals arising from the comitology process would be considered on a case-by-case basis.

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

Government departments have been requested by the Committee to keep it informed on specific developments within the comitology procedure.

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

[See reply to No. 3.](#)

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

[Often there is an overlap between these categorisations and therefore all matters of concern are treated in the same manner.](#)

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

[Where joint meetings have a clear agenda and purpose, value can be added to the separate processes underway in national parliaments and the European Parliament.](#)

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

[See reply to No. 1.](#)

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

[Consideration might be given to COSAC having an input into the process for agreeing the topics for discussion at Joint Parliamentary Meetings.](#)

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

[See reply to No. 4.](#)

#### **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro



Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

The Oireachtas does not participate in the work of any of the aforementioned organisations.

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

Yes. The Oireachtas Joint Committee on European Affairs has given some consideration to the EU's Northern Dimension at meetings earlier this year.

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

At the current stage of consideration of these matters in the Joint Committee (please see reply to No. 2) it is not currently possible to come to a definitive conclusion on this matter.

## 17. Italy

### ***chamber and senate***

#### **Chapitre 1: Subsidiarité et proportionnalité**

1. En ce qui concerne les conclusions du Conseil, comment aimeriez-vous voir le rôle de la COSAC renforcé en rapport avec le contrôle de subsidiarité ?

**Comme il est établi par le Traité, la COSAC vise à l'échange réciproque de bonnes pratiques entre les Parlements en ce qui concerne le contrôle parlementaire en matière européenne, y compris la subsidiarité. On estime qu'il n'est pas nécessaire de modifier cette prévision du Traité.**

2. A ce sujet, de quelle façon le rôle des commissions parlementaires d'enquête devrait être pris en compte (par exemple, dans le cas d'un système où les commissions parlementaires d'enquête sont responsables du contrôle de subsidiarité et de proportionnalité)?

**Ces questions et procédures n'ont pas encore été examinées par le Sénat et par la Chambre des députés.**

#### **Chapitre 2: Coopération avec la Commission**

##### **I) Transmission directe des documents de la Commission**

1. La transmission directe de documents par la Commission augmente t-elle le volume de documents relatifs à l'UE reçus par votre parlement ?

*Non, pour la Chambre des députés, qui reçoit déjà par le Gouvernement tous les documents transmis par la Commission.*

*Oui, pour le Sénat.*

2. D'un point de vue technique, comment votre parlement a-t-il l'intention de traiter des documents qui lui sont transférés directement par la Commission (par exemple en établissant de nouveaux moyens pour la réception des documents, tel une base de données séparée, ou l'utilisation de mécanismes déjà existants)?

**La Chambre des députés et le Sénat (depuis quelques jours) ont activé une boîte de courrier électronique pour recevoir les documents. On réfléchira sur l'activation d'une base de données pour le classement des documents.**

3. Comment pensez-vous réagir aux documents de la Commission?

**La procédure n'a pas encore été définie. En principe les documents devraient être mis à la disposition de toutes les Commissions permanentes du Sénat et de la Chambre des députés, y compris la Commission des affaires européennes;**

**ce seraient ces organes qui décideront si examiner ou non les documents, par les biais des instruments ordinaires du contrôle parlementaire.**

a) Quel organe de votre parlement aura le contrôle des documents et décidera du contenu de la réaction envers la Commission (par exemple, la commission des affaires communautaires, une commission sectorielle, l'assemblée plénière) ?

**Il faudrait suivre la procédure déjà prévue par le règlement de la Chambre, selon laquelle les propositions d'actes normatifs européens sont attribuées à la commission compétente en matière, avec l'avis de la Commission des Politiques de l'Union européenne.**

**Au Sénat, il faudrait appliquer la procédure normale pour la phase ascendante. Les propositions sont assignées à la Commission compétente en matière, avec l'avis de la Commission des affaires étrangères et de la Commission des politiques de l'Union européenne.**

b) Votre parlement contrôlera/réagira t-il uniquement aux propositions législatives ou aussi aux documents de consultation, documents de travail etc.?

**Selon le règlement de la Chambre et du Sénat, les commissions parlementaires peuvent examiner les propositions d'actes normatifs européens aussi bien que tous les autres actes visant à leur formation, tels les documents de consultation.**

c) Avez-vous l'intention de garder un temps limite de 6 semaines<sup>14</sup> pour votre réaction ?

**Question et procédure pas encore examinées par la Chambre des députés et le Sénat. En tout cas, les règlements en vigueur ne prévoient pas de délais précis pour la conclusion de l'examen de projets d'actes communautaires.**

d) Si votre parlement est un parlement bicaméral, y aura-t-il une coopération entre les deux chambres concernant le contrôle des documents transmis par la Commission et la réaction à ceux-ci ?

---

<sup>14</sup> Le Protocole relatif au rôle des parlements nationaux dans l'UE annexé au Traité d'Amsterdam énonce que six semaines doivent s'écouler entre le moment où la Commission met une proposition à disposition des parlements nationaux et du Conseil en toutes les langues et la date à laquelle elle est mise à l'ordre du jour du Conseil pour être décidée (soit pour l'adoption d'une loi ou pour l'adoption d'une position commune).

**En général, non.**

e) De quelle façon allez-vous formellement répondre (par exemple: lettre de président du parlement, président de la commission, etc.)?

**Pas encore décidé.**

4. La façon dont votre Parlement traitera des documents directement transmis par la Commission (comparez avec la question 3) différera t-elle de la procédure utilisée dans le passé par votre Parlement dans le cadre des questions relatives à l'UE ?

**Pas encore décidé, mais probablement non.**

5. Votre Parlement considère t-il la transmission directe des propositions législatives et des documents de consultation aux parlements nationaux comme apportant une valeur ajoutée, par rapport à la situation passée?

**Non, car le Gouvernement nous transmet formellement tous les documents contenus dans la base de données du Conseil, y compris donc tous les documents présentés par la Commission européenne.**

## II. La Politique de Stratégie Annuelle

1. Votre parlement a t-il tenu dans le passé, des débats sur la Politique de Stratégie Annuelle de la Commission?

**Non, la Chambre des députés et le Sénat ont examiné régulièrement le programme législatif et de travail de la Commission et le programme opérationnel du Conseil.**

a) Si oui, quels organes étaient impliqués dans les discussions?

Quelle était la conclusion des débats et comment a t-elle été utilisée? (par exemple, l'adoption d'un avis à soumettre au gouvernement) ?

b) Si non, comment planifiez-vous traiter la Politique de Stratégie Annuelle dans le futur?

**On est en train d'examiner la question et les procédures.**

2. Votre parlement considère-t-il la discussion de la Politique de Stratégie Annuelle comme un atout?

**Oui.**

3. Seriez-vous intéressé d'en discuter dans un contexte interparlementaire (à savoir la COSAC)?

**Question pas encore examinée.**

### **Chapitre 3: Justice et affaires intérieures: une question de passerelle**

1. Votre parlement a-t-il discuté de l'initiative de la Commission ?

**La Chambre des députés dans une résolution approuvée le 21 septembre 2006 a engagé le Gouvernement à soutenir le recours à la clause-passerelle prévue par l'article 42 du Traité sur l'Union européenne et par l'article 67 du Traité qui constitue la Communauté européenne, pour garantir que d'autres matières concernant l'espace de liberté, sécurité et justice peuvent également être examinées avec la procédure de co-décision et avec le vote à majorité qualifiée du Conseil.**

**Le Sénat italien n'a pas discuté l'initiative de la Commission.**

2. Quelle est l'opinion de votre parlement à l'égard de cette initiative?

**Voir réponse 1.**

3. Votre gouvernement a-t-il pris position par rapport à cette initiative et si oui, comment votre parlement en a-t-il pris connaissance?

**Au Conseil informel JAI de Tampere, le gouvernement italien n'a pas pris formellement de position sur la question. Toutefois, il est possible d'affirmer que la position du gouvernement italien est substantiellement en faveur de la clause passerelle prévue par l'art. 42.**

4. Comment votre parlement peut-il influencer sur la position de votre gouvernement relative à cette initiative ?

**Voir réponse 1.**

5. Est-ce que le transfert de certaines questions relevant de la Justice et des affaires intérieures du troisième pilier vers le premier aurait un impact sur la manière dont votre parlement exerce son contrôle sur ces politiques ?

**Non.**

### **Chapitre 4: Comitologie**

1. Votre parlement a-t-il suivi les changements récents dans la procédure de comitologie ?

**Le Sénat italien et la Chambre des députés considèrent que la comitologie est une question qui concerne les rapports entre le Conseil, le Parlement européen et la Commission. Elle ne peut donc pas être comprise parmi les intérêts spécifiques des Parlements nationaux et de la COSAC.**

2. Est-ce que dans le passé votre parlement/chambre a contrôlé les décisions prises dans le cadre de la procédure de comitologie, et si, comment la procédure fonctionne-t-elle ? Envisagez-vous de vous occuper de la comitologie à l'avenir?

**Non.**

2. Pensez vous que le délai imparti pour l'examen des décisions parlementaires dans les procédures de comitologie est suffisant? Sinon, comment pensez vous qu'il puisse être amélioré?

**Question pas examinée.**

3. Pensez vous que le registre "Comitologie" de la Commission, qui a été créé en décembre 2003, donne assez d'informations sur les procédures de comitologie en cours/en suspens? Sinon, comment ce registre pourrait-il être amélioré?

**Question pas examinée.**

4. Y a-t-il une distinction au sein de votre assemblée entre les sujets techniques et les sujets politiques? Si oui, comment? Contrôlez-vous ces deux types de sujets?

**Non, dans le travail des organes parlementaires du Sénat italien et de la Chambre des députés il n'y a pas une distinction a priori entre les sujets ou les aspects techniques et les sujets ou les aspects politiques.**

#### **Chapitre 5: Coopération future avec le Parlement européen**

1. Votre parlement considère-t-il que les réunions communes apportent une valeur ajoutée à la coopération interparlementaire et/ou au travail de votre parlement ? Veuillez expliquer.

**L'expérience récente des réunions parlementaires est certes très positive. Ces rencontres jouent un rôle très important pour sensibiliser les parlementaires nationaux et les commissions parlementaires sectorielles sur certaines questions et sur des sujets à l'ordre du jour des institutions dans l'UE. En outre, elles garantissent une habitude de rapports entre les commissions parlementaires homologues des Parlements nationaux et du Parlement européen. De cette façon elles renforcent chaque Parlement dans l'exercice de ses activités en matière européenne, selon les procédures et les compétences respectives. Dans cet ordre d'idées, ces rencontres pourraient être structurées organiquement à travers l'adoption de la formule COSAC, déjà prévue comme modèle pour toutes les réunions de Commissions homologues des parlements nationaux dans le préambule du règlement COSAC.**

2. Votre parlement considère-t-il que les sujets sélectionnés pour les réunions sont intéressants et d'actualité? Les sujets sélectionnés pour les réunions satisfont-ils les intérêts des parlements nationaux et du Parlement européen?

**Oui, même si l'ordre du jour des réunions interparlementaires a parfois trop de points et de sujets. Une approche plus concentrée sur une ou deux questions pour chaque réunion interparlementaire (dont l'ordre du jour compte parfois même 4 ou 5 sessions dédiées à de différents sujets) pourrait peut-être aider à approfondir davantage les thèmes réellement prioritaires et rendrait plus facile le dialogue effectif entre les parlementaires européens et nationaux.**

3. Votre parlement est-il satisfait du nombre de réunions actuellement organisées (à savoir, par Présidence, à peu près deux Rencontres parlementaires et des Rencontres des commissions parlementaires)?

**Oui, le nombre des réunions semble suffisant et il faudrait éviter une prolifération excessive de rencontres interparlementaires. L'organisation des réunions, en outre, devrait être coordonnée et vérifiée avec les calendriers des travaux de chaque Chambre, pour garantir toujours une participation la plus ample possible.**

4. Votre parlement a-t-il des observations à faire sur la question de comment continuer à développer l'organisation des Rencontres parlementaires et des Rencontres des commissions parlementaires?

**L'invitation à des réunions interparlementaires doit toujours arriver par une lettre du Président du Parlement européen au Président de la Chambre des députés, comme il est d'ailleurs prévu expressément par les directives en matière de coopération interparlementaire.**

5. Avez-vous des suggestions à faire sur d'autres formes possibles de coopération entre les parlements nationaux et le parlement européen ? Veuillez expliquer.

**Non.**

## **Chapitre 6: La Dimension septentrionale de l'Union européenne**

La Dimension Septentrionale se développe à l'intérieur des organisations européennes et intergouvernementales, ainsi que dans les organisations internationales, dont quelques-unes ont une dimension parlementaire (par exemple, le Conseil des Etats de la Mer Baltique – CEMB; le Conseil Euro Arctique de la Mer de Barents – CEAB; le Conseil Arctique – CA; le Conseil Nordique des Ministres – CNM; «Coopération parlementaire dans la région de l'Arctique»; «la Conférence Parlementaire de la Mer Baltique»; le Conseil Nordique).

4. Veuillez indiquer si votre parlement participe au travail d'une des organisations précitées. Dans l'affirmative, comment votre parlement coordonne t-il sa participation globale à ou son contrôle des affaires étrangères et européennes, avec le travail effectué par ses délégations en coopération avec ces organisations?

**Non.**

5. Votre parlement suit-il les politiques et activités de la Dimension Septentrionale de l'UE (par exemple, la Dimension Septentrionale pour les politiques de l'Union, les Directions se rapportant à l'implémentation de la Dimension Septentrionale, le Premier et le Deuxième Plan d'Action relatif à la Dimension du Nord, les Directives se rapportant au développement d'une déclaration politique et d'un document relatif à la structure de la politique pour la politique de la Dimension Septentrionale à partir de 2007 ?

**Non**

6. Votre parlement considère t-il que la Dimension Septentrionale fait l'objet d'un contrôle parlementaire adéquat ? Devrait-on tirer un parallèle avec la Dimension Euro-méditerranéenne de l'Union?



## 18. Latvia

### Chapter 1: Subsidiarity and proportionality

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

*Within the framework of COSAC, monitoring the observance of subsidiarity and proportionality should be continued by gathering information about how specific actions conform to the principles of subsidiarity and proportionality and about the procedures used by national parliaments in evaluating the observance of subsidiarity and proportionality. In accomplishing this task, advantage should be taken of the norms set forth in the existing EU treaties, and COSAC should act as coordinator.*

2. In this respect, how should the role of the select committees be taken into account (i.e., in the case of a system where the select committees are responsible for the subsidiarity and proportionality check)?

*If select committees are involved in assessing conformity to the principles of subsidiarity and proportionality, the parliament, depending on its existing system, should take their conclusions into account in preparing its position.*

### Chapter 2: Cooperation with the Commission

#### I) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

*The direct transmission of documents by the Commission does increase the number of documents that the Latvian Parliament receives, because information about those same documents is also transmitted from the National Database on EU Documents, which is under the supervision of the Ministry of Foreign Affairs of the Republic of Latvia.*

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view (e.g., establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms)?

*We have started to establish a database for accessing electronic versions of EU documents. This database will include the date the document was issued, the name of its originator, Latvia's national positions, review of the document in*

*parliamentary committee meetings, the committee agendas, minutes of committee meetings, links to other databases (IPEX, PRE LEX), and involved NGOs.*

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

*The Secretariat of the Saeima European Affairs Committee will review documents received from the European Commission, and they will express their opinion regarding the need to inform the European Commission about the process of implementing the specific legislative document in Latvia. The Saeima European Affairs Committee will decide on the need to express Latvia's opinion to the European Commission.*

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

*The Secretariat of the Saeima European Affairs Committee will review all types of documents drafted and transmitted to the Parliament by the European Commission.*

*Currently, the Saeima European Affairs Committee reviews only legislative proposals. In the distant future, as the system develops to enable the Committee to become involved in legislative review at an earlier stage, the Saeima European Affairs Committee could give its reaction to the European Commission's consultation documents and working documents as well.*

c) Do you intend to keep a six-week time limit for your reaction?

*In view of our trial-period experience with subsidiarity and proportionality, we find that a six-week limit for submitting our reaction to the European Commission is much too short a time for forming a working group and preparing an opinion concerning a specific legislative project or some other document of the European Commission. One must take into consideration "institutional constraints"; for example, official consultations, as well as formation of workgroup and scheduling debates, can take a long time. Thus, depending on the specific issue, the parliament cannot avoid exceeding the six-week time limit for giving its reaction.*

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

*The Saeima of the Republic of Latvia is a unicameral body.*

e) In which way will you formally reply (e.g., letter by your speaker; committee chairman etc)?

*Depending on the importance of the issue, replies could be submitted by the chairman of the European Affairs Committee or by the Speaker of the Saeima.*

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

*The way in which our parliament intends to deal with documents transmitted directly by the European Commission does differ somewhat from the procedure used in the past, because the Saeima is working out procedures for involving itself at an early stage in reviewing draft legislative projects. Thus, the procedures themselves will not change, but the opportunity to react directly to draft legislation will be something new.*

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

*Direct transmission of legislative proposals to national parliaments can have a positive effect because it means that the parliament is informed sooner and becomes involved at an early stage of a draft legislative project; that, in turn, can make it easier to monitor the implementation of the given piece of legislation.*

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g., adoption of an opinion for submission to the government)?

*Up until now, the Commission's Annual Policy has been reviewed by the Saeima European Affairs Committee in the context of Latvia's national position; as a result, the Parliament requested the Government to revise Latvia's national position.*

*Members of the Saeima European Affairs Committee also debated the Commission's Annual Policy together with representatives of European Parliament elected from Latvia.*

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

NA

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

*Discussions and an exchange of views always have a positive effect because during the course of discussion, various issues are brought up which can turn out to be significant not only for a given country but also for the European Union as a whole. That was illustrated during extensive discussions held by the Saeima European Affairs Committee regarding matters such as the EU Services Directive and the Lisbon Strategy.*

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

*The Annual Policy Strategy could be included as an item on the COSAC agenda. Then the various viewpoints regarding this document could be collected and compared.*

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

*In its meetings, the Saeima European Affairs Committee has reviewed Latvia's national position regarding the Hague programme, which aims at strengthening freedom, security and justice in Europe (question of passerelle).*

2. What is the view of your parliament vis-à-vis this initiative?

*The Saeima European Affairs Committee supported the position of the Latvian Government that there is a need to discuss the issue of possible improvements in the decision-making process with regard to freedom, security and justice, and the Committee believes that decision-making process on legislation related to the third pillar issues should be improved.*

*The need to use the option to change the decision-making procedure set forth in Article 42 of the Treaty Establishing the European Union (transferring issues related to the third pillar to the first pillar, if unanimously approved by the Member States) is regarded cautiously, because, first of all, the decision-making mechanisms available under the existing procedures should be fully used; furthermore, existing mechanisms which could enhance the efficiency of the decision-making have not yet been adequately assessed.*

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

*The Latvian Government has informed the Saeima European Affairs Committee when presenting its national position, and the Committee supported it. The Saeima European Affairs Committee reviewed Latvia's national position first on 21 July 2006, prior to the Council meeting held on 24 July 2006. Then the Saeima European Affairs Committee reviewed this position again on 15 September 2006, prior to the informal Council meeting held on 21 – 21 September 2006.*

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

*The Saeima European Affairs Committee can exert its influence on this and on other national positions by submitting proposals for improving or amending the national position drafted by the relevant line ministry.*

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

*Besides the fact that the potential changes must be approved by the national parliament, transfer of justice and home affairs matters from the third to the first pillar should not affect the agenda of the parliament.*

#### **Chapter 4: Commitology**

1. Did your parliament follow the recent changes in the commitology procedure?

*The Secretariat of the Saeima European Affairs Committee follows the recent changes in the commitology procedure.*

2. Has your parliament/chamber scrutinised decisions taken within the commitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with commitology in the future?

*The Latvian Parliament has not scrutinised decisions taken by using the commitology procedure. Taking into consideration the fact that the new commitology procedure was adopted in July 2006, the Parliament could consider the possibility of dealing with so-called “quasi-legislative” matters, but not with technical issues.*

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within commitology procedures? If no, how would you suggest that this could be improved?

*According to the currently used procedures, there is insufficient time for parliamentary scrutiny of decisions; however, the new procedure has not yet been broadly discussed in the Latvian Parliament.*

4. Do you find that the Commission's Register of Commitology, which was established in December 2003, provides sufficient information about pending commitology procedures? If no, how could the register be improved?

*In view of the fact that there has not yet been parliamentary scrutiny of the commitology process, more thorough analysis has not been carried out; thus, we cannot give an opinion on the possible improvements to the Commission's Register of Commitology.*

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

*Up until now, the Latvian Parliament has not reviewed technical items. The Saeima European Affairs Committee usually approves national positions prior to Council meetings.*

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

*The Saeima European Affairs Committee has concluded that joint parliamentary meetings and joint committee meetings have a direct positive impact on the work of the Parliament when solving various EU issues. After the joint meeting on the Lisbon Strategy and the future of Europe, the Saeima European Affairs Committee and select committees became more active in evaluating the National Programme of the Lisbon Strategy and the National Development Plan.*

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

*The Saeima European Affairs Committee is convinced that the topics selected for joint parliamentary and joint committee meetings are interesting and topical both for national parliaments and the European Parliament. Previous topics have provided an opportunity to examine the options for solving issues that are significant for the entire European Union.*

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

*The Saeima is satisfied with the number of joint meetings currently scheduled because more frequent joint parliamentary and joint committee meetings would affect the work of the national parliaments (the absence of MPs could affect the decision-making procedure in a national parliament).*

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

*On the whole, the previous joint parliamentary and joint committee meetings have been well organised. Sometimes, there was a lack of timely planning on the part of the European Parliament; as a result, national parliaments did not receive information about the joint meeting in due time.*

*The ongoing cooperation, as well as the joint work on such strategic issues as the Lisbon Strategy, the future of Europe and the new EU internal market policy, should be continued.*

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

*Members of the European Parliament could visit national parliaments more frequently; they could focus the attention of national parliaments on important new legislative proposals and provide an update regarding significant issues, as well as express the position of the European Parliament regarding various issues significant for the European Union.*

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

*The Saeima of the Republic of Latvia is represented regularly in the Baltic Sea Parliamentary Conference and the Nordic Council. On several occasions, the Latvian parliamentarians have participated in the work of the Barents Euro-Arctic Council and the Conference of Parliamentarians of the Arctic Region as observers. Latvian Parliament's participation in the aforementioned organisations is coordinated by the Baltic Assembly, which considers invitations to various plenary meetings and coordinates the participation of delegates in such meetings.*

*Cooperation takes place chiefly with the Nordic Council and the Baltic Sea Parliamentary Conference. Each year the Baltic Assembly and the Nordic Council develop a joint action plan that defines the priorities and forms for cooperation*

*between the two organisations. During the BA and NC Annual Summit both organisations present reports on what has been accomplished and define the priorities for the coming year. Cooperation is closely coordinated in conjunction with the Baltic Council of Ministers and the Nordic Council of Ministers.*

*The Baltic Sea Parliamentary Conference is held once a year. During this conference, issues relevant to the Baltic Sea Region are discussed and the conference resolution is adopted. Between conferences, the Standing Committee (Latvia is represented through the Baltic Assembly) and the Extended Standing Committee (Latvia is represented through the head of the Latvian delegation to the Baltic Assembly) function.*

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

*The Latvian Parliament makes sure that priorities set in the aforementioned documents are followed up.*

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

*The Northern Dimension should be subject to appropriate parliamentary scrutiny. That would promote more active exchange of information and would make it possible to tackle in a timely manner issues that eventually could affect existing legislation and policies.*

*The Mediterranean Dimension has proved itself as a way to ensure inclusion of issues relevant to the region in setting the agenda of the whole EU. This is an example from which the Nordic region countries can learn. Increased unity should be attained in bringing issues of the Nordic Dimension to the forefront of the EU member states' agenda. The initiative to develop the domestic policy aspect of the Northern Dimension within the framework of the EU should be regarded as positive because after the latest EU enlargement the Baltic Sea has become an internal sea of the EU. Moreover, the Mediterranean Dimension has a special allocation from the EU budget, while the Northern Dimension does not have one yet. This fact undeniably hinders the achievement of the Northern Dimension's aims.*

*Parliament would also support the recent idea about Parliamentary forum on the Northern Dimension.*



## 19. Lithuania

### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

*The Seimas Committee on European Affairs has not discussed this question.*

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

*Article 180<sup>6</sup> of the Statute of the Seimas of the Republic of Lithuania provides the mechanism for the control of the principle of subsidiarity. Following the provisions under the article, the select committee submits its expert conclusion to the Committee on European Affairs. Upon adopting its decision, the Committee on European Affairs takes into account the conclusions of both select committees and the Legal Department of the Office of the Seimas or of any other experts.*

### **Chapter 2: Cooperation with the Commission**

#### **I) Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

Yes.

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

*It is acceptable to get the documents of the European Commission to the e-mail address actually used for reception of Green Papers, White Papers and non-legislative communications.*

*All the documents directly received from the EU are stored in the Internet database of the Seimas. The database is designed for public access. The issue of a separate database for the reception of new documents has not been considered. From 2004 Lithuanian government operates LINESIS information system, which stores and interactively processes the data on the drafting and implementing of legal acts of the European Union.*

3. How do you intend to react to the Commission's documents?

*The procedure as prescribed in Article 180<sup>5</sup> of the Statute of the Seimas (Debate on Proposals to Adopt Legal Acts of the European Union or on other Documents of the European Union Directly Received from the Institutions of the European Union) is as follows:*

*1. Proposals to adopt legal acts of the European Union or other documents of the European Union which the Seimas receives directly from the institutions of the European Union, shall be registered at the Secretariat of Seimas sittings and forwarded to the Committee on European Affairs and specialised committees according to their competence. The documents of the European Union, which are received in such a manner, shall be forwarded to the Committee on Foreign Affairs and specialised committees according to their competence.*

*2. The Seimas shall furnish to the Government the information regarding the proposals to adopt legal acts of the European Union or other documents of the European Union specified in paragraph 1 of this Article.*

*3. Directly received proposals to adopt legal acts of the European Union or other documents of the European Union may be debated in the specialised committees, the Committee on European Affairs and Committee on Foreign Affairs prior to the submission of a position of the Republic of Lithuania. A decision concerning the including of such documents on the agenda of the committee meetings shall be made by the committee chairman or they shall be included on the agenda at the written request of one-third of the committee members. The debate on such documents shall be held in accordance with the procedure for debating established by other documents of the European Union.*

- a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

*Sectoral committees and the Committee on European Affairs.*

- b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

*Other documents as well (see Article 180<sup>5</sup> of the Statute of the Seimas above)*

- c) Do you intend to keep a six-week time limit<sup>15</sup> for your reaction?

*Yes*

---

<sup>15</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

*A letter by the Chairman of the Committee on European Affairs*

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

*No need for changes in the procedures provided by the Statute*

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

*Relatively yes.*

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

*No*

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

*Annual Policy Strategy will be presented to the Committee on European Affairs.*

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

*Yes.*

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

*The Committee on European Affairs is of the opinion that the Annual Policy Strategy could be presented at the COSAC and later on discussed individually in national parliaments.*

## Chapter 3: Justice and Home Affairs: question of passerelle

1. Has your parliament discussed the Commission initiative?

Yes.

2. What is the view of your parliament vis-à-vis this initiative?

*There are still ongoing discussions in Lithuania concerning the Commission's initiative in analysing of the Commission's communications on the review of the Hague Programme. Taking into account that the general Commission's proposal is presented in an information document, the specification of a further discussion on the EU level might be useful by submitting specific proposals.*

*The Parliament notes, that the approach to the Hague Programme and its further implementation also relates to the issues of the development of the EU Constitution, namely, how (and to which extent) the concepts of the Treaty of the Constitution for Europe should be realised.*

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

*Following the provisions under Article 180<sup>2</sup> of the Statute of the Seimas of the Republic of Lithuania, the Committee on European Affairs or the Committee on Foreign Affairs debate European Union matters which are within the framework of the Seimas competence and, if necessary, make decisions on behalf of the Seimas.*

*On 21 July, the initiatives of the Commission were first officially presented, at the meeting of the Committee on European Affairs, by the representatives of the Ministry of Justice and the Ministry of the Interior introducing the positions of the Republic of Lithuania before the meeting of the EU Justice and Home Affairs Council on 24 July 2005. With regard to the importance of the review of the communications on the Hague Programme presented by the European Commission and taking into account that the essential discussions on the content of the communications mentioned were scheduled on 20 to 22 September at the unofficial Tampere Justice and Home Affairs Council of the European Union, the decision was made to include this issue in the agenda of the meeting of the Committee on European Affairs on 15 September. Furthermore, it was decided to request the Seimas Committee on Legal Affairs, the Committee on National Security and Defence and the Committee on Human Rights to consider the communications within their competences, with the conclusions to be furnished to the Committee on European Affairs.*

*According to the decision of the Seimas Committee on European Affairs the responsible bodies of Lithuania submitted the initial opinions regarding the Commission's initiatives on 1 September. The opinion of the Ministry of Justice was followed by a comprehensive analysis of experts, that is, the European Law Department under the Ministry of Justice. This question was discussed by the Seimas Committee on Legal Affairs, the Committee on National Security and Defence and the Committee on Human Rights on 13 September. The meetings of the select committees were also visited by the representatives of the responsible institutions of the Republic of Lithuania.*

*On 15 September, the positions before the unofficial meeting of the EU Justice and Home Affairs Council on 20 to 22 September 2006 adjusted taking into account the*

*observations and proposals of the Seimas committees (in particular, of the Committee on Legal Affairs) were presented by the ministers of Justice and Home Affairs to the Seimas Committee of European Affairs. The issue of the Commission's initiative was once again included in the agenda of the Committee on European Affairs, and on 27 September, when the ministers accounted for the visit to the meeting of the Council of the European Union, also on 4 October 2006, upon the presentation by the ministers of the positions before the EU Justice and Home Affairs on 5 to 6 October 2006 as well as on 11 October, upon the presentation of the reports by the ministers after the EU Council meeting.*

*Besides, the Committee on European Affairs focused on different constitutional requirements of the Member States of the European Union as regards the adoption of the Council decisions with reference to Article 42 of the Treaty on European Union and as regards the involvement of national parliaments in this procedure. Subject to the request of the Committee on European Affairs the Law Department of the Office of the Seimas analysed and provided the Committee members with a comprehensive certification on the constitutional requirements of the Republic of Lithuania concerning the application procedure of the passerelle under Article 42 of the Treaty on European Union.*

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

*Following the provisions under Article 180<sup>7</sup> of the Seimas Statute, an institution responsible for the preparation of a position of the Republic of Lithuania submits a position to the Seimas Committee on European Affairs. The Committee on European Affairs may express its opinion to the ministers going to the meetings of the Council of the European Union on behalf of the Seimas. The opinion is, in practice, binding politically rather than legally.*

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

No.

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?  
*This issue has not been on the agenda of the Committee on European Affairs*

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

*Possibly yes.*

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

*The Seimas strongly supports the idea of joint meetings. Such meetings give a possibility to exchange ideas and make informal contacts and give a floor to voice standpoint of national parliaments at the joint European level.*

*The ideas raised during joint meetings can influence parliamentary decision-making process at home. Participation of commissioners, representatives of the Commission and Council secretariat, and, especially, the EU Presidency is important.*

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

*Basically yes. Debates of joint meetings are usually broad; therefore, it is possible to discuss many interconnected policy aspects.*

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

*Yes.*

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

*We encourage discussions on new proposals for EU legislation. Such meetings could be a perfect means of exchanging views and information on topical proposals for EU legal acts. The European Parliament and the Parliament of the presiding country should consider the calendar of interparliamentary events carefully, so that topics should not overlap between joint meetings in Brussels and those organised by the presiding country in the capital. More attention should be given to organisation of Joint Committee Meetings and advance planning.*

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

Current forms and procedures could be consolidated and made even more efficient.

## **Chapter 6: Northern Dimension of the European Union**

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

*Lithuania is a participant to all of these regional co-operation frameworks. At parliamentary level, the Seimas of the Republic of Lithuania participates at the Baltic Sea Parliamentary Conference, as well as on ad hoc basis takes part in the Parliamentary cooperation in the Arctic Region, on the issues concerning the Baltic Sea. The Seimas has a permanent parliamentary delegation to the Baltic Assembly.*

*The Committee on Foreign Affairs co-ordinates the work of delegations, as laid down in the Statute of the Seimas. Twice a year, the Committee hears the plans and reports of the delegations. The Committee may put forward its suggestions for the work of delegations, if deemed necessary.*

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

*Northern Dimension falls under the competence of both the Committee on European Affairs and the Committee on Foreign Affairs. The Committee on Foreign Affairs has submitted its suggestions to the draft Baltic Sea Strategy, proposed by the “Baltic Europe” Intergroup of the European Parliament.*

*The Committee on Foreign Affairs will hold a discussion on the Northern Dimension in November when it listens to the Foreign Affairs Minister before the November GAERC meeting.*

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

*The Northern Dimension merits more attention in the Governmental as well as in the Parliamentary level. EU relations with its Northern and Eastern Neighbours are as important as with its Southern Neighbours.*

## 20. Luxembourg

### Chapitre 1: Subsidiarité et proportionnalité

1. En ce qui concerne les conclusions du Conseil, comment aimeriez-vous voir le rôle de la COSAC renforcé en rapport avec le contrôle de subsidiarité ?

Le Conseil européen ainsi que le Conseil des Ministres devraient tenir compte des remarques des Parlements nationaux.

2. A ce sujet, de quelle façon le rôle des commissions parlementaires d'enquête devrait être pris en compte (par exemple, dans le cas d'un système où les commissions parlementaires d'enquête sont responsables du contrôle de subsidiarité et de proportionnalité)?

Les travaux des Parlements, et plus particulièrement l'analyse des commissions parlementaires, devraient être pris en considération par le Conseil respectivement par le Conseil des Ministres.

### Chapitre 2: Coopération avec la Commission

#### I) Transmission directe des documents de la Commission

1. La transmission directe de documents par la Commission augmente t-elle le volume de documents relatifs à l'UE reçus par votre parlement ?

La transmission directe de documents par la Commission européenne n'a a priori pas d'incidence sur la quantité des documents analysés. Il n'est toutefois pas exclu que ceci changera ultérieurement.

2. D'un point de vue technique, comment votre parlement a-t-il l'intention de traiter des documents qui lui sont transférés directement par la Commission (par exemple en établissant de nouveaux moyens pour la réception des documents, tel une base de données séparée, ou l'utilisation de mécanismes déjà existants) ?

Pour le moment, les documents transmis directement par la Commission européenne ne sont pas traités différemment par rapport à la période précédente. Aucune nouvelle base de données n'a été créée pour le moment.

3. Comment pensez-vous réagir aux documents de la Commission?



a) Quel organe de votre parlement aura le contrôle des documents et décidera du contenu de la réaction envers la Commission (par exemple, la commission des affaires communautaires, une commission sectorielle, l'assemblée plénière) ?

Le système de traitement des dossiers européens n'a pas été modifié. La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration étudie régulièrement les listes de documents préparées par le greffe. Ces listes comprennent tous les documents transmis par la Commission européenne, documents classés en documents A ou documents B, suivant leur intérêt pour le Luxembourg. Ces listes sont ensuite transmises à la Conférence des Présidents pour renvoi aux différentes commissions parlementaires spécialisées. Il appartient à celles-ci de suivre l'évolution des dossiers qui sont dans leur compétence. A noter que la méthode de travail fera l'objet d'une évaluation en fin d'année.

b) Votre parlement contrôlera/réagira t-il uniquement aux propositions législatives ou aussi aux documents de consultation, documents de travail etc.?

La réaction ne se limite pas aux propositions législatives, du moment qu'une commission parlementaire souhaite réagir à un document de consultation ou à un document de travail.

c) Avez-vous l'intention de garder un temps limite de 6 semaines<sup>16</sup> pour votre réaction ?

Les commissions essaient de respecter un temps limite de six semaines, ce qui est toutefois plus difficile en période électorale, voire en période vacances parlementaires.

d) Si votre parlement est un parlement bicaméral, y aura-t-il une coopération entre les deux chambres concernant le contrôle des documents transmis par la Commission et la réaction à ceux-ci ?

Le Parlement luxembourgeois est monocaméral.

e) De quelle façon allez-vous formellement répondre (par exemple: lettre de président du parlement, président de la commission, etc.)?

---

<sup>16</sup> Le Protocole relatif au rôle des parlements nationaux dans l'UE annexé au Traité d'Amsterdam énonce que six semaines doivent s'écouler entre le moment où la Commission met une proposition à disposition des parlements nationaux et du Conseil en toutes les langues et la date à laquelle elle est mise à l'ordre du jour du Conseil pour être décidée (soit pour l'adoption d'une loi ou pour l'adoption d'une position commune).

La Chambre des Députés répond par une lettre du Président du Parlement.

4. La façon dont votre Parlement traitera des documents directement transmis par la Commission (comparez avec la question 3) diffèrera t-elle de la procédure utilisée dans le passé par votre Parlement dans le cadre des questions relatives à l'UE ?

Non, la méthode ne changera pas.

5. Votre parlement considère t-il la transmission directe des propositions législatives et des documents de consultation aux parlements nationaux comme apportant une valeur ajoutée, comparativement à la situation passée?

Il s'agit d'une valeur ajoutée du moment que tous les documents (propositions législatives et documents de consultation) sont effectivement et spontanément transmis, au moment où ces documents sortent de la Commission européenne.

## II. La Politique de Stratégie Annuelle

1. Votre parlement a t-il tenu dans le passé, des débats sur la Politique de Stratégie Annuelle de la Commission?

a) Si oui, quels organes étaient impliqués dans les discussions?

Jusqu'à présent, la Politique de Stratégie Annuelle de la Commission européenne n'a pas encore été analysée par le Parlement. En 2005, la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a par contre étudié le Programme Législatif et de Travail.

Quelle était la conclusion des débats et comment a t-elle était utilisée? (par exemple, l'adoption d'un avis à soumettre au gouvernement) ?

---

b) Si non, comment planifiez-vous de traiter de la Politique de Stratégie Annuelle dans le futur?

Nous proposons que la Politique de Stratégie Annuelle soit analysée par la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration respectivement par les commissions parlementaires spécialisées.

2. Votre parlement considère-t-il la discussion de la Politique de Stratégie Annuelle comme un atout?

La discussion de la Politique de Stratégie annuelle peut effectivement être considérée comme intéressante pour les Parlements nationaux.

3. Seriez-vous intéressé d'en discuter dans un contexte interparlementaire (à savoir la COSAC) ?

Oui, la COSAC pourrait effectivement constituer un cadre approprié pour en discuter dans un contexte interparlementaire.

### **Chapitre 3: Justice et affaires intérieures: une question de passerelle**

1. Votre parlement a-t-il discuté de l'initiative de la Commission ?

La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a discuté de cette initiative lors d'une de ses réunions au mois de mai.

2. Quelle est l'opinion de votre parlement à l'égard de cette initiative?

La Chambre des Députés soutient la position du Gouvernement luxembourgeois, qui favorise un passage de l'unanimité à la majorité qualifiée.

3. Votre gouvernement a-t-il pris position par rapport à cette initiative et si oui, comment votre parlement en a-t-il pris connaissance?

Le gouvernement a informé la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration de sa position.

4. Comment votre parlement peut-il influencer sur la position de votre gouvernement relative à cette initiative ?

La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration appuie la position du gouvernement.

5. Est-ce que le transfert de certaines questions relevant de la Justice et des affaires intérieures du troisième pilier vers le premier aurait un impact sur la manière dont votre parlement exerce son contrôle sur ces politiques ?

### **Chapitre 4: Comitologie**

1. Votre parlement a-t-il suivi les changements récents dans la procédure de comitologie ?

La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration est en train d'organiser une entrevue avec la Représentante luxembourgeoise auprès de l'Union européenne lors de laquelle il sera notamment question des changements récents au niveau de la comitologie.

2. Est-ce que dans le passé votre parlement/chambre a contrôlé les décisions prises dans le cadre de la procédure de comitologie, et si, comment la procédure fonctionne-t-elle ? Envisagez-vous de vous occuper de la comitologie à l'avenir ?

Différentes commissions parlementaires reçoivent régulièrement des informations sur ces décisions dans le cadre d'échanges de vues avec les Ministres de ressort respectivement leurs collaborateurs.

3. Pensez vous que le délai imparti pour l'examen des décisions parlementaires dans les procédures de comitologie est suffisant? Sinon, comment pensez vous qu'il puisse être amélioré?

4. Pensez vous que le registre "Comitologie" de la Commission, qui a été créé en décembre 2003, donne assez d'informations sur les procédures de comitologie en cours/en suspend? Sinon, comment ce registre pourrait-il être amélioré?

5. Y a-t-il une distinction au sein de votre assemblée entre les sujets techniques et les sujets politiques? Si oui, comment? Contrôlez-vous ces deux types de sujets?

Les sujets plus techniques qui n'ont pas d'intérêt pour le Luxembourg ne sont pas analysés par le Parlement.

## **Chapitre 5: Coopération future avec le Parlement européen**

1. Votre parlement considère-t-il que les réunions communes apportent une valeur ajoutée à la coopération interparlementaire et/ou au travail de votre parlement ? Veuillez expliquer.

La concertation entre le Parlement européen et les Parlements nationaux est primordiale, et dans ce sens les réunions communes présentent une valeur ajoutée, d'autant plus que le Parlement européen réussit à inviter des intervenants experts qui n'ont pas nécessairement le temps de visiter tous les Parlements nationaux.

2. Votre parlement considère-t-il que les sujets sélectionnés pour les réunions sont intéressants et d'actualité? Les sujets sélectionnés pour les réunions satisfont-ils les intérêts des parlements nationaux et du Parlement européen?

Les sujets proposés sont effectivement considérés comme intéressants et d'actualité.

3. Votre parlement est-il satisfait du nombre de réunions actuellement organisées (à savoir, par Présidence, à peu près deux Rencontres parlementaires et des Rencontres des commissions parlementaires)?

Le nombre de réunions est satisfaisant, mais il faut tenir compte de la multiplication rapide du nombre de ces rencontres, ce qui ne facilite pas la participation de petits Parlements nationaux.

4. Votre parlement a-t-il des observations à faire sur la question de comment continuer à développer l'organisation des Rencontres parlementaires et des Rencontres des commissions parlementaires?

Il serait opportun d'établir un calendrier commun, à annoncer suffisamment longtemps à l'avance pour permettre aux Parlements nationaux de l'intégrer dans leur calendrier national.

5. Avez-vous des suggestions à faire sur d'autres formes possibles de coopération entre les parlements nationaux et le parlement européen ? Veuillez expliquer.

--

#### **Chapitre 6: La Dimension septentrionale de l'Union européenne**

La Dimension Septentrionale se développe à l'intérieur des organisations européennes et intergouvernementales, ainsi que dans les organisations internationales, dont quelques-unes ont une dimension parlementaire (par exemple, le Conseil des Etats de la Mer Baltique – CEMB; le Conseil Euro Arctique de la Mer de Barents – CEAB; le Conseil Arctique – CA; le Conseil Nordique des Ministres – CNM; «Coopération parlementaire dans la région de l'Arctique»; «la Conférence Parlementaire de la Mer Baltique»; le Conseil Nordique).

1. Veuillez indiquer si votre parlement participe au travail d'une des organisations précitées. Dans l'affirmative, comment votre parlement coordonne t-il sa participation globale à ou son contrôle des affaires étrangères et européennes, avec le travail effectué par ses délégations en coopération avec ces organisations?

La Chambre des Députés ne participe pas à ces travaux.

2. Votre parlement suit-il les politiques et activités de la Dimension Septentrionale de l'UE (par exemple, la Dimension Septentrionale pour les politiques de l'Union, les Directions se rapportant à l'implémentation de la Dimension Septentrionale, le Premier et le Deuxième Plan d'Action relatif à la Dimension du Nord, les Directives se rapportant au développement d'une déclaration politique et d'un document relatif à la structure de la politique pour la politique de la Dimension Septentrionale à partir de 2007 ?

La Chambre des Députés ne suit pas de manière approfondie les questions liées à la dimension septentrionale de l'UE.

3. Votre parlement considère t-il que la Dimension Septentrionale fait l'objet d'un contrôle parlementaire adéquat ? Devrait-on tirer un parallèle avec la Dimension Euro-méditerranéenne de l'Union ?

## 21. Malta

### Chapter 1: Subsidiarity and proportionality

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

**Further steps should be taken so as to make COSAC the main forum for coordination and bench marking**

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

**Not Applicable in the case of Malta**

### Chapter 2: Cooperation with the Commission

#### I) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

**Yes**

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

**The Maltese Parliament has recently established a new and separate database aimed at dealing with the documents transmitted directly by the Commission**

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

**The Foreign and European Affairs Committee**

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

**Parliament is expected to react to all documents**

c) Do you intend to keep a six-week time limit<sup>17</sup> for your reaction?

**All efforts are being made to respect the six-week time limit**

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

**Not applicable**

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

**By means of a letter by the Committee Chairman**

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

**The procedure will be similar to the one currently in place but will have to be adapted in view of the fact that the legislative proposal will be scrutinised on their own merits (i.e. excluding the government's official position)**

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

**Yes**

II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

---

<sup>17</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).



b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

**Yes**

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

**Yes**

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

**No**

2. What is the view of your parliament vis-à-vis this initiative?

**Not applicable**

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

**Not applicable**

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

**Once this document is received it will be discussed by the Foreign and European Affairs Committee, which will be in a position to put forward any amendments to the Government position, if it so deems necessary.**

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

**No**

### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

**No**

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

**No**

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

**Yes**

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

**Yes**

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

**No**

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

**Yes the said meetings provide a valuable forum for the discussion of crucial topics and promote cooperation between the European Parliament and the parliaments of the Member States.**

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

**Yes**

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

**Yes**

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

**No**

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

**No**

### **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the afore mentioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

**No**

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

**No**

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

## 22. The Netherlands

### *tweede kamer*

#### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

COSAC and its secretariat can play a significant role in the procedure, especially as a center of information-exchange on the results of national scrutiny procedures on subsidiarity. Its future role could be discussed after evaluating the scrutiny procedures on the selected two proposals on divorce matters and postal market.

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

The organisation of the subsidiaritycheck is and remains primarily a national matter, the Tweede Kamer does not see a link between the standing committees and Cosac, other than that they obviously can make use of information, provided by Cosac.

#### **Chapter 2: Cooperation with the Commission**

##### **1) Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

Yes, the direct transmission does increase the amount of EU-documents received by the Tweede Kamer. At this moment we are in the process of formulating the precise way we will deal with them. Another point is that a quick scan resulted in the observation that the list of submitted proposals is not complete pared to the European registers (e.g. EurLex), we think probably because of the fact that only Dutch written proposals are sent. Overall we do welcome this new initiative of the Commission.

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

We have created a specific mailbox

### 3. How do you intend to react to the Commission's documents?

As already stipulated under question 1, we are in the process of formulating a precise procedure. A possible way to proceed is that every week a first selection will be made out of the proposals of the Commission. These will be submitted to a quick scan, which will lead to a procedural proposal on how to deal with those proposals. This procedure will be operated by the standing committee on European Affairs of the Tweede Kamer. But again, a formal decision on how to operate has not been taken yet.

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

See above

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

The Tweede Kamer already reacts and will remain to react to all kinds of documents. Furthermore, the joined committee on subsidiarity has decided that the subsidiarity check will not be restricted to legislative proposals.

c) Do you intend to keep a six-week time limit<sup>18</sup> for your reaction?

On the basis of the annual legislative and working programme 2006 of the Commission, both Houses have jointly drawn up a list of 11 proposals on which the subsidiarity check will be conducted. For these proposals the six week period will apply.

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

For this reason a specific joined committee on subsidiarity was installed

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

A letter of both Speakers will be sent to the Commission, European Parliament and the Council; a copy will be sent to the government and, according to the conclusions of the London-Cosac, to the Cosac-Presidency.

---

<sup>18</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

Until this mechanism was installed, the Tweede Kamer dealt with Commission documents on the basis of a governmental reaction on that proposal. This new mechanism could lead to a direct handling of Commission documents; a specific way of handling has not been set yet.

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

Yes

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

Not yet

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

This still has to be discussed

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

See answer under 1

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

This might be an interesting idea, but the Tweede Kamer has not yet decided upon that.

## **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

Yes, the passerellequestion was discussed in the debate prior to the informal JHA-Council 20-22 September

2. What is the view of your parliament vis-à-vis this initiative?

There is no specific view of the Tweede Kamer, the political fractions have diverging opinions.

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

Our government takes a reserved, but constructive position. It takes a case by case approach to consider if the passerelle should be applied. A basal criterion is that fundamental elements of the various member states' legal systems remain respected.

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

Our government needs consent of both Houses before it can decide upon the passerellequestion in the JHA-Council

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

The scrutiny procedure as such will not change, but a transfer to the first would lead to changes in the right of consent of both Houses.

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

Yes

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

No, the Tweede Kamer has no plans to deal with comitology in the future

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

Primarily, the question should be answered if national parliaments should play a role at all in comitology procedures

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

No opinion

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

Not applicable; it would be interesting to hear from experiences of other parliaments.

### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

The added value is mainly information exchange and raising awareness

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

The chosen topics are interesting and topical, yet the selection could be more strategic (e.g. facilitate a breakthrough on stalemate dossiers, such as community patent).

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

Yes

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

The current organisation is satisfactory

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

The current forms and ways of co-operation should be optimized.

### **Chapter 6: Northern Dimension of the European Union**



The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

Not applicable

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

Yes, when the Northern Dimension is placed on an agenda of a GAER-Council

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

The Tweede Kamer does not have a specific position

## **23. The Netherlands**

### **Senate**

#### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

COSAC and especially the Secretariat can play an important role in the organisation of the procedure: making it as efficient as possible. COSAC can contribute by informing national parliaments on the state of play in scrutiny procedures in the different parliaments (for example by using IPEX). COSAC could also contribute with a notification of deadlines. The Secretariat can be the channel for information exchange between parliaments.

It would be advisable to first evaluate the current scrutiny procedure and perhaps discuss this matter in 2007, when two proposals of the European Commission have been scrutinized by all national parliaments.

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

How the subsidiarity and proportionality check is conducted on the national level, which committees are involved should remain a national responsibility. Integrating the select committees into the mechanism of COSAC therefore does not have the support of the Dutch Senate. Of course it can be possible that select committees use the information channel of COSAC to distribute their findings.

#### **Chapter 2: Cooperation with the Commission**

##### **I) Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

The direct transmission of documents by the Commission does increase the amount of EU documents received by the Dutch Senate. However, this new system is as for now not optimum. The documents transmitted to the parliaments are only in our native language. The overview of newly presented proposals of the European Commission that can be derived from the European Commission's register shows that many more documents are presented and even available in our own language but are not transmitted to the national

parliament. To improve the system and to make sure that the information sent to the national parliaments is indeed complete, the Dutch Senate would like to propose that a document of the European Commission is sent to national parliaments on the date of publication, if possible in the native language otherwise in English or French, so that every parliament receives the same initiatives. As soon as the document is published in the native language it may be sent again.

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

The Dutch Senate uses the mailbox of the European Office to receive all the documents sent by the European Commission.

3. How do you intend to react to the Commission's documents?

- a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

The procedure of dealing with the directly sent European Commission's documents has not been thoroughly discussed in the Senate. The procedure does overlap partly with procedures already used in the Senate for dealing with European proposals. In that procedure the committee for European Cooperation Organisations deals with the European proposals in relation to the Dutch government and the Joint committee on Subsidiarity of the States-General deals with the European proposals in relation to the European Commission.

However, the first ideas about this new possibility are:

The documents received from the European Commission are documented and a list is made of the COM-numbers, the titles of the proposals and the date of receipt. This list will be placed on the agenda of the committee on European Cooperation Organisations of the Dutch Senate once a month. This committee then decides if one of the documents should be brought under the attention of a select committee.

If the select committee finds it advisable to send a reaction towards the Commission with regard to subsidiarity and proportionality, most likely the Joint Committee on Subsidiarity of the States-General will be asked to prepare a reaction and see if the reaction can be sent on behalf of both Houses of Parliament. If the select committee has critics or questions with specific regard to the content of the proposal (apart from the subsidiarity and proportionality check), the Dutch government will most likely be the first point of address.

The Joint Committee on Subsidiarity of the States-General scrutinizes on a weekly basis a list of recently presented European proposals derived from the European Commission's register. This committee can decide to bring a proposal under the specific attention of the

select committees in both Houses of Parliament, and finally to the attention of the plenary meetings of both Houses of the States-General. The plenaries then decide whether to write a joint letter to the European Commission (cc to other institutions and government) to express their concerns about subsidiarity and proportionality, or not.

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

The Dutch Senate already scrutinizes all different type of documents; This will not change.

c) Do you intend to keep a six-week time limit<sup>19</sup> for your reaction?

The States-General has made a list of 11 European proposals (including green and white papers) on the basis of the current legislative and working program of the European Commission to scrutinize in both Houses of Parliament. The Joint Committee on Subsidiarity of the States-General coordinates the scrutiny of these proposals. For this procedure the six-week time limit is applicable. Due to this time constraint, is it not unlikely that the six-week time limit will not (yet) be applied to the list of documents directly received from the European Commission.

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

See the answer at 3A. The Joint Committee on Subsidiarity was especially set up to bring as much consensus as possible between both Houses of the States General concerning the subsidiarity and proportionality check on selected proposals. The new procedure(s) still have to be fully implemented and it needs time to evolve during the next months. Logically, there is an exchange of information. The activities of the Dutch Senate with regard to the European Commission's proposals can be followed in public on the European website of the Senate ([www.europapoort.nl](http://www.europapoort.nl))

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

See answer at 3A.

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

---

<sup>19</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

Yes. The European proposals are discussed in the Dutch Senate when the opinion on the proposal of the Dutch government is received. The procedure with the directly distributed proposals of the European Commission does not include waiting for the opinion of the government. A possible opinion/reaction of the Dutch Senate to the European Commission will however need to be considered within the context of the Dutch constitutional system and the relationship between parliament and government. Apart from expressing subsidiarity and proportionality concerns directly to the European Commission, the Senate will discuss the content of the proposal first and foremost with the Dutch government

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

Yes. The Senate however believes the procedure could be improved so that there will be no difference between the proposals presented in the European Commission's register and those directly sent to parliaments.

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

The committee for European Cooperation Organisations of the Dutch Senate intends indeed to discuss the Annual Policy Strategy of the European Commission. In which form this debate will take place is under consideration. The possible instruments of the Dutch Senate are:

- in a committee meeting
- oral and/or written deliberations with the Dutch government
- plenary debate
- meeting with member(s) of the European Commission

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

The Senate has not yet discussed this proposal; it will mostly depend, again with respect to the national constitutional system, on the procedure.

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

The proposal that the European Commission will be invited to present the Annual Policy Strategy in COSAC is supported. The discussion should however first take place on the national level, although their might be an added value as far as the opinions of other NP's are expressed.

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?  
Yes, the Senate is now discussing this initiative.

2. What is the view of your parliament vis-à-vis this initiative?

As regards the current specific initiative, the special committee for the JHA-Council of the Dutch Senate has decided to ask the government for their opinion on the discussion with regard to the passarelle. The committee has asked the government to pay specific attention to the parliamentary dimension and to the matter of a case-to-case use of the passarelle versus a broader approach.

The Joint Committee on Subsidiarity of the States-General with the select committees of both houses of parliament scrutinized the amended proposal of the European Commission for a directive on criminal measures aimed at ensuring the enforcement of intellectual property rights (COM(2006)168 final). On the basis of the findings of the committees, the plenary meetings of both Houses decided to send a joint letter to Commissioner Frattini expressing their concerns. The main argument of the States-General was that the Commission was not entitled – on the basis of an arrest of the European Court of Justice – to transfer the competence from pillar three (JHA) to the first pillar and with that change the decision making procedure from unanimity to qualified majority voting.

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

As mentioned above, the Senate has not yet received the position/opinion of the Dutch government and has therefore by letter asked the government to inform the Senate.

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

The special committee for the JHA-Council of the Dutch Senate has specifically asked the Dutch government not to make any guiding comments on this matter during the JHA-Council discussions on the 22<sup>nd</sup> of September. Depending on the report that the government will sent to the Senate, the select committee will need to decide if further deliberations with the government are needed and if so, which measures will be taken.

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

The Senate has the right of assent, which means that the government may not approve an initiative under the third pillar if the Senate does not approve of the proposal. If the competencies will be transferred, this will of course effect the role of the Senate. It will not change the scrutiny procedure.

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

The Dutch Senate has not intensively followed the recent changes in the comitology procedure.

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

There has been no scrutiny of decision taken within the comitology procedure. There are no plans to scrutinize these decisions in the nearby future.

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

Not applicable.

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

Not applicable.

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

In the Dutch Senate both items/proposals are scrutinized. The criteria to scrutinize a proposal are not related to the question whether a proposal is technical or political.

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

The Senate is of the opinion that the meetings do bring added value due to the exchange of information and the possibility to discuss and meet with colleagues.

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

The topics of the meetings should indeed remain and perhaps become even more topical.

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

Yes.

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

The joint parliamentary meetings should not develop into a new mechanism; Caution is needed to not create a new institutionalised cooperation form. The senate is not in favour of creating new standard structures and organisation if the current mechanism can be optimized. The current ad-hoc meetings, on the basis of important topics and relevance, should remain.

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

The European Parliament and the national parliaments can keep each other informed on current affairs; especially the contacts between the select committees can be improved. The basis should be cooperation instead of competition.

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the afore mentioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

Not applicable



2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

Not specific, only if the Northern Dimension is specifically placed on an agenda/meeting. It is assumed that the Northern dimension is specifically placed on the COSAC-agenda as well as included in this questionnaire due to the priorities of the Finnish EU-presidency and that the Northern, nor the Southern dimension, will structurally be discussed in COSAC.

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

It is assumed that the

## 24. Poland

### Sejm

#### Chapter 1: Subsidiarity and proportionality

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

Distribution of reports on the tests carried out; exchange of best practices; biannually COSAC could notify the European Commission of the cases of reaching the threshold of 1/3 (in some cases ¼) of negative reactions.

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

It is the European Union Affairs Committee in the Sejm which deals with these issues. The EUAC is a standing committee.

#### Chapter 2: Cooperation with the Commission

##### I) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

No, it does not because the EUAC has been receiving documents via the U32 stream-post as redirected by the government since first established in 2004.

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

Another data base, similar to the one created for the management of the U32 stream-post, has been set up.

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

EUAC.

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

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 EUAC deals with legislative proposals. However, this does not exclude scrutinising other documents e.g. Green Papers.

c) Do you intend to keep a six-week time limit<sup>20</sup> for your reaction?

We do. However we would like to know precisely when the time starts running. What if COSAC bothers to find out when the last official language version of a document is released?

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

Division of responsibilities in enforcement of the cooperation act is imaginable.

---

<sup>20</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

Letter by EUAC Chairman.

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

No .

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

Yes, because due to direct transmission we get documents a bit earlier than via government.

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

No .

a) If yes, which bodies were involved in the discussion?  
What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

-

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

At the EUAC or at a plenary meeting.

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

Yes .

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

Yes .

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

No.

2. What is the view of your parliament vis-à-vis this initiative?

-

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

The Sejm has not been informed on government position in this regard.

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

Yes it can by requesting information or by adopting opinions including recommendations for the government.

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

Generally it would as the EUAC would then be obliged to scrutinize it.

### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

No.

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

No.

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

-

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

The EUAC has not dealt with comitology procedures so far, and there has been no need to consult the Register.

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

If "technical" involves comitology, it is of no concern of the EUAC.

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

Of course (for obvious reasons), they do.

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

Yes.

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

Yes.

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

Joint Committee Meetings would do if organised on a more regular basis and to involving sectorial committees of all kind. However, the Joint Parliamentary Meetings seem to be evolving into ad hoc summoned EU parliamentary assembly or new Convention.

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

Current forms are satisfactory. Invitations to hearings organised by EP committees and events coordinated by the directorate for relations with national parliaments could be issued on longer notice.

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the afore mentioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

Only in the CBSS but coordination is lacking.

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

No.

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

For the time being Northern Dimension is not scrutinized. A parallel should be drawn with the Eastern Dimension of the EU as well.

## 25. Poland

### Senate

#### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

**Reply:** *We propose creation of a COSAC (or IPEX) website devoted to monitoring subsidiarity and proportionality by national parliaments and making possible a day-to-day exchange of information and experience between parliaments in this field. The COSAC Secretariat should monitor the work of parliaments in this area on a day-to-day basis: each year, the COSAC biannual spring report should contain information summing up the outcome of this work. At the same time COSAC could notify the European Commission of the cases of reaching the threshold of 1/3 (in some cases 1/4) of negative reactions to the EU draft laws on the part of national parliaments.*

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

**Reply:** *When scrutinizing European Commission legislative proposals for compliance with subsidiarity and proportionality principles, the Polish Senate European Affairs Committee - which is the standing one, solicits opinions of relevant standing sectoral committees.*

#### **Chapter 2: Cooperation with the Commission**

##### **I. Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

**Reply:** *No, because the Polish government redirects the U32 e-mails to the Polish Senate European Affairs Committee.*

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

**Reply:** *A separate database will be adapted (analogous to the one that redirects the U32 e-mails).*

3. How do you intend to react to the Commission's documents?



- a. Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

**Reply:** *The Polish Senate European Affairs Committee will be the body responsible for these issues.*

- b. Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

**Reply:** *We reserve the right to also react to the Commission's consultation and working documents.*

- c. Do you intend to keep a six-week time limit<sup>21</sup> for your reaction?

**Reply:** *Yes. However, we would like to know when is the starting point for counting down that time limit. We suggest that the Commission or COSAC Secretariat inform national parliaments of the expiry date of the reaction time and, specifically, of the date when the Commission makes a given document available in the last of EU official languages.*

- d. In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

**Reply:** *Such future cooperation is not excluded.*

- e. In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

**Reply:** *By letter of the Senate European Affairs Committee Chairman.*

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

**Reply:** *Essentially no.*

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

**Reply:** *Yes, because this way we receive documents somewhat earlier than when they are forwarded by the government. However, the real added value will reside in the possibility of consulting and potentially influencing the Commission's work, particularly at its pre-legislative and early legislative stage.*

## II. Annual Policy Strategy

---

<sup>21</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

**Reply:** *No.*

- a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

- b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

**Reply:** *The debate on the Commission's Annual Policy Strategy would be taking place in the European Affairs Committee or at Senate plenary sessions.*

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

**Reply:** *Yes.*

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

**Reply:** *Yes.*

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

**Reply:** *No.*

2. What is the view of your parliament vis-à-vis this initiative?

**Reply:** *A position on this issue has not yet been elaborated.*

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

**Reply:** *The government has taken a position in this matter but has not informed the Senate thereof.*

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

**Reply:** *The European Affairs Committee can request relevant information from the Council of Ministers and initiate a topical debate.*

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

**Reply:** *Yes, because statutory prerogatives of the Sejm and Senate are first and foremost associated with the first pillar.*

### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

Reply: *No.*

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

Reply: *No.*

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

Reply: *The Senate has not examined this issue.*

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

Reply: *So far the Senate has not dealt with comitology procedures and there has been no need to use the Register.*

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

Reply: *All in all, the Senate has not been dealing with these items.*

## **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

Reply: *Yes, because they facilitate information sharing and presentation of positions in matters important to the country.*

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

Reply: *In general, yes. However, it would be better if the topics were consulted with national parliaments somewhat ahead of time, e.g. within COSAC or the Conference of Speakers of EU Parliaments.*

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

Reply: *The current number of meetings is sufficient.*

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

Reply: *We wish to stress the importance of coordination of interparliamentary meetings in the EU, particularly those between the European Parliament and the parliament of the EU presidency. The Conference of Speakers of the EU Parliaments (prepared in particular by*

*secretaries general of the EU parliaments) should be the forum for reaching agreements and for monitoring.*

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

**Reply:** *We suggest a better coordination of that cooperation. The Directorate for Relations with National Parliaments in the European Parliament should be also sending notices of open meetings of the EP committees and of coordinated by the Directorate events earlier in advance. Documentation for the meetings should be placed on the European Parliament website more ahead of time. It is very important to ensure that the fullest possible information about recent meetings and their outcome reaches national parliaments.*

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the afore mentioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

**Reply:** *A Polish Senate delegation participates in the work of the Baltic Sea Parliamentary Conference. On the other hand, there are no mechanisms to coordinate delegation work with the overall Senate involvement in European and foreign affairs.*

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

**Reply:** *No.*

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

**Reply:** *The Northern Dimension is not subject to parliamentary scrutiny in the Polish Senate.*

*To be able to speak of a parallel between the Northern Dimension and the Euro-Mediterranean dimension, the Northern Dimension must be supplemented by the EU eastern dimension. The Euro-Mediterranean dimension encompasses all non-EU countries of the Mediterranean basin, whereas the Northern Dimension covers essentially only Russia. Ukraine, Belarus and Moldova are left out.*

SP

Accepted by:

/-/

Edmund Wittbrodt  
Chairman  
EU Affairs Committee  
Senate of the Republic of Poland

Warsaw, 27 September 2006

## 26. Portugal

### Chapter 1: Subsidiarity and proportionality

#### **1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?**

COSAC could actually play a role in promoting pilot projects and in exchanging views on procedures and decisions adopted by each Parliament. Moreover, COSAC could play an important role of gathering the parliamentary positions adopted and to include it in its contribution to the European institutions, as a reinforcement of the voice of Parliaments.

#### **2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?**

The European Council conclusions, as well as the Barroso's announcement on the 9<sup>th</sup> of May were contemporary with an internal review of the *Law for monitoring, assessment and pronouncement by the Assembly of the Republic within the scope of the process of constructing the European Union (Law 43/2006 of 25<sup>th</sup> August)*, from now on referred to as *Monitoring Law*.

The Article 3 of this Law gives the Parliament the possibility of presenting a formal written opinion on compliance with the principle of subsidiarity:

*1 – By resolution the Portuguese Parliament may send the Presidents of the European Parliament, the Council, the European Commission and, where applicable, the Council of Regions and the Economic and Social Council, a duly substantiated formal written opinion on the reasons why a draft legislative or regulatory text that has been brought to its attention under the terms of Article 5 below, or any subsequent draft alteration thereto, fails to comply with the principle of subsidiarity.*

*2 — In cases in which there are grounds for urgency, a formal written opinion issued by the **European Affairs Committee** shall suffice.*

*3 — When the formal written opinion refers to a matter that falls within the responsibility of the Legislative Assemblies of the autonomous regions, the said assemblies shall be consulted in good time.*

In order to fulfil this aim, the internal procedure must respect Article 6 (d): *Coordinating the exchange of information and appropriate ways of working together with the **specialist parliamentary committees** with responsibility for the matter in question, in order to ensure that the Portuguese Parliament intervenes efficiently in matters concerning the construction of the European Union, particularly as regards the drawing up of the formal written opinion referred to in Article 3.*

As well as the following stapes of the procedure of Article 7:

1 – The **European Affairs Committee** shall distribute proposals with a rule-making content, as well as other guideline documents referred to in Article 5, among both its own members and the other **specialist parliamentary committees** with responsibility for the matter in question, for information or the issue of a formal written opinion.

2 – The other specialist parliamentary committees shall issue duly substantiated formal written opinions whenever asked to do so by the European Affairs Committee.

3 – The formal written opinions referred to in the previous paragraphs may conclude with concrete proposals for assessment by the European Affairs Committee.

4 – Whenever it decides to issue a report on a matter that falls within its area of responsibility, the European Affairs Committee shall attach such formal written opinions as it may have requested from other committees.

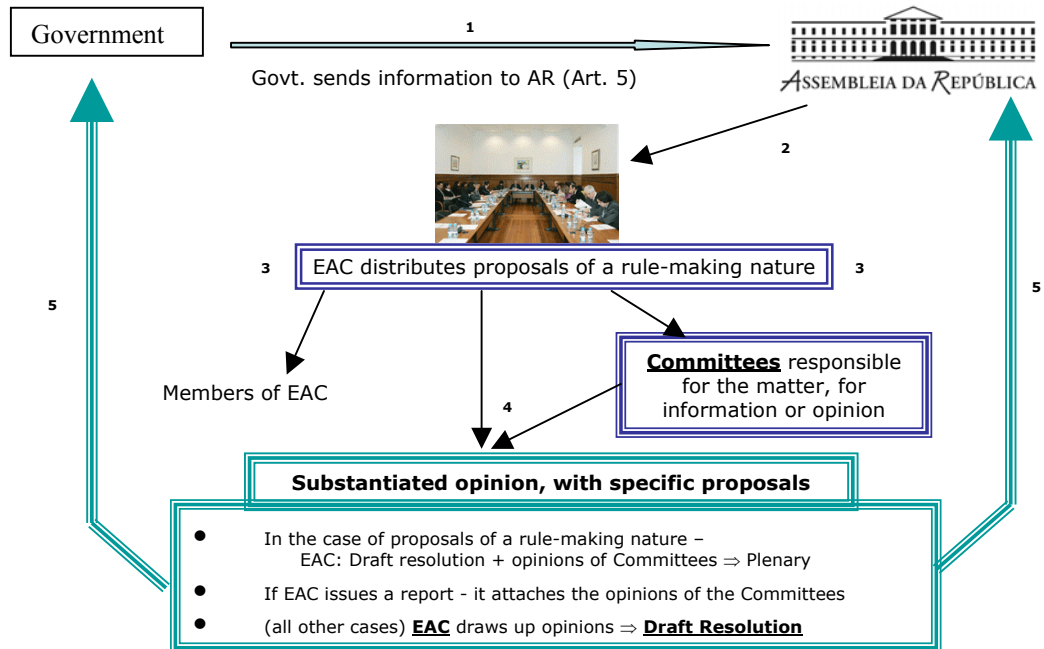
5 – When the assessment of proposals for Community acts of a rule-making nature is involved, once it has received the necessary formal written opinions the European Affairs Committee may draw up a draft resolution for submission to the Plenary.

6 – In all other cases the European Affairs Committee shall draw up formal written opinions on the matters on which it is called upon to pronounce itself, and may conclude such opinions with a concrete proposal or a draft resolution.

7 – The reports and formal written opinions issued by the European Affairs Committee shall be sent to both the President of the Portuguese Parliament and the Government.

8 – The European Court of Auditors' annual report shall be subject to a formal written opinion from the committee with responsibility for the matter in question, which the said committee shall send to the European Affairs Committee.

This procedure could be express in the following way:





## **Chapter 2: Cooperation with the Commission**

### **I) Direct transmission of Commission documents**

#### **1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?**

Yes it does. The Portuguese Parliament used to receive only the non legislative acts from the Commission. Furthermore, the Government usually only sent documents and proposals referring to matters within the reserved competence of the Parliament (v.g. some proposals concerning Justice and Home Affairs or proposals with budgetary consequences).

Since the 1<sup>st</sup> September, the number of EU documents received increased from an average of 15 per month to 25 per week.

#### **2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)**

After the Barroso announcement on the 9<sup>th</sup> of May, the Portuguese Parliament started immediately to establish new internal procedures in order to receive and transmit the European Commission's documents.

- a) The Barroso announcement, as previously said, was contemporary with the *Monitoring Law*. So, while preparing the review, politicians and staff were already aware of the new challenges put by the direct transmission of the Commission's documents. In consequence, the new *Monitoring Law* already designs the procedures to follow, regarding the scrutiny of all European Documents, either in order to check the subsidiarity and proportionality principle or to produce any kind of actions, reports, etc, which the parliament considers to be appropriate;
- b) A new electronic address was created for the European Affairs Committee (EAC) staff, with capacity enough to receive all the documents sent;
- c) A new member was recruited for the EAC staff (originally with only two advisors and two secretaries), whose task is, primordially, to receive the EU documents, and transmit them to the competent Committees, according to the matters the texts deal with. Furthermore, an internal procedure was designed, respecting both the recently approved Law 43/2006 and the existing European Law (The Protocols to the Amsterdam Treaty);
- d) The EAC staff also prepared training sessions, for staff and information sessions for MP's of the other Committees, in order to transmit all the new procedures to be followed. Another aim of these training sessions is also to present the IPEX data-base and how it can be a useful tool in scrutinising European documents.

#### **3. How do you intend to react to the Commission's documents?**

**a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?**

As mentioned above, the procedure followed is the one designed in the new *Monitoring Law*, which means:

The documents arrive at an inbox which is managed by one advisor of the EAC staff, who, after a first reading, distributes (electronically and on a weekly basis) a chart containing the titles of the received documents. These charts also contain an indication to which Committee the contents refer to, as well as a hyperlink to the IPEX database. **This selection is merely advisory and not mandatory** and, once the chart arrives at the committees they can decide to scrutinise any proposal they want to (as far as contained in their specific competence).

Once a Committee decides to scrutinise a document, the procedures followed are the ones established in articles 2<sup>nd</sup> and 3<sup>rd</sup> of the *Monitoring Law*, which means:

- **When matters that fall within the sphere of the Assembly of the Republic's reserved legislative responsibility are pending decision at European Union bodies**, the Government shall inform the Parliament and ask it to issue a formal written opinion. The formal written opinion is drawn up by **the EAC**, after consulting the specialist parliamentary committees with responsibility for the matter in question. Once it has been approved by the **EAC**, the formal written opinion shall be **submitted to the Plenary** for debate and voting, **except** in cases of **urgency**, when the **EAC's** decision is sufficient.
- As far as a **subsidiarity principle check** is concerned, the *Monitoring Law* states that, in case of non compliance with the principle of subsidiarity, the Plenary of the Parliament can adopt a resolution, to be sent to the Presidents of the European Parliament, the Council, the European Commission and, where applicable, the Council of Regions and the Economic and Social Council. Once again, in case of **urgency**, an **EAC** decision is sufficient.

**b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?**

According to our internal Law, the Parliament can scrutinise/react to all kind of documents. Therefore, the chart mentioned above contains every proposal (legislative and non legislative) and is sent to the specialist committees.

In practise, the answer to this question can't be given yet, since it will depend on the political will and agenda.

Article 5 of the *Monitoring Law* also lays down that the Government must provide the Parliament with several information concerning its European activity.

This is another important channel through which the Parliament obtains documentation that can also be scrutinised.

The European Parliament also sends Resolutions and Reports that can be considered by the parliamentarians.

**c) Do you intend to keep a six-week time limit<sup>22</sup> for your reaction?**

Concerning the subsidiarity check, the six-week time limit will be kept, as far as possible. Regarding the regular scrutiny procedure, it will depend on the European legislative process.

**d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?**

The Portuguese Parliament is unicameral.

**e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?**

Formal replies to the European Institutions mentioned above will be transmitted by the Speaker.

**4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?**

In fact, there is a new procedure now, but it is due to the new internal *Monitoring Law* (which, for the first time, includes a power of previous pronouncement for the Parliament in European matters) rather than due to the transmission channel (Commission or through our Government). Nevertheless, the direct transmission makes the whole procedure faster and easier to follow, as far as the First Pillar matters are concerned.

**5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?**

Yes, undoubtedly. First of all, as referred above, it makes the whole procedure faster and easier to follow. On top of that, as this direct transmission was announced when the internal law was being reviewed, it was one important issue during the law review's discussion.

## **II. Annual Policy Strategy**

**1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?**

No, but according to the new legal framework the next annual policy strategy will be discussed in the beginning of 2007 (see also answer 1 b), below).

However, the Commission's legislative and working programme is discussed within all the specialist committees. The EAC organizes an annual meeting with the Secretary of State for

---

<sup>22</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

European Affairs, Portuguese MEP's, and MP's from the two Autonomous Region's Legislative Assemblies (Azores and Madeira).

**a) If yes, which bodies were involved in the discussion? What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?**

**b) If not, how do you plan to deal with the Annual Policy Strategy in the future?**

Since the 25<sup>th</sup> August we have the new *Monitoring Law* which, in its article 4 - **Means of monitoring and assessment**, states that the Assembly of the Republic shall monitor and assess Portugal's participation in the process of constructing the European Union, particularly by means of, ... *a plenary debate in which the Government shall take part, following the conclusion of the last European Council of each Presidency of the European Union; the debate in the first half of the year may also include consideration of the European Commission's annual political strategy, and that in the second half of the year consideration of its legislative and working programme.*

Considering the new legal framework, the next annual policy strategy will be discussed in the beginning of 2007.

**2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?**

The answer to the question above already answers this question. The parliament regards the discussion important enough to mention it in the *Monitoring Law*.

**3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?**

The interparliamentary context can bring added value to this discussion, as an information exchange platform, complementarily with the debate held by each Parliament, according to the national agenda.

### **Chapter 3: Justice and Home Affairs: question of passerelle**

**1. Has your parliament discussed the Commission initiative?**

This initiative has not been discussed.

**2. What is the view of your parliament vis-à-vis this initiative?**

**3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?**

No information regarding this matter has been transmitted to the Parliament.

**4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?**

It is not possible to answer this question at the moment, since the situation has not yet been analyzed.

- 5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?**

The transfer of these matters to the first pillar would formally enhance the Parliament to have a saying in accordance with the Monitoring Law recently approved, since the proposals would be transmitted to it directly by the European Commission within the scope of the procedure adopted since the 1<sup>st</sup> of September.

#### **Chapter 4: Comitology**

- 1. Did your parliament follow the recent changes in the comitology procedure?**

No.

- 2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?**

Until now, this has not been a discussed issue. Nevertheless, and since the new *Monitoring Law* is giving a new impetus to the debate on European matters the comitology procedure is certainly to be addressed.

- 3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?**

Since the issue has not been discussed yet, there are no data available to answer this question.

- 4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?**

Since the issue has not been discussed yet, there are no data available to answer this question.

- 5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?**

Since the issue has not been discussed yet, there are no data available to answer this question.

## **Chapter 5: Future cooperation with the European Parliament**

### **1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.**

The joint meetings bring, undoubtedly, added value to the national parliament's work. First of all, it is an opportunity to discuss important matters to the EU member countries/parliaments. Furthermore it contributes to raise the awareness about the European issues among the MP's. The MP that attends the meeting writes a report about its conclusions which is presented to the specialist committee and published in the Official Parliament Journal.

This exchange of information and practices among MP's of the European Parliament and of the national parliaments is considered to be very useful.

### **2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?**

The selected topics are usually of universal interest among EU parliamentarians (national and European), since they are normally part of the Council's Presidency Programme and a part of the main themes of the political agenda.

### **3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?**

Yes.

### **4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?**

For the time being, it should remain in the current format.

### **5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.**

A mechanism similar to the one used by the European Commission since last September could be created, in order to have the documents produced by the European Parliament, throughout the legislative procedure, transmitted to the national parliaments.

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

### **1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work**

of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

The Parliament does not participate in any of the mentioned organisations.

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

These matters have not been addressed.

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

Since the issue has not been discussed, an answer to this specific question cannot be given.

## 27. Slovakia

### Chapter 1: Subsidiarity and proportionality

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

Under current provisions of the Treaties, COSAC should play the role of the body enhancing the capacity of parliaments to deal with subsidiarity issues (the selection of sensitive legislative proposals for coordinated subsidiarity test in every year, support for information exchange via IPEX, discussions during COSAC conferences).

**The role of COSAC in these terms is determined by the current provisions of the Treaties and shall be exhausted within that framework. The discussion on subsidiarity in COSAC might be nevertheless more intensified.**

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

Because of very different internal structure and powers of bodies of national parliaments, the equivalent communication among select committees cannot be generally provided for at European level. Nevertheless, they should be engaged implicitly through the EU-Affairs Committees of legislatures of the Members States.

**The different sectoral committees of the National Council of the Slovak Republic (NC SR) discuss the EU legislative proposals and check if they comply with the subsidiarity and proportionality principles on the request of the Committee on European Affairs. The final resolution is then taken by the Committee on European Affairs or by the plenary in case the proposal deals with a priority matters for the Slovak Republic. The different committees can decide to debate the different EU legislative proposals also upon their own initiative. The power of parliamentary control of the position of a Minister before the Council meeting belongs to the plenary of the National Council of the Slovak Republic. This power was delegated by the Rules of Procedure of the NC SR to the Committee on European Affairs, which acts as well as a coordinator of the discussions on EU proposals in other committees. The Committee on European Affairs and the plenary are the two bodies entitled to take the final decision on behalf of the National Council of the Slovak Republic. We believe that this system is efficient enough in order to involve the other sectoral committees.**

### Chapter 2: Cooperation with the Commission

#### 1) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?



**Yes.**

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

**From the technical point of view, the National Council of the Slovak Republic (NC SR) has developed a special database, the European Affairs Monitoring System (EAMS). The EAMS is not yet fully operational but has a significant importance. Working with the database is fast and quick thanks to the sophisticated structure.**

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

**The EU documents are primarily scrutinized by the Committee on European Affairs (CEA). In case of priority proposals from the point of view of the Slovak Republic, the CEA can request the assessment of the proposal by other sectoral committees (according to an amendment of the Rules of Procedure, the respective committee is by this request obliged to scrutinize the proposal). After that the proposal is debated by the CEA again taking into consideration the results of the scrutiny made by other sectoral committees. If necessary, the CEA can pass the final scrutiny to the plenary.**

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

**The NC SR reacts also to consultation documents, working documents and other non-legislative acts in areas of their high importance for the Slovak Republic**

c) Do you intend to keep a six-week time limit<sup>23</sup> for your reaction?

**Yes.**

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

**Irrelevant.**

**The National Council of the Slovak Republic is unicameral.**

---

<sup>23</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

**In respect to the established system of an opinion request (CEA, other respective sectoral committee, the plenary) a letter by EAC Chairman as well as a letter by NC SR Speaker concerns the NC SR.**

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

**No, the direct transmission of the documents by the Commission will not change the current procedures in NC SR and the CEA concerning the EU matters.**

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

**Yes.**

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

**No.**

a) If yes, which bodies were involved in the discussion?

**Irrelevant.**

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

**Irrelevant.**

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

**The Annual Policy Strategy will be scrutinized by the same procedure as the Legislative and Work Programme of the Commission.**

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

**Yes.**

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

**Yes. We would welcome the opportunity to take part in a discussion on the Annual Policy Strategy within COSAC or the Conference of the Speakers of EU Parliaments.**

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

**Yes, the CEA has discussed it.**

2. What is the view of your parliament vis-à-vis this initiative?

**The CEA expresses its appreciation to the effort of the Finish Presidency and the Commission in order to reach progress in the decision making procedures within the third pillar (mainly in the areas of fight against terrorism and organised crime). According to its opinion a higher effort is needed in order to reach more efficient legislation. Concerning "pasarelle" the CEA considers the Constitutional Treaty to be the base for the solution to this question and the way to concrete results. We give our priority to the conclusion of the ratification process however with certain flexibility to the further negotiations on the pasarelle clause.**

3. Has you government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

**Yes the Government has taken a position regarding this initiative. Consequently the CEA has been informed by the Minister of internal affairs and Minister of justice. After debating, the position of CEA equals with the governmental position.**

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

**Yes the NC SR can influence on the stance of the government by a binding position for the ministers to follow during the negotiations within the Council of the European Union.**

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

**No.**

### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

**No, since the NC SR does not scrutinise the decisions within the comitology procedure, the recent changes in this field were also not followed.**

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

**No, the decisions taken within the comitology procedure weren't scrutinised in the past. There is not an official position whether the parliament will deal with the comitology issues in the future**

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

**Because of lack of experience in the relevant field, we can not estimate the sufficient time period needed for scrutiny of such decisions.**

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

**We can not judge at the moment.**

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

**Regarding above mentioned answers, this question is in the conditions of the NC SR irrelevant.**

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

**Joint meetings establish a new form of cooperation which provides the opportunity to confront one's parliament's approach to dealing with various EU issues. The added value lies in the opportunity to meet colleagues who otherwise would not be met, in person. It is extremely appreciated when a commissioner is invited to the meeting and can give the executive point of view.**

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

**Topics selected do meet the demands of the Slovak Parliaments. However, it might be further discussed to which extend and in which way joint meetings should deal with 3<sup>rd</sup> pillar issues.**

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

**Yes, Slovak Parliament is satisfied with number of meetings. More meetings could cause that the Slovak parliamentarians could not participate at them because of their**

**obligations in the Slovak Parliament. Nevertheless in case of a new important issue, the NC SR will try to participate.**

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

**It might be useful to stabilize number of meetings, ways of their summoning, set deadlines (how in advance it is necessary to announce a date and how in advance it useful to nominate concrete parliamentarians) and means of communication about the meeting. We feel that a certain set guidelines for technical organisation of the interparliamentary meetings are needed.**

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

**National parliaments would appreciate it if their experts and professional staff could have an access to a hassle-free stage in the European Parliament at specialised committees, based on agreement between the EP and national parliaments. We propose that the European Parliament demands relevant resources to organize the internships.**

#### **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the afore mentioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

**No, the NC SR does not participate in the work of the afore mentioned organisations.**

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

**No.**

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

**Considering the fact, that the question is more a matter of political discussion, we are not able to anticipate the political opinion of the CEA members.**

## 28. Slovenia

### Chapter 1: Subsidiarity and proportionality

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

**COSAC should remain a platform for exchange of information on monitoring subsidiarity. The role could be strengthened in terms of gathering the opinions of national parliaments and forwarding them in a joint letter by COSAC to the Commission when doubts on respect for subsidiarity principle are raised. COSAC could also follow-up the Commission's response and further dealings with the legislative proposal for which the parliaments raised doubts about its accordance with subsidiarity principle.**

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

**Regarding the monitoring of subsidiarity, the National Assembly procedure of scrutiny provides for possibility of legislative proposal first to be scrutinized by the select committee which may adopt an opinion thereon. Opinion of the select committee and of government is then discussed by the Committee on EU Affairs. Therefore the select committee's opinion is taken into consideration by the EU Affairs Committee and usually becomes an integral part of final opinion. Therefore, the role of select committee is provided for in the internal process of monitoring subsidiarity.**

**It might also be possible for the EU Committee to provide a separate opinion together with the opinion of the select committee.**

### Chapter 2: Cooperation with the Commission

#### 1) Direct transmission of Commission documents

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

**Direct transmission of documents increases the amount of documents received by our parliament only to a certain extent, since most of them are already being transmitted by our government by listing them on the joint EU-documents base (EU Portal). However, direct transmission of EU documents from the Commission provides for more transparency on new proposals and other documents on daily basis.**

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

**We have established a new mailing box with e-address for all the documents to be transmitted therein.**

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

**Rules of procedure of the National Assembly provide in this respect the following possibilities for scrutiny: by the EU Committee, sectoral committee or in case of special interest, the plenary.**

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

**Our parliament reacts primarily to legislative proposals but also to consultation documents, working documents in case of special interest or for example, on important horizontal topics.**

c) Do you intend to keep a six-week time limit<sup>24</sup> for your reaction?

**If possible, following the timeframe of working bodies, as defined in the Rules of Procedure of the National Assembly and according to the annual calendar of the National Assembly.**

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

**The second chamber participates in the EU Committee sessions by giving opinions on legislative proposals and other documents.**

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

**By letter of the EU Committee chairman, or in case of plenary debate by letter of the Speaker.**

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

---

<sup>24</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).



**No, our EU procedure provides for possibility for National Assembly to scrutinize any EU Affair it deems important. Namely, the Act on Cooperation between the National Assembly and Government states in Article 4.3.: "*At the proposal of the Government or at its own initiative the National Assembly may also discuss other EU Affairs.*"**

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

**As explained under answer I.1., direct transmission provides an added values and increases transparency of received documents.**

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

**The EU Committee was involved in the discussion of Annual Policy strategy. The government representatives as well as representative of EU Commission in Slovenia and EU Commissioner from Slovenia were present at the debate. The debate's outcome was transmission of thorough information to the MPs on the planned legislative activities for the following year.**

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

**Definitely, it enables the MPs as well as staff members and experts in the parliament, responsible for EU Affairs to plan the draft agenda for scrutiny of legislative proposals for the following year.**

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

**Yes.**

## Chapter 3: Justice and Home Affairs: question of passerelle

1. Has your parliament discussed the Commission initiative?

**The Committee on EU affairs has been informed by the Government about the Commission initiative and the possible use of the passerelle clauses on the Committee session, 29 October 2006.**

2. What is the view of your parliament vis-à-vis this initiative?

**Committee on EU affairs of the National Assembly held a general discussion on 29 October 2006 about the passerelle issue, but no official position of the Republic of Slovenia in relation to this issue was adopted yet due to tight time limit of receiving the documents by the government. The Committee expressed its intention to discuss draft position of the Republic of Slovenia in future within time limits required.**

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

**The Government has taken a position regarding this initiative and Minister of Justice presented the Government position to the Committee in the session on 29 October 2006, but no official position was adopted yet.**

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

**The National Assembly may adopt positions thereon, which the Government then takes into consideration in its activities. The passerelle issue is considered important political decision, therefore the Committee on EU affairs will discuss draft positions of the Republic of Slovenia (deputies may table amendments to the draft positions) and upon discussion and voting on amendments, the Committee will adopt the position of the Republic of Slovenia. The Government shall take adopted position of the Republic of Slovenia into consideration in its activities in EU institutions.**

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

**No.**

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

**No.**

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

**No.**

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

**The National Assembly believes that the present three months (extendable to four for the most complex issues) is enough for parliamentary scrutiny of decisions taken within the comitology procedures.**

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

**The Register could include data that would enable parliaments for better planning, i.e. it could include the list of measures planned to be taken in the following year (and not only the list of procedures already "in the pipeline").**

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

**The National Assembly does not distinguish between the two.**

#### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

**We are of opinion that the joint meetings definitely bring some added value to inter-parliamentary cooperation. These meetings are becoming more regular and in that sense national parliaments and their working bodies are becoming strongly involved in the important EU matters.**

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

**The National Assembly of the Republic of Slovenia finds these meetings very useful because topics are often focused on a specific EU-matter and therefore of greater interest to the MPs who are usually not involved that much in EU matters on daily basis. In some way that helps them staying in contact with the important issues currently on the agenda of the EU.**

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

**Yes.**

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

**No, so far we find these joint meetings satisfactory.**

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

**There could be expert exchange between EP and NP, not only for experts from different working bodies but also, for example from Protocol or PR Department. In that way other experts from NP could get some overview of the work of EP, which could help them in their daily work as well as in preparing for the EU presidency.**

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the afore mentioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

**No.**

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

**Occasionally, if on the agenda of the EU Presidency priorities.**

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

**The National Assembly of the Republic of Slovenia is more involved into parliamentary scrutiny of the Western Balkan EU policies and Southeast European as well as Euro-Mediterranean dimension.**

## 29. Sweden

### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

*Has not been discussed.*

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

*Up to the individual parliament to involve the units responsible.*

*In this context it could also be mentioned that in the Swedish Parliament a discussion about information on and participation in COSAC-meetings and activities has been initiated. The aim is to see how the role of the select committees can be taken into account, since they have a major responsibility for the EU scrutiny in the Swedish Parliament.*

### **Chapter 2: Cooperation with the Commission**

#### **I) Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

*Not in the sense of different kinds and categories, but it has resulted in an increased amount due to duplication of documents. The Sw. Parliament already today receives Commission documents, both directly from the Commission (not from the SG though) and via the Swedish perm.rep.*

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

*Use existing mechanisms.*

3. How do you intend to react to the Commission's documents?

*A general answer to this question is that it has not been decided yet. It is being discussed whether it is compatible or not with the Swedish system for the parliament to communicate directly with the Commission and if so, how this should be handled. Today EU documents are scrutinized predominantly by sectoral committees. Documents of all kinds are being scrutinized. However, 1 January 2007 new rules are expected to come into force. In order for the parliament to enter into the decision-making process at an early stage it will be obligatory for sectoral committees to prepare reports on Green and White Papers as well as on "other important" communications." Other documents will still be scrutinized but it will not be obligatory.*

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

*See above.*

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

*See above.*

c) Do you intend to keep a six-week time limit<sup>25</sup> for your reaction?

*See above.*

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

*(Not applicable)*

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

*See above.*

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

*Not in the way they are being dealt with. The new thing will be if/how reactions will be forwarded to the Commission.*

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

*Will depend on timing and reliability. The Swedish Parliament already today receives most Commission documents, either directly from the Commission or via the Swedish perm.rep. If this new channel will supply Riksdagen with documents earlier than today and without failure it will be an added value. However, what will be more valuable is the distribution to the IPEX database, where parliaments also can add information on how they deal with a proposal. This will facilitate cooperation between NP.*

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

*No, but on two occasions debates have been held in plenary on the Annual Work programm (18 March and 24 November 2005)*

a) If yes, which bodies were involved in the discussion?

---

<sup>25</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?  
*It's being discussed, but has not yet been decided.*

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

*No position has been taken by the parliament as such. However, the Swedish Speaker participated in the EU Speakers Conference in Copenhagen and supported the conclusion on the APS (no.19). The Swedish Secretary General will participate in the preparations regarding NP scrutiny of the APS as foreseen in the conclusions, which will include also internal preparations within Riksdagen.*

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?  
*See above under 2).*

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

*Yes (The Committee on EU Affairs in July and 2 October 2006)*

2. What is the view of your parliament vis-à-vis this initiative?

*2 October, the caretaker government conferred with the EU Affairs Committee of the previous parliament. The Committee agreed with the government's assessment that a transition to majority decisions in this field requires certain security guarantees and that any further discussions should await further developments on the Constitutional Treaty.*

3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

*Sweden has a new government since 6 October. The position of the new government in this matter is not yet known, neither is the position of the new parliament.*

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

*- A parliamentary Committee responsible could take initiative to a committee report, which would be debated and decided upon in plenary.  
- In the government's conferral with the EU Affairs Committee before a council meeting.*

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?  
*No.*

### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

*In order to get an overview of the comitology procedure a study was prepared and distributed among the committee secretariats before summer. A follow up on this study will be carried out.*

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

*More attention will be paid to comitology in the future.*

*Example: In a current study on development aid, also comitology issues are covered.*

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

*(Has not been discussed)*

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

*(No answer)*

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

*Riksdagen does not formally distinguish between them. All items may be scrutinized, including technical ones, but the parliament focus on politically important/relevant items.*

## **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

*Both kinds of meetings are regarded as good for networking. The Joint Parliamentary Meetings on broad political topics have been appreciated by Swedish participants, less so the Joint Committee Meetings.*

*On the other hand, committee meetings organised by the EU Presidency parliament are much appreciated and considered useful.*

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

*See above. Topics more often meet interests of the European Parliament and its preparation of business.*

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

*Too many. But what is important is that topics are relevant for the work in the national parliament. If they are relevant, there also tends to be time to attend. Further more invitations to meetings often arrive with short notice. Another comment is that it is difficult to distinguish between Joint Parliamentary Committee meetings and meetings where EP Committees invite colleagues from national parliaments to their*



*regular committee meetings. The difference is not always clear to MP:s since also the joint meetings are perceived as dominated by EP.*

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?
  - *Planning!*
  - *Lists of scheduled meetings should be distributed well in advance, which was the case for committee meetings in NP during the Austrian/Finnish presidencies.*
  - *Practice the recommendation in the Hauge guidelines: "taking into consideration the various working programmes and other strategic EU documents, the Secretaries General should identify and submit to the Conference of Speakers issues of common interest to focus on during the following years." (This does not mean that ad hoc meetings on a "hot" issue sometimes not could be called for)*
  - *Invitations should be sent to the Speakers in order to facilitate for parliaments to be represented by the relevant Committees and MP:s*
  - *Speaking time should be distributed in a more equal way between NP and EP than today.*
5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

*No. Exchange of views is the most important form of cooperation. It's necessary to keep in mind that national parliaments and the European Parliament have different mandates. They play different roles in the decision-making process. Therefore it's difficult to see any other forms of cooperation or for that matter, a more formalised cooperation.*

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the afore mentioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?
  - *Riksdagen participates in the work of all parliamentary assemblies to the organisations mentioned above.*
  - *The Riksdag Board has an explicit role in the work of bringing about a more general responsibility for development in relation to the choice of priorities and strategic assessments that may need to be made between different needs. The Riksdag Board can obtain guidance for its decisions through such channels as the meetings that have come to be held between the Speaker, delegation presidia, and the presidium of the Committee on Foreign Affairs, as well as through the Chairmen's Conference.*
2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension

Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

*Yes.*

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

*No answer.*

## 30. UK Parliament

### *House of Commons*

#### **Chapter 1: Subsidiarity and proportionality**

- 1. Referring to the European Council conclusions, how would you like to see the role of COSAC strengthened when monitoring subsidiarity?*

The Presidential Troika should evaluate the experience of the subsidiarity and proportionality checks carried out on the 2006 work programme, and consider facilitating more such checks on the legislative proposals in the 2007 work programme.

There is scope for COSAC, acting on the initiative of the Presidency, to consider the responses which have been submitted by national parliaments in respect of individual legislative proposals, and the observations which the Commission has made in reply.

For instance, should a significant number of COSAC delegations consider that the Commission response to their individual concerns was inadequate or poorly founded, it would be open to the Presidency to propose a follow-up debate in COSAC.

COSAC might also consider adopting a separate Contribution on the *dossier*, requiring the Commission to respond in writing.

In the case of legislative proposals subject to co-decision, the COSAC file should remain open throughout the legislative process. The European Scrutiny Committee has in the past proposed that national parliaments should be able to enter objections on the grounds of subsidiarity and proportionality to the provisions of co-decided legislation emerging from the conciliation process.

- 2. In this respect, how should the role of select committees be taken into account (i.e. in the case of a system where the select committees are responsible for the subsidiarity and proportionality check)?*

The European Scrutiny Committee is the House of Commons Committee responsible for the examination of all “European documents” deposited in the UK Parliament, including Commission legislative proposals, and is therefore the committee best placed to operate the subsidiarity and proportionality check. (“European documents” are defined under the answer to 2.1 below.)

Commons departmental select committees may also have an interest in subsidiarity and proportionality aspects of certain legislative proposals falling within their policy remits. The European Scrutiny Committee has the power to request an opinion on a European document from any departmental select committee, and has used this power from time to time in the past.

#### **Chapter 2: Cooperation with the Commission**

##### **I) Direct transmission of Commission documents**

- 1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?*

The following categories of document are already deposited in the UK Parliament by the UK Government, under the terms of the Scrutiny Reserve Resolutions passed by both Houses:

- (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.

It is unlikely that the UK Parliament will receive any more Commission legislative proposals as a result of direct transmission, since they already fall to be deposited under (i) above.

It is possible that more Commission staff working documents (in the SEC series) may now be received by the UK Parliament as a result of direct transmission, though it is too early at present to make an assessment.

*2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)*

At present the European Scrutiny Committee does not propose any formal mechanism for handling documents transmitted directly by the Commission, since these documents are already deposited in Parliament by the UK Government under existing arrangements, together with explanatory memoranda which set out the Government's position on each document.

Documents are sent directly by the Commission to the European Scrutiny Committee's e-mail address, [escom@parliament.uk](mailto:escom@parliament.uk). The mailbox is monitored daily and e-mails containing Commission documents are stored electronically for reference.

The UK National Parliament Office in Brussels is currently listing all documents received on a trial, informal basis for the information of members of the European Scrutiny Committee. Committee members receive these documents in due course via the Committee's existing procedures.

*3. How do you intend to react to the Commission's documents?*

- a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?*

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. If the Committee finds them to be of legal and/or political importance, it will report the matter to the House, and may also recommend that they 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. 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 rarely.

No change to the Committee's procedures is expected as a result of the direct transmission of documents from the Commission.

*b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?*

The European Scrutiny Committee already considers all legislative proposals, consultation documents and working documents which the Commission sends to the Council and which the UK Government subsequently deposits in Parliament, and produces reports on those documents which it considers to be of sufficient interest and importance to the House.

*c) Do you intend to keep a six-week time limit<sup>26</sup> for your reaction?*

The European Committee seeks to report on all European documents as soon as possible or appropriate after they have been deposited. Since the Committee's primary function is to keep the UK Government's actions in Council under scrutiny, it will often keep a document under scrutiny pending the provision of further information by the Government, and will only produce a final report on a document when it is satisfied with the Government's response.

While the Committee will endeavour to consider all Commission legislative proposals and report on them within the six-week period suggested by COSAC, it is possible that other scrutiny issues may delay the Committee's response. It should also be remembered that the Committee does not normally meet during UK parliamentary recesses.

Since a parliamentary scrutiny reserve applies to UK ministerial action on all legislative proposals before the Council until scrutiny clearance has been given in respect of both Houses of Parliament, the Council will not normally be able to come to a conclusion on a document until scrutiny procedures have been completed in both Houses.

*d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?*

The House of Commons European Scrutiny Committee and the House of Lords European Union Committee routinely share information on their handling of the scrutiny process. They can be expected to move in step in their operation of the scrutiny process, though each Committee remains responsible for its own conclusions.

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

---

<sup>26</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

Should the European Scrutiny Committee decide to address a recommendation on a Commission legislative proposal directly to the Commission, it will do so in the relevant scrutiny report made to the House. It is expected that the Chairman of the Committee would write to the Commissioner responsible, enclosing a copy of the report.

A copy of the letter and the attached report would be submitted electronically to the Commission Secretariat-General, in order to trigger the internal process the Commission has established for consideration of national parliament observations and the preparation of responses to them.

It is also conceivable that departmental select committees of the House of Commons may themselves choose to examine Commission legislative proposals and respond directly

4. *Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?*

No.

5. *Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?*

The Commission's unilateral commitment may be regarded in general terms as adding overall value to the European legislative process, by ensuring that each EU national parliament receives the text of each Commission legislative proposal.

It should be recalled that the Commission was already under an obligation to transmit its Green and White Papers directly to national parliaments, under the provisions of the Amsterdam Treaty.

The greatest added value in the Commission's initiative lies in its undertaking to consider the comments submitted by national parliaments and to respond to them. Responses which demonstrate that the Commission has properly considered the points made, and is prepared to consider them in the process of further policy formulation, will help to foster trust in the European legislative process. Evidence that the Commission is actively taking the views of national parliaments into account in the development of its legislative proposals will be a further welcome development.

## II. Annual Policy Strategy

1. *Has your parliament held debates on the Commission's Annual Policy Strategy in the past?*

No: no debate has been held on the floor of the House.

*a) If yes, which bodies were involved in the discussion? What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?*

*b) If not, how do you plan to deal with the Annual Policy Strategy in the future?*

Proposals for the reform of the scrutiny of European business made by the Select Committee on the Modernisation of the House of Commons in March 2005 included proposals for a Parliamentary European Committee (PEC). It was envisaged that this Committee would be comprised of all members of both Houses. European Commissioners and UK members of the European Parliament would also be invited to attend and to speak.

The PEC could provide an appropriate forum for a discussion of the Commission's Annual Policy Strategy.

The Government has yet to respond to the Modernisation Committee's report or to indicate whether it is prepared to allow the PEC to be established.

2. *Does your parliament regard the discussion of the Annual Policy Strategy as an asset?*

In principle, yes.

3. *Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?*

In principle, provided that the addition of a fixed item to COSAC's bi-annual agendas did not restrict COSAC's freedom to discuss other topical issues.

### **Chapter 3: Justice and Home Affairs: question of passerelle**

1. *Has your parliament discussed the Commission initiative?*

The principle of extending a regime of co-decision and qualified majority voting to all legislation in the area of justice and home affairs has long been the subject of substantial discussion in the House of Commons at all levels, most recently during Parliamentary scrutiny of developments during the Convention on the Future of Europe and the drafting of the Constitutional Treaty.

The Commission has indicated that it is ready to bring forward a legislative proposal to activate the provisions of article 42 TEU at the initiative of the Finnish Presidency, though no such legislative proposal has yet been presented.

2. *What is the view of your parliament vis-à-vis this initiative?*

The House of Commons and the European Scrutiny Committee have not taken a formal view on what is, at present, an aspiration by the Commission. Should the Commission produce a legislative proposal, it will be examined by the European Scrutiny Committee in the normal way. It is highly likely that such a proposal would be recommended for debate on the floor of the House.

On 25 July 2006 the House of Commons Home Affairs Committee announced that it would conduct a short inquiry into current issues relating to justice and home affairs (JHA) at EU level. The Committee indicated that such issues were likely to include any Commission proposal for implementation of the 'passerelle' clauses.

3. *Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?*

The Government's present position on proposals to implement the *passerelle* was given in a written answer by the Minister for Europe on 13 September:

**Mr. Brady:** To ask the Secretary of State for Foreign and Commonwealth Affairs whether it is the Government's policy to support the extension of qualified majority voting in the EU in the field of police and home affairs.

**Mr. Hoon:** The Government are giving careful consideration to the proposals contained in the Commission's Communication 'Implementing the Hague Programme: the Way Forward'. We welcome efforts to take forward EU work in the Justice and Home Affairs field. In that context, the Finnish presidency have proposed discussion on the use of the Article 42 'passerelle', one consequence of which could be the application of qualified majority voting to some parts of EU police and judicial co-operation. We will need to be

satisfied that any proposals would genuinely improve the decision making process, and that such a move would be in the UK's national interest.

Joan Ryan MP, the responsible Home Office Minister, gave evidence to the European Scrutiny Committee on the Commission's proposals in the Hague Programme and the Government's position on 18 October 2006.

4. *Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?*

There are several means whereby the House of Commons or its committees can seek to influence the Government's position on the adoption of the *passerelle*. These include:

- **European Scrutiny Committee action:** It is highly likely that the European Scrutiny Committee would consider any proposal to activate the *passerelle* to be so legally and politically important that it would require a debate on the floor of the House. It is unlikely the Government would be able to resist such a recommendation, and the Government would in practice be unable to assent to a measure in Council until the debate had taken place. At the end of such a debate, a motion setting out the Government's position would be put to the vote. Such a motion would be susceptible to amendment.
- **Select Committee action:** Select committee inquiries, such as the one undertaken by the Home Affairs Committee, take oral and written evidence and produce substantive reports containing recommendations to Government. The Government is generally obliged to respond to such reports within two months, and the report and the Government response may subsequently be selected for debate in the House.
- **Opposition action:** Opposition parties in the House may seek to raise the matter on those days when they have the right to choose the subjects to be debated on the floor of the House.
- **Questions:** Individual MPs can table written or oral questions to Ministers, seeking information or pressing for action.

Article 42 TEU provides that, once a unanimous Council Decision to activate the *passerelle* is taken, the Council shall recommend that Member States adopt that decision "in accordance with their respective constitutional requirements." In the UK, primary legislation would be required to amend the European Communities Act 1972 to give effect to the decision in UK law.

Both Houses of Parliament in theory have the opportunity to amend this legislation as it passes through Parliament, though any government which had chosen to adopt the *passerelle* would be keen to use its parliamentary majority in the Commons to ensure that the legislation was passed in the form it intended.

5. *Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?*

No.

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?



Yes: the amended draft Council Decision amending Decision 1999/468/EC laying down the procedures for the exercise of implementing powers conferred on the Commission (Council ref. 10126/1/06) was considered by the European Scrutiny Committee and cleared from scrutiny on 13 July 2006 (35th Report of the European Scrutiny Committee, Session 2005–06, HC (2005–06) 34-xxxv).

Note that the Committee remains “sceptical about the adequacy and legal certainty of the distinction between quasi-legislative and other comitology measures”, though it has accepted the UK Government’s view that “for as long as the proposed comitology reform does not confer on the European Parliament the power to adopt implementing measures, it does not seem obviously incompatible with Article 202 TEC.”

2. *Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?*

The main focus of attention by the European Scrutiny Committee has been on the scope of delegation in the EC instrument providing for the adoption of legislation by the comitology procedure. The particular rules adopted by comitology are generally not the subject of specific reports. Where they are reported on, this is in the context of the normal scrutiny procedure.

3. *Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?*

Given the scope of scrutiny as described in 2 above, this does not appear to have been a problem

4. *Do you find that the Commission’s Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?*

The Register has not been of any particular interest or concern.

5. *Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?*

No such distinction is made and both would fall under the regime for scrutiny.

—

## **Chapter 5: Future cooperation with the European Parliament**

1. *Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.*

The European Scrutiny Committee called for joint meetings between national parliaments and the European Parliament to be established in its 2002 report on *Democracy and accountability in the EU and the role of national parliaments* (33rd Report, Session 2001–02, HC (2001–02) 152-xxxiii, paras 141–144)

The Committee reported as follows:

Joint meetings of national parliamentarians and MEPs could be used more generally, drawing in Members of specialist committees of national parliaments and the EP (somewhat like the Council of Ministers in its different formations) to scrutinise their subject area by questioning Commissioners, officials and expert witnesses and debating issues. To a limited extent this already occurs through meetings of EP committees to which representatives of national parliaments are invited. Putting this on a somewhat more formal and less ad hoc

basis would have the major advantage that the selection of subjects for discussion could be more carefully considered and would be agreed between national parliamentarians and MEPs. National parliamentarians could ensure that subjects of concern to them were covered, that the number of meetings did not place excessive burdens on national parliamentarians, and that subjects were selected with a view to bridging the gap between citizens and EU decision-making. Given that national parliamentarians would have partial 'ownership' of the process, they would be more likely to organise events in their own country to give citizens the opportunity to contribute views. The proposal is consistent with the Commission's call for 'public debates, jointly organised by the European and national parliaments, on the Union's policies' and the EP's proposal for more systematic co-operation between committees of the EP and national parliaments.

Possible subject areas might include the CFSP, Justice and Home Affairs [ . . . ] the Commission's annual policy strategy and work programme [ . . . ] and decisions made or about to be made at European Councils. Also, the Commission has recently proposed a joint committee of national parliamentarians and MEPs concerned with police matters to meet twice a year for 'information exchange and co-ordination', and to nominate a smaller body to maintain close contact with Europol, and this could fit into the same pattern. Policy areas subject to the 'open method of co-ordination', which largely escape parliamentary scrutiny at present, could be covered, and major reports, such as the annual report on the CFSP, could be presented to such joint meetings.

An essential part of this proposal is that meetings would be jointly organised by national parliaments and the EP, and therefore there should either be a very small independent secretariat for this purpose or co-operation between the EP secretariat and the small COSAC secretariat we propose below. The relative proportions of national parliamentarians and MEPs would need to be determined: we would favour two-thirds national parliamentarians and one-third MEPs (similar to the Convention), though for the two inter-governmental pillars a smaller proportion of MEPs might be appropriate.

The House of Commons already receives a number of invitations to send representatives to meetings of EP committees. These opportunities are welcome, though it is not always possible to send a representative, especially when the meeting coincides with that of the relevant Commons committee. We take this opportunity to emphasise that the meetings are most useful when full information is circulated in advance and there are not too many set speeches from the platform.

The Committee returned to the issue in its follow-up report on the *Convention on the Future of Europe and the Role of National Parliaments* (24th Report, Session 2002–03, HC (2002–03) 63-xxiv, paras 36–39)

In our previous Report we called for joint meetings of national parliamentarians and MEPs, jointly organised, to consider matters such as the Commission's annual policy strategy and work programme and to question Commissioners on it. We believe that giving national parliamentarians the opportunity not only to confer but also to engage directly with and question those making policy at European level is essential to raise the level of interest in EU matters in national parliaments, to improve the quality of European scrutiny at national level and to enable national parliaments to act as a bridge between citizens and EU institutions. Examples would be members of foreign affairs committees questioning the High Representative on the annual report on the Common Foreign Security Policy or COSAC's proposed annual session with Commissioners on the Commission's annual legislative and work programme. We emphasise that the aim is to increase the ability of national parliaments and the European Parliament to carry out their own tasks rather than for one to interfere in the work of the other.

European Parliament committees already invite members of national parliaments to some of their meetings, and Commissioners and Commission staff sometimes appear before committees of national parliaments. However, national parliaments are rarely if ever consulted in advance about the European Parliament's meetings and their purposes, subjects and formats, and, as for Commissioners, it would be difficult for any Commissioner regularly to visit all 15 national parliaments, let alone 25 following enlargement.

A grand inter-parliamentary structure such as the Congress proposed by the Praesidium raises fears of a new institution such as a second or third chamber, and would meet very infrequently (probably only once a year), though we note the usefulness of the WEU Assembly (a body established by treaty) in the defence field. The co-operation we advocate, especially meetings bringing together sectoral or departmental committees, could be achieved informally, without treaty articles.

We emphasise that meetings involving national parliamentarians and MEPs should be jointly organised, rather than the former simply being asked to attend ad hoc European Parliament meetings. We believe the national parliament input to such joint organisation could best be provided through COSAC. This would be consistent with WG IV's recommendation that COSAC become 'a stronger network for exchange between parliaments'

These extracts demonstrate the potential added value which national parliaments could gain from the organisation of joint parliamentary meetings.

In general the present initiative to establish joint parliamentary meetings is welcome, and they are considered a valuable contribution to interparliamentary cooperation. It is notable that the recent meetings incorporate many features which the European Scrutiny Committee recommended in 2002. In particular, the specific subject focus of joint committee meetings is welcome. Such meetings have benefited from substantive exchanges of views with Commissioners and Presidents-in-Office of the Council, and by debate between parliamentarians. Written material submitted in advance by national parliaments and the European Parliament has provided a useful resource for other national parliaments, particularly when it has been made available online.

On the negative side, the agendas of some meetings have been too ambitious, particularly in the time allocated to visiting speakers, and have left insufficient time for proper debate.

2. *Does your parliament consider that the topics selected for the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?*

The usefulness of the topics chosen for debate has been variable. On occasion the sessions have been organised with a very broad focus, and parliamentarians have tended to arrive with pre-prepared speeches: this has resulted in an unconstructive exchange of views on disparate topics rather than a proper debate.

It is notable that joint parliamentary meetings have been organised on issues which fall either partly or wholly within the competences of national parliaments: in its original observations on joint parliamentary meetings, the European Scrutiny Committee recommended that they should be held to discuss matters subject to co-decision.

National parliaments should be allowed to suggest subjects to be selected for debate, and should be invited to do so by the parliament of the Member State holding the Council Presidency.

3. *Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?*

It would not be feasible or desirable to seek to hold more meetings than this during a presidency. When timetabling such meetings the European Parliament and the Presidency parliament should have due regard to the Guidelines on interparliamentary cooperation established by the Conference of EU Speakers at the Hague in 2004.

*4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?*

The authority under which such meetings have been convened needs to be clarified, and the development of this form of interparliamentary cooperation requires careful guidance to ensure that such forums retain maximum support and interest and make the most valuable contribution possible to parliamentary debate.

To this end, the Conference of EU Speakers should be invited to undertake a review of the development to date of such interparliamentary meetings, and to draw up guidelines for their future operation.

There have been suggestions that such meetings should seek to adopt resolutions or conclusions. At this stage, such suggestions are not considered helpful. Such developments would change the nature of joint meetings, focussing attention away from the debate and onto the drafting of an agreed text. If it were decided that parliamentary meetings should seek to adopt resolutions or conclusions, the process whereby these were drafted and agreed would have to be carefully considered.

The European Scrutiny Committee has in the past suggested that COSAC assist with the organisation of such meetings from the national parliament side. Since the date of its reports, the COSAC Secretariat has been established. It is conceivable that the COSAC Secretariat could act to support the Presidency parliament in the administrative tasks required for preparation of parliamentary meetings, though COSAC would have to consent to this extension of the Secretariat's work.

*5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.*

Not at this stage.

## **Chapter 6: Northern Dimension of the European Union**

*1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?*

The House of Commons does not participate in the work of any of the above organisations.

*2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?*

The European Scrutiny Committee will consider any relevant document relating to these policies and activities which is deposited with it for scrutiny, and will report on it to the House if it considers it to be of legal or political importance in the context of UK policy.

The House of Commons Foreign Affairs Committee has not recently inquired into the policies and activities of the Northern Dimension, and has no present plans to do so.

3. *Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?*

The House of Commons considers that the level of parliamentary scrutiny of Northern Dimension activities, so far as they relate to the UK, is appropriate.

The creation of any new parliamentary scrutiny structure for the Northern Dimension should be considered in the light of recent work in the Conference of EU Speakers on rationalisation of interparliamentary cooperation.

Any proposal that the UK should participate in increased parliamentary scrutiny of the Northern Dimension would have to be considered on its merits and in the light of the effect of Northern Dimension policies on the UK in general. In principle the House of Commons would not seek to participate in an interparliamentary body to examine policies which did not directly affect the UK.

The House of Commons does not currently participate in the Euro-Mediterranean Parliamentary Assembly.

## **31. United Kingdom**

### ***House of Lords***

#### **Chapter 1: Subsidiarity and proportionality**

1. Referring to the European Council conclusions, how would you like to see the role of the COSAC strengthened when monitoring subsidiarity?

Where national parliaments wish to coordinate their views on whether a specific item of EU legislation complies with the principles of subsidiarity and proportionality, it could be useful for COSAC to debate that specific legislative proposal and, if desired, adopt a Contribution addressed to the EU Institutions on it.

Such a Contribution could be separate from and in addition to the usual Contributions issued at the end of each COSAC meeting. It is worth recalling that the Rules of Procedure allow for Contributions to be adopted by qualified majority. They also provide for the European Parliament to abstain from any vote on a Contribution which is addressed to it.

To facilitate the preparation of such Contributions, COSAC could coordinate more subsidiarity and proportionality checks in 2007.

COSAC should ask the Commission to respond in writing to COSAC Contributions.

2. In this respect, how should the role of the select committees be taken into account (i.e. in the case of a system where the select committees are responsible of the subsidiarity and proportionality check)?

In the House of Lords, the EU Committee scrutinises EU legislation for compliance with the principles of subsidiarity and proportionality. It is therefore straightforward for the Lords Committee to present its views to COSAC.

#### **Chapter 2: Cooperation with the Commission**

##### **1) Direct transmission of Commission documents**

1. Does the direct transmission of documents by the Commission increase the amount of EU documents received by your parliament?

There is no increase in the number of COM documents we receive; these are all deposited in the UK Parliament by the Government. It is possible that we may now occasionally receive Commission working documents (i.e. SEC documents) which are not deposited by the UK Government, although it is too early to know whether this is the case.

However, the transmission of documents by the Commission does not cover all of the EU documents that the UK Parliament receives and scrutinises. This is because it does not cover proposals from Member States under the Second or Third Pillar.

2. How does your parliament intend to deal with documents directly forwarded by the Commission from a technical point of view? (e.g. establishment of a new means, like a separate database, for the reception of the documents, or use of existing mechanisms?)

They are received by email and will be filed electronically using our standard systems.

3. How do you intend to react to the Commission's documents?

a) Which body in your parliament will scrutinise the documents and decide upon the content of the reaction towards the Commission (e.g. the EU committee, a sectoral committee, the plenary)?

The EU Committee, as has been the case since the UK joined the European Community.

b) Will your parliament only scrutinise/react to legislative proposals, or will it also react to consultation documents, working documents etc.?

The EU Committee scrutinises all EU documents and does not limit its responses to legislative proposals. Even before the Commission started directly transmitting documents to national parliaments, the Lords EU Committee responded to Commission Communications and Green/White Papers. Furthermore, the Committee's reactions are not limited to comments on subsidiarity and proportionality.

c) Do you intend to keep a six-week time limit<sup>27</sup> for your reaction?

No, not in all cases. If reacting to an EU document, the Committee always considers when is the most opportune moment to write to the UK Government and/or the Commission. Sometimes the Committee aims to react before the document goes on a Council agenda for agreement (which is often more than six weeks after the proposal being made available in all languages), other times the Committee aims to react before the Commission's deadline to a public consultation or before a meeting in the European Parliament. When required, the Committee can react within six weeks. Alternatively, if the Committee decides to conduct an inquiry into a Commission document, and there is no pressing deadline, it can take several months before the Committee publishes its report.

d) In case your parliament is a bicameral one, will there be cooperation between the two chambers with regard to the scrutiny of and reaction to the documents transmitted by the Commission?

There is regular cooperation between the officials of the European committees of the two Houses of the UK Parliament.

e) In which way will you formally reply (e.g. letter by your speaker; committee chairman etc)?

The EU Committee has two formal means of responding, either by a letter from the Chairman of the Committee or by publishing a report.

---

<sup>27</sup> The Protocol on the role of national parliaments in the EU attached to the Amsterdam Treaty provides that six weeks shall elapse between a proposal being made available in all languages to the European Parliament and the Council by the Commission and the date when it is placed on a Council agenda for decision (either for the adoption of an act or for adoption of a common position).

4. Does the way your parliament will deal with the documents directly transmitted by the Commission (compare question 3) differ from the procedure pursued by your parliament with regard to EU matters in the past?

No.

5. Does your parliament regard the direct transmission of legislative proposals and consultation papers of the Commission to national parliaments as an added value, compared to the situation in the past?

Yes.

## II. Annual Policy Strategy

1. Has your parliament held debates on the Commission's Annual Policy Strategy in the past?

a) If yes, which bodies were involved in the discussion?

What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?

b) If not, how do you plan to deal with the Annual Policy Strategy in the future?

The Commission's Annual Policy Strategy has not been debated in the Chamber of the House of Lords, although it has been the subject of discussion within the EU Committee. The EU Committee is currently reviewing its scrutiny of the APS.

2. Does your parliament regard the discussion of the Annual Policy Strategy as an asset?

Yes, the EU Committee considers scrutiny of the APS to be useful.

3. Would you be interested to discuss the Annual Policy Strategy in an interparliamentary context (i.e. COSAC)?

Yes. The Lords EU Committee sees COSAC as the best interparliamentary forum for an annual debate on the Commission's Annual Policy Strategy (to be held in the first half of each year).

## **Chapter 3: Justice and Home Affairs: question of passerelle**

1. Has your parliament discussed the Commission initiative?

Yes.

2. What is the view of your parliament vis-à-vis this initiative?

The view of the EU Committee is set out in the Committee's report on *The Criminal Law Competence of the European Community*:

<http://www.publications.parliament.uk/pa/ld200506/ldselect/ldcom/227/227.pdf>

The Committee's comments are set out in paragraphs 168-80.



3. Has your government taken a position regarding this initiative and if yes, how has your parliament been informed about it?

The position of the UK Government is summarised in paragraph 110 of the Committee's report. The Government informed the Committee in oral and written evidence to the Committee.

4. Can your parliament exert influence on the stance of your government regarding this initiative? If so, what are the means available?

Yes. First, the Government will respond in writing to the Committee's report. The Committee will consider this response and then decide what further action, if any, to take. In addition, any proposal to activate the passerelle clauses would be subject to the House's usual scrutiny procedures. In particular, any proposal would be subject to the scrutiny reserve, under which, except for in certain limited circumstances, UK Government Ministers may not agree to legislation in the Council of Ministers if it is still under scrutiny in Parliament.

5. Would the transfer of certain Justice and Home Affairs matters from the third to the first pillar in any way affect the way your parliament scrutinizes these policies?

No.

#### **Chapter 4: Comitology**

1. Did your parliament follow the recent changes in the comitology procedure?

Yes.

2. Has your parliament/chamber scrutinised decisions taken within the comitology procedure in the past? If so, how does the procedure work? Do you have plans to deal with comitology in the future?

Yes, the Lords EU Committee has scrutinised comitology decisions in the past. The UK Government deposits in the UK Parliament for scrutiny those decisions which have been referred to the Council in the absence of agreement in the comitology committee. Our standard procedures for scrutinising EU documents apply when scrutinising such decisions. The comitology decisions deposited in the UK Parliament are all examined by one of our sub-committees. The Committee has no plans to alter this procedure in the future.

3. Do you find that there is enough time available for parliamentary scrutiny of decisions taken within comitology procedures? If no, how would you suggest that this could be improved?

As few comitology decisions are deposited in the UK Parliament (see the answer to question 2), it is difficult to answer this question.

4. Do you find that the Commission's Register of Comitology, which was established in December 2003, provides sufficient information about pending comitology procedures? If no, how could the register be improved?

We make no regular use of the Register. We do examine the annual Report from the Commission on the Working of Committees. (e.g.COM(2006)446 for the activities of comitology committees during 2005).

5. Does your chamber distinguish between political and technical items? If so, how? Do you scrutinise both of them?

No. We examine all proposed decisions submitted by the UK Government.

### **Chapter 5: Future cooperation with the European Parliament**

1. Does your parliament feel that the joint meetings bring added value to inter-parliamentary cooperation and/or the work of your parliament? Please explain.

The House of Lords EU Committee considers that joint parliamentary meetings can bring added value to interparliamentary cooperation, as they facilitate the exchange of views between parliamentarians from across the EU. The Committee has also found that they can add value to the Committee's scrutiny work. This is achieved by three means: informing the Committee of opinions of other national parliaments on a particular issue, providing an opportunity to hear from high-level speakers, and allowing Committee members to discuss their views with others.

2. Does your parliament consider that the topics selected to the meetings are interesting and topical? Do the topics selected to the meetings meet the interests of both the national parliaments and the European Parliament?

The usefulness of the topics selected has varied from meeting to meeting, and even from session to session within a particular meeting. Occasionally the topics chosen have been too broad, which has resulted in an unfocused discussion. The Committee found the format of the working groups (used in the joint parliamentary meeting on the future of Europe) to be a success, as they allowed for more focused discussion in a smaller forum.

3. Is your parliament satisfied with the number of meetings currently organised (i.e. about two Joint Parliamentary Meetings and two Joint Committee Meetings per presidency)?

It is not practical or desirable to have more than two joint parliamentary meetings and two joint committee meetings per Presidency. Problems have arisen when Committees of the European Parliament have announced at short notice meetings to which they wish they to invite national parliamentarians. Such meetings have been outside the format of joint parliamentary meetings and joint committee meetings and have been in addition to those meetings.

4. Does your parliament have any comments on how to further develop organisation of Joint Parliamentary Meetings or Joint Committee Meetings?

The decision on topics should always be taken jointly by the national parliament of the Member State holding the Presidency of the Council and the European Parliament.

The topics and dates for such meetings should be announced well in advance. In particular, they should be announced in conformity with the Hague Guidelines on inter-parliamentary cooperation in the EU which reflect the views of the Conference of Speakers.

5. Do you have any suggestion concerning other possible forms and ways of co-operation between national parliaments and the European Parliament? Please explain.

Inter-parliamentary meetings are expensive and involve a large amount of organisation. They can be useful, but their usefulness is often ephemeral. There should be a means for continuing the inter-parliamentary dialogue in between meetings. We propose establishing web-based forums, where interested parliamentarians and parliamentary officials could exchange information electronically. The forums should be interactive, allowing all participants to post up information, and should include possibilities for discussion and virtual meetings.

## **Chapter 6: Northern Dimension of the European Union**

The development of the Northern Dimension takes place in both European and inter-governmental as well as in several international organisations, some of which have a parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference"; Nordic Council).

1. Please indicate whether your parliament participates in the work of any of the aforementioned organisations. If applicable, how does your parliament coordinate the work of its delegations to these organisations with its overall participation in, or scrutiny of, European and foreign affairs?

No.

2. Does your parliament follow the Northern Dimension policies and activities of the EU (e.g. Northern Dimension for the policies of the Union, Guidelines for the implementation of the Northern Dimension, First and Second Northern Dimension Action Plan, Guidelines for the development of a political declaration and policy framework document for the Northern Dimension policy from 2007)?

The House of Lords EU Committee does not follow the Northern Dimension as a separate, distinct issue. The Committee does scrutinise all EU documents from the Commission on the subject.

3. Does your parliament consider that the Northern Dimension is subject to appropriate parliamentary scrutiny? Should a parallel be drawn with the Union's Euro-Mediterranean dimension?

The House of Lords EU Committee does not have a position on this issue.

## 32. The European Parliament Contribution

### Chapter 3 Area of Freedom Security and Justice

1. The Communication of the Commission "A Citizens' Agenda - Delivering Results for Europe" (COM (2006) 211 final) of 10 May 2006 was sent to the European Parliament for information. It has been attributed to the Committee on Constitutional Affairs, which has not decided yet on the follow-up.

2. However, the "passerelle clauses" were already debated, and supported, many times by the European Parliament.

Already in a 2004 resolution on the future of the Area of Freedom, Security and Justice, the European Parliament recommended that the *"European Council and the Council (...) enhance the legitimacy of the AFSJ by determining in keeping with the spirit (...) of the agreements already concluded on the implementation of the Treaty of Nice, to use the codecision procedure, to use qualified majority voting in the Council and to extend the jurisdiction of the Court to cover the AFSJ, initially for immigration measures (Article 67 of the EC Treaty) and, subsequently, for measures connected with combating terrorism and international crime (Article 42 of the EU Treaty)"*<sup>28</sup>.

More recently, in June 2006, the European Parliament *"reiterated, yet again, the urgent need to start the procedure, using Article 42 of the Treaty on European Union, for inclusion of judicial and police cooperation on criminal matters in the Community pillar, which alone provides the conditions for adopting European provisions in full compliance with the principles of democracy and efficient decision-making and under appropriate judicial control"*<sup>29</sup>.

5. The transfer of some Justice and Home Affairs matters from the third pillar to the first pillar would allow the European Parliament to have a greater say on these issues and would allow for more democratic scrutiny.

In the framework of Article 42 of the Treaty on European Union, the Council can not only transfer some provisions on police and judicial cooperation in criminal matters from the third to the first pillar but also determine the voting conditions to be applied to these areas. If the codecision procedure is applied, the Council would need to reach an agreement with the European Parliament on all texts, therefore greatly increasing the influence of the European Parliament on these matters.

### Chapter 6: Northern Dimension of the European Union

The development of the Northern Dimension takes place on both, the European and inter-governmental levels, as well as in several international organisations, some with

---

<sup>28</sup> European Parliament recommendation of 14 October 2004 to the Council and to the European Council on the future of the area of freedom, security and justice as well as on the measures required to enhance the legitimacy and effectiveness thereof, P6\_TA(2004)0022

<sup>29</sup> European Parliament recommendation of 14 June 2006 on the consequences of the judgement of the Court of 13 September 2005 (C-176/03 Commission v Council), P6\_TA-PROV(2006)0260

parliamentary dimension (e.g. Council of the Baltic Sea States – CBSS; Barents Euro Arctic Council – BEAC; Arctic Council – AC; Nordic Council of Ministers – NCM; Nordic Council; "Parliamentary cooperation in the Arctic Region"; "Baltic Sea Parliamentary Conference").

1. The EP is a permanent member of the Standing Committee of the Conference of Parliamentarians of the Arctic Region, currently represented by Mrs Diana WALLIS, MEP, the Chair of the Delegation for relations with Switzerland, Iceland and Norway and to the European Economic Area (EEA) Joint Parliamentary Committee (SINEEA). The Standing Committee meets approx. 3 times per year and the EP representative reports back to the EP.

The EP is represented at the Conferences of the Parliamentarians of the Arctic Region (which take place every second year) by the Bureau of the SINEEA Delegation (3 MEPs). The EP delegation reports back the EP, presenting Conference Statement with proposals for improving the policies and procedures.

The EP is also a permanent member of the Standing Committee of the Baltic Sea Parliamentary Conference. The Chair of the SINEEA Delegation is the EP representative. The Standing Committee is meeting approx. 4 times a year. The EP is represented at the annual Baltic Sea Parliamentary Conferences by the Chair of the SINEEA Delegation and possibly by a Vice-President of the EP and the EP delegation is reporting back to the EP presenting Conference Statement with proposals.

The EP is represented in the Nordic Council Annual Plenary Sessions by the Chair of the SINEEA Delegation.

2. The SINEEA Delegation and the Committee on Foreign Affairs follows closely the Northern Dimension Policy. The two EP bodies are working in a close cooperation. The European Parliament expresses its opinion on the Northern Dimension Policy through its resolutions, mostly prepared by the Committee on Foreign Affairs but also on the initiative of individual MEPs and political groups.

The SINEEA delegation and the Committee on Foreign Affairs hold joint meetings with the Foreign Ministers of Norway and Iceland (and Liechtenstein) on the Northern Dimension Policy. The SINEEA delegation is regularly considering the ND at its annual interparliamentary meetings with the delegations from Norwegian and Icelandic parliaments.

3. The EP is executing the parliamentary scrutiny on the ND in cooperation with the existing parliamentary bodies in the Northern Regions. However, the EP has over the years advocated for the establishment of a Northern Dimension Parliamentary Forum (EP resolutions). Such a Parliamentary Forum should not replace the existing parliamentary bodies in the North, but be a body for coordinating the policies in this field in order to improve the parliamentary scrutiny. The Forum should probable not be a parliamentary organisation similar to the parliamentary cooperation within the Euro-Mediterranean dimension, but be a more streamline organisation which could be convened when necessary.

The EP has decided to hold a ND Parliamentary Conference with participation of representatives of the parliamentary assemblies in the North in the beginning of 2007 following the adoption of new ND policy (policy framework document plus a political declaration) by EU, Russia, Norway and Iceland on 24 November 2006 in Helsinki.

**Note de l'Unité Coordination Législative à destination de l'Unité Relations avec les parlements nationaux sur le questionnaire de la COSAC sur la stratégie politique annuelle de la Commission**

"Has your parliament held debates on the Commission's Annual Policy Strategy in the past?" "Which bodies were involved in the discussion?"

▪ Comme prévu par l'Accord cadre entre le Parlement et la Commission, la Stratégie politique annuelle (SPA) est présentée devant le Parlement au début de l'année. Elle constitue la première étape du processus qui amène à l'adoption du Programme législatif et de travail de la Commission. A cette occasion les grandes orientations politiques sont débattues en plénière entre le Parlement et la Commission. Ensuite, ce document est débattu par les différentes commissions parlementaires, dans le cadre du "dialogue structuré", un dialogue bilatéral régulier que chaque commission engage avec le commissaire concerné entre les mois de mars et de juin.

Suite à ces dialogues, les commissions parlementaires, par lettre de leur président, envoient leurs contributions (priorités pour le programme législatif et de travail de l'année suivante) à la Conférence des présidents des commissions parlementaires, qui élabore un document nommé "rapport succinct". Parallèlement, la Conférence des présidents des commissions a procédé régulièrement à des échanges de vues avec Mme Wallström, Vice-présidente de la Commission compétente en matière de relations interinstitutionnelles.

Au mois de septembre, la Conférence des présidents des commissions adopte le rapport succinct et le soumet pour approbation à la Conférence des présidents de groupe.

Cette dernière le discute et l'envoie à la Commission européenne en tant que contribution du Parlement au programme législatif et de travail de l'année suivante.

Une fois le Programme législatif et de travail adopté et présenté en plénière (mois novembre) le Parlement adopte une résolution pour juger le contenu de ce document (mois de décembre), ce qui clôture la procédure.

▪ Parallèlement à cette procédure (prévue par l'accord cadre) la commission pour les affaires budgétaire (BUDG) élabore un rapport d'initiative sur base de la SPA.

"What was the outcome of the debates, and how was it used (e.g. adoption of an opinion for submission to the government)?"

Cette année, l'adoption du rapport succinct a permis au Parlement d'exprimer directement auprès de la Commission ses regrets quant au manque d'ambition de la SPA 2007, notamment dans les domaines du marché intérieur et des relations extérieures. Il a également appelé à davantage d'engagement politique de la part de la Commission sur la Constitution, la simplification ou encore la transposition des directives par les Etats membres. Il a enfin fait part de nombreuses requêtes spécifiques de la part des commissions parlementaires.

A ce jour (19 octobre 2006), la Commission européenne est sur le point d'adopter le programme législatif et de travail que son Président viendra présenter en session plénière en novembre. Dans le projet actuellement discuté, la Commission semble reprendre à son compte plusieurs demandes du Parlement européen.

"Does your parliament regard the discussion of the Annual Policy Strategy as an asset?"

Il faut rappeler que le Programme législatif et de travail de la Commission constitue un engagement politique de cette dernière devant le Parlement européen.

La SPA est la première étape du dialogue entre le Parlement européen et la Commission sur la programmation. Ce dialogue est prévu au point IV de l'accord-cadre sur les relations entre le Parlement européen et la Commission révisé en 2005.

Le Parlement européen considère la discussion sur la SPA comme un élément essentiel de ses relations avec la Commission européenne et comme une opportunité d'influer sur les priorités politiques et législatives de la Commission, tout en respectant le droit d'initiative de cette dernière. C'est pourquoi il met tout en œuvre pour améliorer l'exercice année a

## NOTE ON THE NEW COMITOLOGY SYSTEM FOR THE 6th BIENNIAL COSAC REPORT.

FGM/hob

### ***THE NEW 'COMITOLOGY' SYSTEM***

1. After complex negotiations, the three Institutions agreed on 2nd June 2006 on a package to review the 'comitology' provisions included in Council Decision 1999/468/EC<sup>30</sup> laying down the procedures for the exercise of implementing powers conferred on the European Commission. The Amending Decision of the Council (2006/512/EC)<sup>31</sup> entered into force on 23 July 2006 and introduced a new *regulatory procedure with scrutiny*, a new type of comitology procedure for a specific type of implementing measure for acts proposed on the basis of co-decision.

This package, composed of the new Council Decision and a set of accompanying statements, one made by the three Institutions jointly, and three made by the Commission individually, is the result of a long procedure which started four years ago with a Commission proposal to amend Council's Decision of 1999 on "comitology"

2. The new regulatory procedure with scrutiny comprises two separate phases, a so-called executive phase, where the European Commission submits its draft measures to the representatives of national authorities in the relevant committee and a so-called supervisory phase, where the draft will be submitted to the European Parliament and the Council. The main feature of the supervisory phase is that, parting from the existing comitology procedures, the European Parliament and the Council are in principle placed on an equal footing.

As regards the scope, the new regulatory procedure with scrutiny only applies to the implementation of legal acts adopted under co-decision (Article 251 of the Treaty) as regards the adoption of measures of general scope which seek to amend non-essential elements of a basic act, inter alia by deleting some of those elements or by supplementing the basic act by the addition of new non-essential elements (the so-called "quasi-legislative" measures). The "essential elements" of a legislative act remain the domain of the legislator and can only be amended through the normal legislative procedure. Following the jurisdiction of the Court of Justice, the legislator enjoys a large margin to decide what is essential and what is not essential

In practical terms, 'quasi-legislative' measures are measures to revise non-essential elements in the main text or the annexes or to add such elements, i.e. measures to specify definitions, to adapt to technical progress, lay down minimum or maximum norms and levels or conditions, criteria and categories.

Once the criteria set above are met, the new procedure is obligatory. The European Commission will consequently introduce the new procedure, where appropriate in its forthcoming legislative proposals. It must also be included in pending legislation.

3. For existing legislation, the new procedure has to be introduced into legislative texts in two steps:

---

<sup>30</sup> O.J.L. 184, 17.7.1999, p.23

<sup>31</sup> O.J.L. 200, 22.7.2006, p.11



- Firstly, the Parliament, Council and Commission have identified 25 pieces of existing legislation in a common declaration, which should be adjusted as a matter of priority to the new procedure.
- Secondly, the European Commission has also committed itself to examining all acts in force adopted by co-decision with a view to putting forward the appropriate legislative proposals before the end of 2007.

Furthermore, all pending legislation will have to be adapted by the two branches of the legislative authority.

4. With the new comitology decision, the European Parliament has, for the first time ever, the effective right to control and to block quasi-legislative measures proposed on the basis of co-decision acts. This operation can be justified by wide-ranging reasons (the draft proposal exceeds the implementing powers provided for in the basic act, or is incompatible with the aim or the content of that instrument or fails to respect the principles of 'subsidiarity' or 'proportionality').

The European Parliament's greater involvement in comitology will not only enhance transparency but could also contribute to slimmer, more comprehensible and more flexible legislation. Moreover, if the new procedure is efficiently implemented, this will improve the transparency of decision-making and reinforce the democratic character of the European Union.

To this end, the European Commission has committed itself to considerably improving the information system on comitology. In this regard, the declarations of the Commission are essential to improving the flow of information especially in the field of financial services legislation. They make it also clear that the "Lamfalussy acquis" with regard to special information rights in the field of the financial services remains in place.

#### *The reasons for a reform*

5. The new comitology procedure is justified by various reasons, principally, the imbalance between the two branches of the legislative authority in respect of executive acts relating to basic instruments adopted under the co-decision procedure. The European Parliament's part in the procedure was until now restricted to the control of the "legitimacy" of the executive instrument, (when it exceeded the implementing powers provided for in the basic act), which was incompatible with its role as a co-legislator, whereas the Council could alter the substance of the instrument.

In fact the need for supervision by the legislative authority arises mainly when executive measures to be adopted by the Commission have a legislative substance, implementing non-essential elements of basic instruments or adopting others, such as when Directives are brought into line with scientific and technical progress or their annexes are amended. In such cases, the legislative authority needs to be able to supervise the exercise of the powers conferred.

On the other hand, it should be recalled that the EC Treaty, Article 202, does not distinguish between the delegation of legislative powers and the exercise of executive powers and for coping with this problem, the Treaty establishing a Constitution for Europe provides a new system for delegating powers introducing the concept of "delegation of legislative powers".

Bearing in mind also that a relatively long period will elapse before any new Treaty provisions on this come into force, reviewing comitology became a more pressing matter in the areas where the European Parliament was a co-legislator under Article 251. Furthermore, it is in the co-decision procedure that the so-called "Community method" is applied to the full, which is why it is logical to start with the review of the arrangements for exercising executive powers here.

The new review of comitology is hence restricted to the scope of that procedure, pending the reform of Article 202. The new procedure constitutes a good example of developing the institutional system without Treaty change in order to improve the governance of the European Union.

*From the old to the new comitology system: a challenge for the European Institutions.*

6. While 278 pieces of legislation were adopted in 2004,<sup>32</sup> the last year for which figures are available, 75 under the co-decision procedure by the European Parliament and the Council and 203 by the Council alone, the European Commission adopted 1.199 legal acts on the basis of a delegation of implementing powers conferred by the Council under Article 202 of the EC Treaty. In fact, the Commission exercises the implementing powers conferred on it in accordance with comitology procedures laid down in the Comitology Decision 199/468/EC.

The number of comitology Committees involved in the context of implementing legislative acts was 250 in the year 2005. By policy sector, transport/energy (38), Enterprise (32), Environment (32) and Agriculture (31), continue to have by far the largest number of committees. While the legislator has established new committees in some policy areas with increased activities (for example, Justice, Liberty and Security and Health and Consumer Protection), the objective of the Commission is to limit the number to around 250<sup>33</sup>. As regards the "output" of the committees, the evolution of the number of implementing measures adopted by the Commission in the period 2002-2005 is shown in the table below.

***Number of Implementing measures***<sup>3435</sup>

POLICY SECTORS	2002	2003	2004	2005
Agriculture	1.455	1.413	1.279	1.481
Health and Consumer Protection	244	392	352	303
Research	175	60	185	202
Europe Aid	167	153	182	124
Information Society	50	21	34	85
Enlargement	66	90	89	83
Education and Culture	54	47	115	55
Environment	601	352	59	55
Enterprise	48	31	40	47
Humanitarian Aid	36	42	52	50
Others	181	167	238	169
<b>TOTAL</b>	<b>3.077</b>	<b>2.768</b>	<b>2.625</b>	<b>2.654</b>

<sup>32</sup> Data are retrieved from the 2004 Annual General Report on the European Union.

<sup>33</sup> Com(2006)446Final

<sup>34</sup> Legal Acts and administrative and financing decisions

<sup>35</sup> See the Annual Report from the Commission on the working of Committees

Needless to say that the sheer number of implementing measures adopted as such does not indicate the political, economic or financial importance of the decision

A slight decrease in the overall number of implementing measures can be noted. The large number of implementing measures adopted in certain policy sectors - Agriculture (1481), Health and Consumer Protection (303), Research (202), Europe Aid (124), and Information Society (85), reflect the intensity of work delegated to the Commission in these areas via the comitology procedures<sup>36</sup>.

7. In this context, it should be noted that around 1000 of the approximate 2.600 implementing measures adopted every year are based on co-decision acts: from 1999, the European Parliament was formally granted the right to receive full information and could claim that an implementing measure exceeded the scope of powers delegated. However, the European Parliament has had major difficulties in exercising the "scrutiny right" (in the old system, the proposals were mostly transmitted in only one language; the European Parliament had only one month to control measures and could only oppose the proposed measures by arguing that the Commission had exceeded its implementing powers. In any case the Commission could simply override this opposition)

All these obstacles explain the limited involvement of the European Parliament in comitology in recent years. In fact, only six Resolutions have been adopted by the European Parliament in which it claims that the Commission has exceeded the implementing powers when adopting specific implementing measures. The last two resolutions concerned the Environment sector.<sup>37</sup>

8. According to the "new system" after the adoption of the comitology committee, the European Parliament or the Council can say "no" to a quasi-legislative measure. (The Council by a qualified majority, the Parliament by a majority of members) and this only justifying by indicating that the proposed measure exceed the implementing powers or is not compatible with the aim or the content of the basic act or does not respect the principles of subsidiarity or proportionality. In the case of opposition the Commission cannot adopt the measure. The Commission can propose a new measure to the comitology committee or a completely new legislative act.

The "new" system also changes the conditions under which the right of scrutiny of Parliament is implemented:

- the Parliament has in normal cases 3 months extendable to 4 months
- the time limit for the right to control will only start once the proposal has been submitted in all official languages
- the Commission commits itself to set up an improved information system of all committee activities.

Thus, the Parliament has for the first time ever the effective right to control the important part of the comitology system and it now also has the means to exercise this right.

---

<sup>37</sup> Furthermore, the resolution adopted on 6 July 2005 (B6-0392/2005) led to the European Parliament bringing an action against the Commission before the European Court of Justice claiming an annulment of Commission Decision 2005/717/EC of 13 October 2005, arguing that the Commission had failed to comply with the conditions laid down in RoHS (Restriction of the use of certain hazardous substances in electrical and electronic equipment) Directive for exempting DecaBDE in the specific application from the ban contained in that Directive. The case is pending before the European Court of Justice.

9. In the Inter-institutional Agreement on Better Lawmaking, the three Institutions stressed the important role played by implementing measures in legislation. The new provisions will have their impact in the drafting of legislation and the Institutions will probably concentrate more on a clear drafting of recitals and the legal text with the aim of a clear differentiation of what has to be agreed on in the legislative text and what can be done by comitology under the new procedure. Legislation could become slimmer and more easily readable, contributing to the better-lawmaking agenda.

On the other hand, the implementation of the new system will represent a political challenge for inter-institutional cooperation and will affect its procedures and working methods in view of efficient handling of the new procedure. Particular attention will be paid by the Institutions over the next months to the proposals to introduce the new procedure into 25 existing priority acts, to the screening of pending proposals before each institution and the general alignment package to come forward before the end of 2007 with the modifying proposals (around 130) in order to apply the new procedure not only to future legislation but also to the entire existing Community legislation.

Francisco Gomez Martos 29.092006