

## **Outline of COSAC's 5th biannual report on procedures and practices relevant to parliamentary scrutiny (to be presented to the XXXV COSAC in Vienna in May 2006)**

### **Chapter 1: Stock taking of debates in national parliaments on the period of reflection**

The European Council in June 2005 called for a period of reflection on the Treaty establishing a Constitution for Europe to allow a wide debate in Member States involving citizens, civil society, social partners, national parliaments and political parties. This proposal for a wide debate on the future of Europe was the subject of paragraph 5 of the Contribution adopted at the XXXIV COSAC in London in October 2005:

"COSAC agrees that overcoming the current EU crisis requires a wide debate involving the citizens of the Union, not only its institutions and elites. Such a debate should take place at all levels — local, regional, national and European. Special responsibility for this endeavour lies with national parliaments and the European Parliament. A series of meetings should seek to stimulate, steer and synthesise the different debates, raise European awareness and lead to a clear definition of the role and objectives of the EU, understood and accepted by European citizens. This would in turn facilitate further decisions on the future of the Constitutional Treaty."

The UK and Austrian Presidencies presented a joint report to the European Council in December 2005 summarising national debates on the future of Europe in the Member States. That interim report will contribute to an overall assessment of national debates in the first half of 2006 under the Austrian Presidency.

Chapter 1 of the biannual report will add to that interim report prepared by the UK and Austrian Governments by providing an overview of actions taken by national parliaments during the period of reflection.

*NB. The secretariat will distribute the above-mentioned interim report (Council document 15576/05 DQPG) and ask national parliaments whether they have additional information on initiatives they have organised connected to the period of reflection.*

### **Chapter 2: Subsidiarity and proportionality**

Paragraph 4 of the Contribution adopted by COSAC in London said that:

"Those national parliaments which wish to participate shall conduct a subsidiarity and proportionality check on a forthcoming EU legislative proposal or proposals, developing their existing scrutiny role as recognised in the Protocol on the Role of National Parliaments attached to the Treaty of Amsterdam, allowing them to test their systems for reaching decisions on subsidiarity and proportionality, enabling an assessment of the justifications presented by the Commission and stressing to the Commission national parliaments' role in relation to subsidiarity. This chapter is pending on the decision by the COSAC Chairpersons when to conduct the subsidiarity and proportionality check."

It is unlikely that the check will have been completed by May, Chapter 2 of the biannual report will therefore report on any other developments relating to subsidiarity and proportionality since October 2005.

*NB. The questionnaire for national parliaments will contain only one question regarding this issue.*

## **Chapter 3: Follow up on issues raised in COSAC's October Contribution**

### **Chapter 3.1: Scrutiny of CFSP and ESDP**

The last biannual report was the first time that the Council had released a detailed breakdown of all the EU's CFSP/ESDP missions. The XXXIV COSAC welcomed the Council's decision to publish information regarding which Member States participate in which CFSP/ESDP missions and called on the Council "to continue this good practice, which improves openness and helps parliamentary scrutiny."

There have been four EU operations launched since the last biannual report: namely, an EU police mission in the Palestinian territories (EU POL COPPS); an EU border assistance mission at Rafah crossing point in the Palestinian territories (EU BAM Rafah); an EU police advisory team in the Former Yugoslav Republic of Macedonia (EUPAT); and an EU border assistance mission to Moldova and Ukraine.

This section will provide factual details of the new EU operations and information on how they were scrutinised in national parliaments.

*NB. The Council will be asked to provide the same information for the new missions as it did for the earlier missions. National parliaments will be asked if they scrutinised the operations launched since the questionnaire for the last biannual report.*

### **Chapter 3.2: Better Regulation**

There were 9 sub-paragraphs on better regulation in the October Contribution. This section will give an account of what has happened on these issues since the October meeting of COSAC, reporting on the various initiatives and developments in this area (e.g. the Commission's Communication on simplification, the Council's agreement on a common system for measuring administrative costs, and the conclusions of the European Council in December).

*NB. The Commission and the European Parliament will be asked what action they have taken regarding the paragraphs of the Contribution that called on them to take forward the better regulation agenda.*

### **Chapter 3.3: Openness in the Council**

The XXXIV COSAC called on the Council of Ministers "immediately to change its Rules of Procedure so as to provide for its meetings to be in public whenever it considers and votes on draft legislation, in order to reduce the gap between citizens and the Union, to make possible more effective scrutiny of Ministers' decisions by national parliaments and to remedy the intolerable situation whereby legislation is discussed and agreed to in secret."

This section will report on what action the Council has taken since the Contribution to improve openness.