



**38<sup>th</sup>**

Bi-annual Report

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**Developments in  
European Union  
Procedures and Practices Relevant  
to  
Parliamentary Scrutiny**

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## **Conference of Parliamentary Committees for Union Affairs of Parliaments of the European Union**

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## BACKGROUND

This is the Thirty-eighth Bi-annual Report from the COSAC Secretariat.

### **COSAC Bi-annual Reports**

The XXX COSAC decided that the COSAC Secretariat should produce factual Bi-annual Reports, to be published ahead of each ordinary meeting of the Conference. The purpose of the Reports is to give an overview of the developments in procedures and practices in the European Union that are relevant to parliamentary scrutiny.

All the Bi-annual Reports are available on the IPEX website, either by accessing this [overview](#) or by navigating to the respective [meeting](#).

The three chapters of this Bi-annual Report are based on information provided by the national Parliaments of the European Union Member States and the European Parliament. The deadline for submitting replies to the questionnaire for the 38th Bi-annual Report was 19 September 2022.

The outline of this Report was adopted by the meeting of the Chairpersons of COSAC, held on 11 July in Prague.

As a general rule, the Report does not refer to all Parliaments or Chambers that have responded to a given question. Instead, illustrative examples are used.

Please note that, in some cases, respondents are able to provide more than one answer to multiple choice questions. This may explain any perceived disparity in the total number of answers to a question and the total number of respondents can thus be accounted for.

Complete replies, received from 38 out of 39 national Parliaments/Chambers of 27 Member States and of the European Parliament, can be found in the Annex on the COSAC webpage. The Bulgarian *Narodno sabranie* informed the Secretariat that it would not be able to submit a reply to the questionnaire due to the timing of national elections.

### **Note on Numbers**

Of the 27 Member States of the European Union, 15 have a unicameral Parliament and 12 have a bicameral Parliament. Due to this combination of unicameral and bicameral systems, there are 39 national parliamentary Chambers in the 27 Member States of the European Union.

Although they have bicameral systems, the national Parliaments of Austria, Ireland and Spain each submit a single set of replies to the questionnaire, therefore the maximum number of respondents per question is 37, including the European Parliament. There were 36 responses to the questionnaire.





# ABSTRACT

## CHAPTER 1: CONFERENCE ON THE FUTURE OF EUROPE – PARLIAMENTARY PROCEDURES AND INSTITUTIONAL AFFAIRS

The first chapter of the 38th Bi-annual Report seeks to update and supplement the analyses regarding the Conference on the Future of Europe (hereinafter referred as CoFE) made in the [36<sup>th</sup> Bi-annual Report](#) and the [37<sup>th</sup> Bi-annual Report](#) of COSAC.

On 9 May 2022, after a process of discussions lasting more than a year, the [report on the final outcome of CoFE](#) was adopted, addressing 49 proposals to the three European Union (EU) institutions on the several topics discussed.

The report casts light on two different but complementary aspects of the work: the first part examines the participation of Parliaments/Chambers in the works of the CoFE and identifies their internal procedures related to it (Part 1: Parliaments and the Conference on the Future of Europe); and the second part compiles the positions of Parliaments/Chambers on the [proposals of the CoFE](#) related to institutional affairs and democratic procedures, including citizens' participation. Furthermore, Parliaments/Chambers were also asked about changes, either planned or already undertaken, regarding communication and citizens' involvement in this process (Part 2: Proposals of the Conference on the Future of Europe related to institutional affairs, democratic procedures and citizen participation).

As a common rule for Part 2, Parliaments/Chambers were confronted with simple questions on some of the formulated proposals, inquiring whether they were in favour ("yes"), or against ("no"), or if "no official position" had been adopted thus far.

When it comes to the composition of their delegations to CoFE, the majority of Parliaments/Chambers participated with the Chairperson and Members of the Committee on EU Affairs. Several respondents also reported the participation of Members of other Committees but only a few included their Speaker/Vice-Speaker in the delegation. On the question of estimating the frequency of delegates' attendance at the CoFE, more than half of the respondents declared the attendance of their Members at more than 75% of the meetings.

More than half of the Parliaments/Chambers declared that they had formally reported back just occasionally, while some others did so on a regular basis after each Plenary session of the CoFE. Some of the Parliaments/Chambers replied they had never formally reported back. In what concerns the concrete manner of reporting, more than half of the respondents had used an oral reporting to the Committee on EU Affairs and less than half opted for written reporting.

With regard to the adoption of a formal position at the beginning or during the course of the CoFE, more than half of the Parliaments/Chambers replied they had not done so. Discussions on the Report on the Final Outcome of the CoFE took place at various levels in more than half of the respondents, mostly at the level of the Committee on EU Affairs. Some respondents indicated that such a debate was planned but had not yet taken place. The majority of Parliaments/Chambers stated that they had not adopted any resolution on the outcome of the CoFE, while some stated this was planned for a future date.

Parliaments/Chambers were asked whether or not they supported some of the concrete Proposals/Measures (17 in number) formulated by the Plenary of the CoFE, related to institutional affairs and democratic procedures, including citizens' participation. To the vast majority of the questions about these concrete Proposals/Measures, a significant majority of the respondents replied that their Parliament/Chamber had no official opinion.

The European Parliament, as demonstrated by its plenary resolution of 9 June 2022, welcomed the conclusions of the CoFE and called for a Convention for the revision of the Treaties, as foreseen under Article 48 of the Treaty on the European Union (TEU).

Only four respondents expressed their explicit support for stronger citizen participation in the EU's international politics and events fostering direct citizens' involvement, similar to the CoFE. Five Parliaments/Chambers favoured increasing the frequency of online and offline interactions between EU institutions and its citizens and the creation of a charter for EU officials on citizens' participation. On the issue of holding citizens' assemblies periodically, on the basis of legally binding EU law, to deliberate and reach an outcome to be taken on board by the institutions, three Parliaments/Chambers expressed their support.

The large majority of respondents (32) had no official opinion on proposals like an EU wide referendum, to be triggered by the European Parliament, or that the European Parliament should decide on the budget of the EU as is the right of Parliaments at national level (27 without an official opinion).

The issue of the EU electoral law was the one that gathered more nuanced replies. Asked whether the rules governing electoral conditions for the EP should be harmonised, four respondents showed support for this and five have replied they were against. With regard to the proposal of moving towards voting for Union-wide lists, or 'transnational lists', eleven Parliaments/Chambers expressed their opposition, while three respondents backed this proposal.

Furthermore, only two respondents supported the idea for citizens to have a greater say on who is elected as President of the Commission, which could be achieved either by the direct election of the Commission President or by a lead candidate system. Six opposed this proposal and twenty-five had no official opinion.

Asked whether the European Parliament should have the right of legislative initiative, two respondents stated to be in favour and two against, while twenty-nine had no official opinion.

Three Parliaments supported the idea of reassessing decision-making and voting rules in the EU institutions, focusing on the issue of unanimous voting, which makes it very difficult to reach agreements. Three rejected this reassessment, whereas the majority of respondents (28) had no official opinion. On the issue of deciding "by way of a qualified majority" instead of "by unanimity", only the Dutch *Tweede Kamer* replied positively, while six explicitly opposed and the large majority had no official opinion.

With respect to transparency, both to allow "independent citizens' observers to closely follow the decision-making process" and to guarantee a "broader right of access to documents", the large majority had no official opinion. Only four respondents were in favour of the European Parliament closely involving national Parliaments in the legislative procedure. No Chamber/Parliament was

against the strengthening of the European Parliament’s right of inquiry but the vast majority had no official opinion.

Again, a large majority of Chambers/Parliaments had no opinion when it came to considering changing the names of EU institutions to clarify their functions and respective roles in the EU decision-making process for citizens.

When questioned if, in the wake of the Conference, any changes were planned to the procedures or practice of interaction of the Chamber/Parliament with citizens were planned, seven respondents stated that changes were indeed planned or discussed and provided details. The majority of respondents indicated that no changes were planned.

When asked if they had discussed or approved any position on the European Parliament’s call for a Convention on the revision of the Treaties, according to Article 48 of the TEU, the majority of respondents replied that they had not discussed or approved a relevant position.

## CHAPTER 2: PROPOSALS OF COSAC WORKING GROUPS

The second chapter of the 38th Bi-annual report of COSAC sheds light on the support of Parliaments/Chambers for the proposals of the two COSAC working groups convened during the [parliamentary dimension of the French Presidency](#) of the EU Council, one on the [Role of National Parliaments](#), and another on the [Place of Values at the Heart of the Sense of Belonging to the European Union](#). It also surveys the priorities of Parliaments’ among these proposals and their possible implementation.

Both working groups adopted their Conclusions<sup>1</sup> on 14 June 2022, and this chapter addresses the proposals contained therein and the position of Parliaments/Chambers regarding each one of them.

As a common rule, Parliaments/Chambers were confronted with simple questions on some of the formulated proposals, inquiring whether they were in favour (“yes”), against (“no”), or if “no official position” had been adopted thus far.

With regard to the [Conclusions of the COSAC Working Group on the Role of National Parliaments](#), over half of the respondents were in favour of establishing a collective right of indirect initiative (“green card”). Concerning the organisation of *ad hoc* interparliamentary conferences, prior to the presentation of the main legislative texts or packages, almost half replied positively and a majority did not have an official opinion.

A majority of Parliaments/Chambers considered that the European Commission should include a brief summary of the contributions of national Parliaments in the explanatory memorandum of legislative proposals. In the framework of Protocol (No 2) on the application of the principles of subsidiarity and proportionality, two questions were asked. With regard to lowering the threshold for triggering the “yellow card” from one third to one quarter of the votes of national Parliaments, nine respondents were supportive, one opposed and the overwhelming majority had no official opinion. Similarly, when questioned whether to extend the deadline for national Parliaments to carry out the subsidiarity check from eight to ten weeks, half of the respondents favoured this idea, the rest had no opinion and Latvian *Saeima* was against.

<sup>1</sup> WG on the role of national Parliaments, available [here](#); WG on the place of values, available [here](#).

Half of the respondents considered that a common culture among all EU institutions and Member States regarding the principles of subsidiarity and proportionality should be promoted, and a majority of them endorsed the suggestion to put all information about subsidiarity on the IPEX platform, including the comments from the EU institutions.

Regarding trilogues, a little less than half of the respondents supported giving the Chairpersons of the European Affairs Committees the right of access to the provisional conclusions drawn up by the Council Presidency and to the documents known as “four column tables”. The majority expressed no official opinion on appointing shadow *rapporteurs* for the most important EU proposals or on the idea of granting national parliamentarians and COSAC the right to put written questions to the EU institutions. A few Parliaments/Chambers considered it important to establish a COSAC working group during their next COSAC Presidency. A few more were in favour of addressing the national Recovery and Resilience Plans in the appropriate interparliamentary cooperation structures, a pattern also displayed with regard to establishing a joint interparliamentary monitoring structure for the European Border and Coast Guard Agency.

The two proposals considered most important by the majority of Parliaments/Chambers who indicated their preferences - with multiple choice allowed - were to “Establish a collective right of indirect initiative (“green card”)” and to “Extend the deadline for national Parliaments to carry out the subsidiarity check from eight to ten weeks”.

Concerning the [Conclusions of the COSAC Working Group on the Place of Values at the Heart of the Sense of Belonging to the European Union](#), the majority of respondents had no official opinion on the establishment of a European Conference on the rule of law. The same was the case for the proposal advocating for more regular hearings of government representatives by the Council, with a little bit less than a third of the respondents in favour.

One quarter of the Parliaments/Chambers supported the idea to include, on a systematic basis, recommendations to the Member States in the annual rule of law report of the European Commission, even though the majority of respondents had no opinion. Very few respondents supported the establishment of an independent body providing expertise and assistance to Member States regarding the implementation of rule of law, with one - Czech *Senát* - opposing it and a vast majority of Parliaments/Chambers indicating no official opinion.

A large majority of respondents found it important to dedicate a special event, or an item on the agenda of COSAC to discussion about rule of law, but depending on other circumstances (such as current pressing issues or Presidency priorities). A vast majority of the Parliaments/Chambers that replied supported the idea of establishing a COSAC working group on the rule of law, but also stated that its effective creation would depend on other circumstances, such as current pressing issues of the presidency.

Asked to indicate which of the proposals were considered as the most important, a majority of Parliaments/Chambers which replied had no official opinion and more than a third chose the idea of creating a dedicated event or an item on the agenda of COSAC about rule of law and European values. A fifth of Parliaments/Chambers chose the proposal which consists in systematically including recommendations to the States in the annual rule of law reports of the European Commission.

### **CHAPTER 3: THE EUROPEAN UNION AND UKRAINE, REPUBLIC OF MOLDOVA AND GEORGIA**

The third chapter of the 38th Bi-annual Report of COSAC seeks to examine whether Parliaments/Chambers have debated the Russian aggression and invasion of Ukraine and whether any resolutions have been adopted. It also assesses the involvement of Parliaments/Chambers in the accession process, with the aim of identifying the extent to which they were actively monitoring and scrutinising it.

At its meeting held on 23 June 2022, the European Council decided to grant the status of candidate country for EU membership to Ukraine and to the Republic of Moldova. The Council also declared its readiness to grant the status of candidate country to Georgia once the priorities specified in the European Commission's opinion on Georgia's membership application have been addressed. This was based on the Opinions issued by the European Commission on 17 June 2022 regarding the applications for EU membership submitted by the three countries.

Therefore, the questions have mainly focused on procedural issues – such as whether the Parliament/Chamber or its relevant committee(s) have influenced its Government's position at the European Council when it discussed the candidate status of Ukraine, Georgia and the Republic of Moldova, whether they are briefed or regularly informed by the Government about the negotiations and their conclusions, and whether the Parliament/Chamber or its committees have passed any resolutions concerning the candidate status of Ukraine, Georgia and the Republic of Moldova.

A large number of Parliaments/Chambers indicated that a resolution condemning the Russian aggression had been adopted by one or more committees or by the plenary. The majority adopted a resolution in favour of granting candidate status to Ukraine, the Republic of Moldova or Georgia. Regarding the oversight of its respective Government in the context of the European Council held in June 2022, some respondents indicated that a position was discussed without adopting a formal resolution, and a few noted they had approved a position/mandate or a non-binding resolution (recommendation). A significant number of Parliaments/Chambers provided additional information to clarify the nuances of their position on the candidate status of Ukraine, the Republic of Moldova or Georgia.

Several respondents informed that the Governments had discussed the progress of negotiations, and the positions regarding potential candidate countries taken on behalf of the Member State, with the Parliament/Chamber, if requested, and less than half replied that the Government regularly discussed progress of negotiations.

# CHAPTER 1

## THE CONFERENCE ON THE FUTURE OF EUROPE – PARLIAMENTARY PROCEDURES AND INSTITUTIONAL AFFAIRS

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THE FIRST CHAPTER OF THE 38<sup>TH</sup> BI-ANNUAL REPORT seeks to update and supplement the analyses made in the COSAC [36<sup>th</sup> Bi-annual Report](#) and the [37<sup>th</sup> Bi-annual Report](#) by casting light on two different but complementary strands: on the first part, by examining the participation of Parliaments/Chambers in the works of the CoFE and identifying their internal procedures related to the Conference; and, on the second part, by gathering positions of Parliaments/Chambers on the [proposals of the CoFE](#) related to institutional affairs and democratic procedures, including citizens' participation, focusing on a set of concrete and clearly formulated proposals/measures. Furthermore, this part of the chapter also inquired about possible planned or undertaken changes by Parliaments/Chambers regarding communication and citizens' involvement in this process.

As a common rule for Part 2, Parliaments/Chambers were confronted with simple questions on some of the formulated proposals, inquiring whether they were in favour (“yes”), against (“no”), or if no “official position” had been adopted thus far.

### **Part 1- Parliaments and the Conference on the Future of Europe**

**1.1** When asked about the composition of Parliaments/Chambers' delegations to the CoFE, 32 respondents stated that their delegation included Members of the Committee on EU Affairs, 19 respondents were represented by the Chairperson of the Committee on EU Affairs, 15 respondents included in their delegations Members of other committees, and only four respondents included their Speaker/Vice-Speaker in the delegation (Czech *Senát*, Italian *Senato della Repubblica* Lithuanian *Seimas*, and European Parliament). The vast majority of Parliaments/Chambers combined a Chairperson with Members of the Committee on EU Affairs in their delegations.

Some of the Parliaments/Chambers provided additional information. The European Parliament's delegation had 108 Members, which included the President, six Vice-Presidents, one Vice-Chair of the Committee on Constitutional Affairs (AFCO), 34 Members of the AFCO Committee, and other Members of the European Parliament.

The Belgian *Chambre des représentants* stated that its delegation included two substitute members of the Advisory Committee responsible for EU affairs. The Cyprus *Vouli ton Antiprosopon* specified that its delegation to the CoFE was headed by the Chairman of the House Standing Committee on Foreign and European Affairs and included two Members of that Committee and another Member of the House. The Dutch *Eerste Kamer* also precised that its delegation was composed of the Chairperson and the Vice-Chairperson of the Committee on EU Affairs. The Greek *Vouli ton Ellinon* noted that its delegation was composed of the Vice-Chairperson of the Committee on EU Affairs, two Members of the Committee on EU Affairs and one Member of another committee.

The Italian *Senato della Repubblica* also elaborated on its delegation, to mention that it was composed of a Vice-Speaker of the House and one Member of the Foreign Affairs Committee.

The Latvian *Saeima* also informed that its delegation was formed by the Chairperson of the European Affairs Committee, two Members of that Committee and one Member from a different Committee.

**1.2** When requesting an estimation of frequency of the delegates' attendance at the CoFE, 24 respondents replied that, on average, each delegate attended more than 75 % of the meetings. Nine respondents informed that, on average, Members had attended 50 - 75 % of the meetings, one respondent (Danish *Folketing*) stated that each delegate attended on average 25-50 % of the meetings and two respondents (Czech *Poslanecká sněmovna* and Maltese *Kamra tad-Deputati*) replied that each delegate was present, on average, less than 25 % of the meetings.

The Danish *Folketing* provided an additional comment, to note that there had been variations amongst its delegates as regards the participation in the meetings.

The Maltese *Kamra tad-Deputati* additionally clarified about its participation at the CoFE stating that the Parliament was dissolved on 20 February 2022 until 7 May 2022 due to national elections held on 26 March 2022. In line with the Maltese Constitution, Members of Parliament are no longer in office upon dissolution, which explained why the Maltese delegation could not participate in the final part of the CoFE.

**1.3** On the question of whether there was any formal reporting by the delegation to its respective Parliament/Chamber after each CoFE meeting, 21 respondents replied that it happened occasionally, eight respondents stated that the reporting took place regularly after each Plenary session of the CoFE, and seven responded that their delegation formally never reported back (Czech *Poslanecká sněmovna*, Estonian *Riigikogu*, French *Assemblée nationale*, Irish *Houses of the Oireachtas*, Polish *Sejm*, Polish *Senat*).

**1.4** When asked about the concrete manner of reporting, 21 respondents stated that their Parliaments/Chambers used an oral reporting to the Committee on EU Affairs, 13 respondents in total reported in writing, three of them only in writing (Belgian *Chambre des représentants*, Belgian *Sénat*, Maltese *Kamra tad-Deputati*), others combined it either with oral reporting to the Committee on EU Affairs (Croatian *Hrvatski sabor*, Dutch *Tweede Kamer*, Dutch *Eerste Kamer*, Portuguese *Assembleia da República*, Romanian *Camera Deputaţilor* and *Senat*, Spanish *Cortes Generales*) or with oral reporting to the plenary (Luxembourg *Chambre des Députés*, Slovenian *Državni svet*).

If your delegation formally reported to your Parliament/Chamber,  
please indicate the manner of reporting (multiple choice)

Type of reporting	Number of replies
<i>a) Oral reporting to the committee on EU affairs</i>	21
<i>b) Oral reporting to other committee</i>	4
<i>c) Oral reporting to the plenary</i>	7
<i>d) Reports in writing</i>	13
<i>Other, please specify</i>	7
Total respondents	30
Respondents who skipped this question	6

Seven respondents (Austrian *Nationalrat* and Austrian *Bundesrat*, Cyprus *Vouli ton Antiprosopon*, French *Sénat*, German *Bundesrat*, Italian *Camera dei deputati*, Luxembourg *Chambre des Députés*, Slovenian *Državni svet*) reported orally directly to the plenary and four (Czech *Senát*, Lithuanian *Seimas*, Swedish *Riksdag*, European Parliament) reported in oral to other committee/committees. Five Parliaments/Chambers (Czech *Poslanecká sněmovna*, Estonian *Riigikogu*, French *Assemblée nationale*, Polish *Sejm*, Polish *Senat*) did not answer the question. The majority of respondents combined more than one type of reporting, mostly oral reporting to the Committee on EU Affairs together with written reporting.

Seven respondents added information about their specific type of reporting:

- The Austrian *Nationalrat* and *Bundesrat* informed that a “Contact Group” had been established, which met regularly. Each of the political parties was represented by one or two members, therefore ensuring access to information about CoFE to all parties.
- The Belgian *Chambre des représentants* informed that a CoFE related parliamentary document was being drafted.
- In the case of the Cyprus *Vouli ton Antiprosopon*, there were reports compiled by officials after each plenary of the CoFE, which were communicated to the President of the House and all the Members of the Committee on Foreign and European Affairs.
- The German *Bundestag* informed that the reporting usually took place at the Committee on European Union Affairs, while adding that a letter to all Members of the Parliament had been sent on three occasions.



- The German *Bundesrat* noted that a letter with the reporting was sent to Members of the Committee on European Union Questions, besides the oral reporting and staff reports.
- The Greek Vouli ton Ellinon specified that the delegation reported on a regular basis to the Chair of the European Affairs Committee, alongside informative meetings which took place between members of CoFE representing Greece with various institutional roles.
- The European Parliament specified that a regular reporting took place to the Conference of Presidents, the Bureau, and that there was a regular point on CoFE and the role of the European Parliament on the agenda of the Committee on Constitutional Affairs (AFCO), in which Guy Verhofstadt, Co-Chair of the Executive Board of the CoFE, would report back to this Committee.

**1.5** When inquired if they had adopted a formal position at the beginning or during the course of the CoFE on specific topics/issues, 25 respondents stated no. Six respondents informed that their Parliaments/Chambers had adopted resolutions with a formal position on several topics being discussed at the CoFE (Austrian *Nationalrat* and *Bundesrat*, German *Bundesrat*, Irish *Houses of the Oireachtas*, Italian *Senato della Repubblica*, Luxembourg *Chambre des Députés* and European Parliament). Furthermore, five respondents had adopted a mandate to the representatives of the Government who acted as delegates of the Council (Austrian *Nationalrat* and *Bundesrat*, Dutch *Tweede Kamer*, Estonian *Riigikogu*, Latvian *Saeima*, Swedish *Riksdag*). Only one respondent adopted a mandate to the delegation of the Parliament/Chamber (Dutch *Tweede Kamer*). Two respondents had adopted more than one formal position (Dutch *Tweede Kamer*, Austrian *Nationalrat* and *Bundesrat*).

The Finnish *Eduskunta* further specified that no mandate as such was given to the Government or to the Parliament's delegation to CoFE, but that the Grand Committee had addressed the CoFE in the framework of the Government's report to the Parliament on EU policy. This was followed by a debate on the report in the plenary. Finally, the CoFE was discussed in the Grand Committee with the Minister for European Affairs every time there was a briefing on the General Affairs Council meeting which dealt with the CoFE.

**1.6** Still concerning the adoption of formal positions, Parliaments/Chambers were asked about the level of its adoption. Eight respondents (Austrian *Nationalrat* and *Austrian Bundesrat*, Dutch *Tweede Kamer*, Estonian *Riigikogu*, German *Bundesrat*, Irish *Houses of the Oireachtas*, Latvian *Saeima*, Luxembourg *Chambre des Députés*, Swedish *Riksdag*) had adopted the position at the level of the Committee on EU Affairs. Five had adopted it at the level of plenary (Austrian *Nationalrat* and *Bundesrat*, Dutch *Tweede Kamer*, German *Bundesrat*, Italian *Senato della Repubblica*, European Parliament). Five Parliaments/Chambers had adopted the position at multiple levels, mostly at the Committee on EU Affairs combined with the plenary (Austrian *Nationalrat* and *Bundesrat*, Dutch *Tweede Kamer*, German *Bundesrat*, Luxembourg *Chambre des Députés*, European Parliament). Twelve Parliaments/Chambers have not answered the question and fifteen found it not applicable.

**1.7** When asked about the number of resolutions adopted and a brief summary of their content, ten Parliaments/Chambers provided further information, briefly summarised below<sup>2</sup>.

<sup>2</sup> The complete replies can be found in the Annex to this 38th Bi-annual report.

The Austrian *Nationalrat* and *Bundesrat* had adopted three resolutions: one mainly urging the EU to follow up on the recommendations of citizens through concrete and swift reform and legislative initiatives; a statement requesting the Federal Minister to advocate for far reaching participation of citizens and an ambitious programme not excluding Treaty change; and a statement emphasising the need of young people's participation and the involvement of Western Balkans countries in the process.

The Dutch *Tweede Kamer* had adopted five resolutions mainly concerning the principle of subsidiarity in the shaping of the CoFE; ensuring a strong role for national Parliaments; being proactive in involving Dutch citizens in the CoFE; on not ruling out changes to the Treaty in advance.

The German *Bundesrat* complemented its reply by mentioning its support to the CoFE itself. It reiterated the demand of addressing the institutional conditions under which the current challenges could be met. It considered "green card" as a suitable instrument involving national Parliaments more actively. Finally, it called for more intensive involvement of the European Commission with the national Parliaments positions.

The Irish *Houses of the Oireachtas* adopted seven recommendations, advising besides others that: the provisions of existing Treaties should be maximised before Treaty change is considered; the topics of the CoFE should reflect the challenges facing citizens; the CoFE should publish a clear list of conclusions.

The Italian *Senato della Repubblica* had adopted a resolution asking among others for greater interparliamentary cooperation between the European Parliament and national Parliaments, for support of the implementation of the outcomes of the CoFE including the possibility of initiating an ordinary Treaty revision procedure through convening a Convention.

The Latvian *Saeima* had adopted three national positions at the level of the Committee on EU Affairs: the first on the need for the EU to remain a value-based union and on strengthening the resilience of Member States against hybrid threats; the second on the need of maintaining the existing institutional balance, while also showing support for equal rules between Member-States in the elections for the European Parliament, and expressing lack of endorsement at that stage for the introduction of qualified voting in foreign policy; the third focused on strengthening society's resistance to disinformation and media literacy, particularly not supporting mandatory solidarity mechanism in the field of migration, neither the creation of an EU army.

The European Parliament had adopted three plenary resolutions, two with its position on CoFE in 2020, and one on the follow-up to its conclusions in May 2022.

**1.8** When asked whether they had discussed the Report or the final outcome of the CoFE in general, 16 respondents answered that it was discussed at their respective Committee on EU Affairs, four of them (Dutch *Tweede Kamer*, Italian *Camera dei deputati*, Lithuanian *Seimas*, Swedish *Riksdag*) combined it with the adoption at other committee/committees level.

Seven (Austrian *Nationalrat* and *Bundesrat*, Dutch *Eerste Kamer*, German *Bundesrat*, Hungarian *Országgyűlés*, Irish *Houses of the Oireachtas*, Slovenian *Državni svet*, European Parliament)

responded that it was debated in the plenary, four of them (Austrian *Nationalrat and Bundesrat*, Dutch *Eerste Kamer*, German *Bundesrat*, Hungarian *Országgyűlés*) combined it with the Committee on EU Affairs level and one had a debate in other committee as well (European Parliament).

Ten respondents noted that they had not yet debated the final outcome of CoFE, but were planning to do so. Finally, seven respondents answered no (Belgian *Chambre des représentants*, Belgian *Sénat*, Croatian *Hrvatski sabor*, Czech *Poslanecká sněmovna*, Italian *Senato della Repubblica*, Polish *Sejm*, Slovak *Národná rada*).

Did your Parliament/Chamber discuss the Report on the Final Outcome of the Conference on the Future of Europe or the outcome of the Conference in general?	
a) Yes, in the committee on EU affairs	16
b) Yes, in other committee/committees	5
c) Yes, in the plenary	7
e) No	10
Total respondents	36
Respondents who skipped this question	0

The Danish *Folketing* further specified that the outcome of the CoFE had been discussed with the Danish Minister for Foreign Affairs prior to the debates on this topic in the EU General Affairs Council (GAC). The Dutch *Eerste Kamer* clarified its answer by informing that the Report had been discussed at committee level and with the Government, as part of the annual general debate on the Government's policy towards the EU. Furthermore, the Committee on EU Affairs was currently following up on the Report and the outcome via written questions to the Government. The Irish *Houses of the Oireachtas* also stated that the outcome had been discussed in plenary in the context of post-European Council statements from the Prime-Minister (*Taoiseach*). Moreover, the Committee on EU Affairs had agreed to discuss the outcome of the CoFE in September 2022.

**1.9** Parliaments/Chambers were also asked whether they had adopted a resolution on the Report on the final outcome of the CoFE in general and five had replied affirmatively. Out of those five four respondents had adopted its position in plenary, three of those combined it with the adoption at the Committee on EU Affairs level and one combined the Committee on EU Affairs level with another parliamentary Committee (Italian *Camera dei deputati*). Five stated they had not adopted any resolution yet, but that they were planning to do so (Czech *Senát*, French *Assemblée nationale*, German *Bundestag*, Polish *Senat*, Spanish *Cortes Generales*).

Twenty-six respondents declared they had not adopted any resolution on the outcome of the CoFE. The Romanian *Camera Deputaţilor* provided additional information noting that the Committee on EU Affairs took the outcomes of the CoFE into consideration in its daily work and debates.

The Slovenian *Državni zbor* informed that its Committee on EU Affairs planned to discuss the final outcome of the CoFE and to invite the Members of the delegation, a representative of the government and citizens to present their overview of the process and the adopted final recommendations and measures. It further clarified that it planned to convene a session when the translation of the Report on the Final Outcome of the CoFE would be published.

**1.10** Those Parliaments/Chambers who adopted resolutions regarding the outcome of the CoFE summarised the respective content. Only five Parliaments/Chambers had in fact adopted a resolution connected to the outcome of the CoFE (Austrian *Nationalrat and Bundesrat*, German *Bundesrat*, Hungarian *Országgyűlés*, Italian *Camera dei deputati*, European Parliament). Thirty-one respondents did not reply to this question.

On 19 May 2022 the Austrian *Nationalrat* had adopted a resolution requesting the EU institutions to quickly implement the citizens' proposals through concrete reform and legislative initiatives. In the event of a European Convention to revise the Treaties, the Federal Government was requested to take an active role and advocate the participation of all parliamentary groups of the Austrian Parliament. Also the Committee of the EU Affairs recommended to the Austrian *Bundesrat* to adopt a statement which would again request the Federal Government to work towards a quick follow-up on the citizens' proposals.

The German *Bundesrat* had adopted a resolution in which it welcomed that CoFE had given the EU citizens an opportunity to actively participate in the consultation process. The *Bundesrat* had also expressed itself in the way it was open to reform in the area of Common Foreign and Security Policy. It had also asked for examination of harmonised elections to the European Parliament. And had shown its support to the idea of reviewing the existing checks and balances of the national Parliaments system (green card). Finally, the *Bundesrat* had also declared its openness for convening a European Convention, if necessary.

The Greek *Vouli ton Ellinon* stated that its Committee on EU Affairs had organised two specific committee meetings, one at the beginning and one following the end of the CoFE. In the latter one, all members of the CoFE delegation representing Greece with different institutional roles were invited to contribute to the debate, but no resolution was adopted.

The Committees on Foreign Affairs and on EU Policies of the Italian *Camera dei deputati* adopted on 26 April 2022 a resolution requesting the Government to report on the outcome of CoFE, to keep the Chambers constantly updated on any initiatives to follow up on its conclusions, to guarantee a constant dialogue with relevant parliamentary committees, as well as ensuring the full involvement of local authorities. Furthermore, this resolution asks the Government to actively endorse the CoFE proposals meant to enhance the European Union's action under the existing Treaties, with due regard for the principles of subsidiarity and proportionality, by exploiting full potential of the Treaties, including launching of a Convention, pursuant to Article 48 of the Treaty on the EU.

The Hungarian *Országgyűlés* stated that on 19 July 2022 its plenary had adopted a resolution on the Hungarian position on the future of the European Union, summarising the main Hungarian priorities concerning the outcome of the CoFE, including possible elements of Treaty change.

The European Parliament had adopted two resolutions at plenary level. A resolution of 4 May 2022 on the follow-up to the conclusions of the Conference on the Future of Europe (2022/2648(RSP)) advocating among other that, in addition to legislative proposals, the implementation of the conclusions of the CoFE and recommendations of the citizens require Treaty changes (inter alia concerning the simplification of the EU institutional architecture, more transparency and accountability in the decision-making process and new reflection on EU competences). Another resolution of 9 June 2022 on the call for a Convention for the revision of the Treaties (2022/2705 (RSP)) to submit to the Council under the ordinary revision procedure laid down in Article 48 TEU a number of proposals for the amendment of the Treaties, as a follow-up to the conclusions of the CoFE.

**1.11** Eighteen respondents have provided additional information on Part 1 of this Chapter, mostly concerning additional information on the composition of delegations to the CoFE, discussions on the Report on the Final Outcome of the CoFE or the outcome of the CoFE in general.

The Hungarian *Országgyűlés* informed about an opinion adopted by the representatives of the governing parties of the Delegation of the Hungarian National Assembly to the CoFE on a draft joint statement from the national Parliaments and European Parliament representatives'.

The Italian *Camera dei deputati* stated that the Committee on EU Policies and the Foreign Affairs Committee had carried out jointly a fact finding inquiry on the CoFE.

The Italian *Senato della Repubblica* seized this question to add that, in the framework of the COSAC Working Group on the Role of national Parliaments<sup>3</sup>, it had suggested to support some specific proposals of the Conference, namely: 1) that the green card initiative (proposal no. 40, item 2) be linked and coordinated with the proposal to grant legislative initiative to the European Parliament (proposal no. 38, item 4); 2) the possibility of holding national Parliament hearings in relation to legislative procedures of the European Parliament, consistent with proposal no. 39, item 2, paragraph 3; 3) the introduction of an exchange of views between the EP rapporteurs on European legislative proposals and national rapporteurs.

The Polish *Sejm* provided additional information stating that, within its European Union Affairs Committee (EUAC), a standing subcommittee was established for the CoFE, chaired by one of the delegates of the Polish Parliament to the Conference and tasked with following its proceedings.

The Swedish *Riksdag* noted that its Committee on Foreign Affairs had previously pointed out that the Government should work towards providing an objective and realistic Conference based on the needs and points of view of citizens, while not creating unrealistic expectations. After the CoFE, the Committee remarked that the work of the Conference had been marked by poor planning and conflicting information regarding expectations and found it difficult to see the conclusions as representative of EU citizens.

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<sup>3</sup> Dealt with in Chapter 2 of this Report.

## Part 2 - Proposals of the Conference on the Future of Europe related to institutional affairs, democratic procedures and citizen participation

Parliaments/Chambers were questioned about their support for some of the [proposals/measures](#) formulated by the Plenary of the CoFE and contained in its final report.

**1.12** Asked about the Proposal 22, Measure 2, regarding: “*stronger citizen participation in the EU’s international politics and direct citizens’ involvement events, similar to the Conference on the Future of Europe, organised on a national, local and European level and with the active participation of organised civil society<sup>4</sup>*”, four respondents expressed their support (Czech *Senát*, German *Bundesrat*, Polish *Senat* and Slovak *Národná rada*). Out of the 34 respondents, 30 replied they had not adopted any official position.

**1.13** Concerning the idea of “*Increasing the frequency of online and offline interactions between EU institutions and its citizens through different means of interaction in order to ensure that citizens can participate in the EU policy-making process to voice their opinions and to get feedback, and creating a charter for EU officials on citizens’ participation*” (Proposal 36, Measure 2), five respondents have replied favourably (Czech *Senát*, German *Bundesrat*, German *Bundestag*, Polish *Senat* and Slovak *Národná rada*). Those who had not adopted any official position amounted to 29.

**1.14** When it comes to “*Holding Citizens’ assemblies periodically, on the basis of legally binding EU law. Participants must be selected randomly, with representativeness criteria, and participation should be incentivized. If needed, there will be support of experts so that assembly members have enough information for deliberation. If the outcomes are not taken on board by the institutions, this should be duly justified;*” (Proposal 36, Measure 7), three Parliaments/Chambers endorsed this proposal (Czech *Senát*, Polish *Senat* and Slovak *Národná rada*), while 31 had no official opinion.

**1.15** On the concrete proposal of “*Conceiving an EU wide referendum, to be triggered by the European Parliament, in exceptional cases on matters particularly important to all European citizens.*” (Proposal 38, Measure 2), one Chamber was in favour (Italian *Senato della Repubblica*) and one was against (Czech *Senát*).

Thirty two respondents declared they had not adopted any official opinion.

**1.16** On the issue of the EU electoral law, a proposal was tabled by CoFE (Proposal 38, Measure 3, first part) to suggest “*Amending EU electoral law to harmonise electoral conditions (voting age, election date, requirements for electoral districts, candidates, political parties and their financing) for the European Parliament elections, ...*”. Four respondents have shown support for this (German *Bundesrat*, German *Bundestag*, Italian *Senato della Repubblica* and Latvian *Saeima*) and five have replied they were against (Dutch *Tweede Kamer*, French *Sénat*, Hungarian *Országgyűlés*, Portuguese *Assembleia da República* and Swedish *Riksdag*).

Twenty five of the Parliaments/Chambers replying declared that no official opinion had been adopted on this matter.

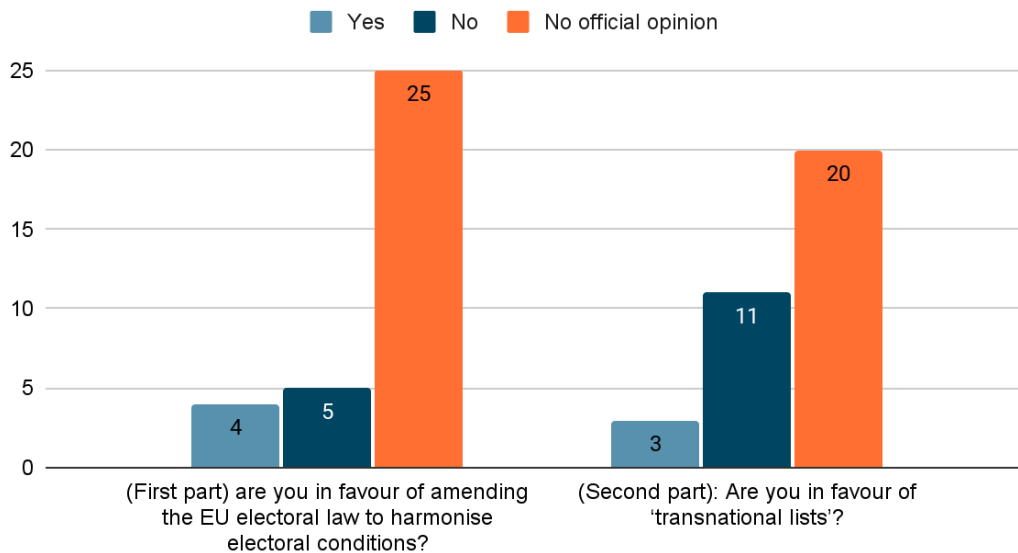
**1.17** Still concerning the EU electoral law, eleven Parliaments/Chambers (Dutch *Tweede Kamer* and *Eerste Kamer*, Estonian *Riigikogu*, Finnish *Eduskunta*, French *Sénat*, Hungarian *Országgyűlés*, Latvian *Saeima*, Lithuanian *Seimas*, Portuguese *Assembleia da República*, Slovak *Národná rada*

<sup>4</sup> Note: this measure is proposed within the topic “EU in the world”, it relates specifically to international politics.

and Swedish *Riksdag*) have rejected the second part of Proposal 38, Measure 3, with regard to “...moving towards voting for Union-wide lists, or ‘transnational lists’, with candidates from multiple Member States, ... Some of the Members of the European Parliament should be elected through a European Union-wide list, the rest being elected within the Members’ States”.

Three respondents have backed this proposal (German *Bundesrat*, German *Bundestag* and Italian *Senato della Repubblica*), while 20 of the ones who replied had not adopted any official opinion.

### Proposal 38, Measure 3 of CoFE - EU electoral law



The Dutch *Eerste Kamer* reported to have discussed the final report of CoFE, but that no official position towards the report as a whole had been taken. It noted however that a formal reasoned opinion had been adopted regarding the EU electoral law.

The Finnish *Eduskunta* quoted its Committee Report on the EU Policy of 2021, which stated that the Grand Committee did not consider it necessary to change the electoral procedure for selecting the European Parliament by allowing the use of transactional election lists. The Polish *Senat* mentioned that some of the issues raised would be addressed during a discussion on the European Parliament legislative resolution of 3 May 2022 regarding the proposal for a Council Regulation on the election of the members of the European Parliament by direct universal suffrage, due to take place in autumn 2022.

The Swedish *Riksdag* noted it had not taken a position on the proposals that had been presented at CoFE, highlighting nevertheless that it had objections to both the European Parliament’s proposed amendments to the EU Electoral Act and the proposal for a regulation on the election of the members of the European Parliament by direct universal suffrage.

**1.18** Only two respondents (German *Bundestag* and Italian *Senato della Repubblica*) expressed their support for the idea that “European citizens should have a greater say on who is elected as President of the Commission. This could be achieved either by the direct election of the Commission President or a lead candidate system” (Proposal 38, Measure 4, first indent). Six have replied no to such proposal (Estonian *Riigikogu*, Finnish *Eduskunta*, Hungarian *Országgyűlés*, Latvian *Saeima*,

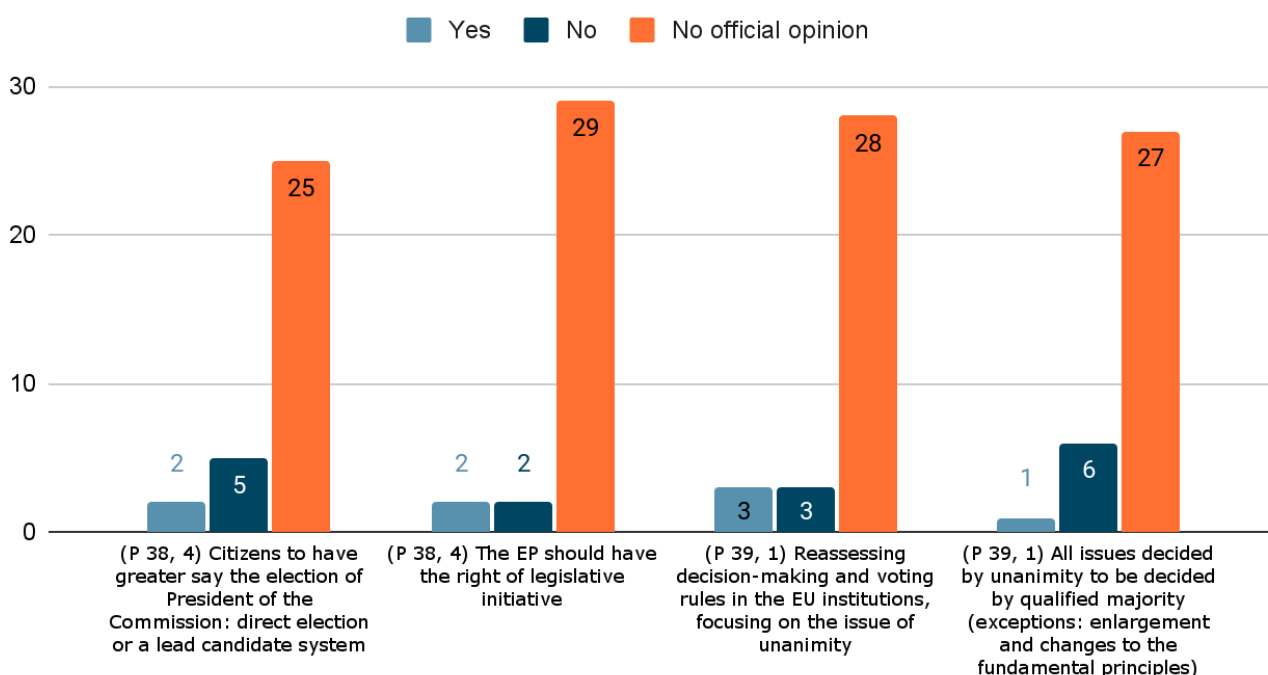
Lithuanian *Seimas* and Slovak *Národná rada*). Twenty-five had no official opinion on this concrete proposal.

The Finnish *Eduskunta* further added that the President of the Commission should also in the future be elected in line with the EU Treaties in a way that would ensure sufficient margin of manoeuvre for the Member States.

**1.19** On the question of knowing if “*The European Parliament should have the right of legislative initiative, in order to propose the topics to be discussed and, subsequently, adopt the necessary texts to follow up on the recommendations that emerge from deliberations*” (Proposal 38, Measure 4, second indent), two respondents were in favour (German *Bundestag* and Italian *Senato della Repubblica*) and two against it (Hungarian *Országgyűlés* and Lithuanian *Seimas*). Twenty-nine had no official opinion on this concrete proposal.

**1.20** Only the Italian *Senato della Repubblica* expressed support for the proposal that stated that the “*European Parliament should decide on the budget of the EU as it is the right of parliaments at the national level*” (Proposal 38, Measure 4, third indent). Four respondents have rejected this proposal (Czech *Senát*, Hungarian *Országgyűlés*, Latvian *Saeima* and Lithuanian *Seimas*), and twenty-nine had no official opinion on this concrete proposal.

## Overview of support on parts of CoFE proposals 38 and 39



**1.21** Three Parliaments/Chambers (Czech *Senát*, German *Bundestag* and Latvian *Saeima*) have supported the idea of “*Reassessing decision-making and voting rules in the EU institutions, focusing on the issue of unanimous voting, which makes it very difficult to reach agreement, while ensuring a fair calculation of voting ‘weights’ so that small countries’ interests are protected*” (Proposal 39, Measure 1, general proposal). Three have replied negatively (Estonian *Riigikogu*, Hungarian *Országgyűlés* and Lithuanian *Seimas*), while the majority of respondents (28) had no official opinion.



**1.22** With respect to Proposal 39, Measure 1 that: “*All issues decided by way of unanimity should be decided by way of a qualified majority. The only exceptions should be the admission of new membership to the EU and changes to the fundamental principles of the EU as stated in Art. 2 TEU and the Charter of Fundamental Rights of the European Union.*” only the Dutch *Tweede Kamer* replied positively. Six Chambers/Parliaments (Czech *Senát*, Estonian *Riigikogu*, Hungarian *Országgyűlés*, Latvian *Saeima*, Lithuanian *Seimas* and the Swedish *Riksdag*) replied negatively while the majority of respondents (27) had no official opinion.

The Czech *Senát* specified that it rejected moving to qualified majority in certain areas (mostly taxation) and did not support a general change of decision-making procedures. The Swedish *Riksdag* also noted that it expressed criticism towards proposals on a shift from unanimous decision-making to decisions by qualified majority, for example in matters of taxation; its Committee on the Constitution had emphasised the importance of increased openness and insight into the EU’s decision-making.

The Dutch *Eerste Kamer* stated that although it had not taken a formal position on this issue, it had discussed moving from unanimity to qualified majority in specific areas. The Finish *Eduskunta* added that, although it had no official opinion, its Grand Committee was in favour of EU institutions being able to make decisions effectively and that the extension of qualified majority in the Council should be examined on a case-by-case basis.

The Greek *Vouli ton Ellinon* stressed that regarding unanimity in CFSP, its delegation to the Conference mentioned on several occasions that Greece advocated respect for Member States’ sensitivities in the critical field of external/foreign relations, as well as the need for solidarity between partners and for guarantees which would allow the Member States to proceed with enhanced majority procedures.

**1.23** Three Parliaments were in favour (Estonian *Riigikogu*, Latvian *Saeima* and Slovak *Národná rada*) and one against (Hungarian *Országgyűlés*) Proposal 39, Measure 2 on “*Ensuring transparency of decision-making by allowing independent citizens’ observers to closely follow the decision-making process...*”. No official opinion on this proposal was indicated by 29 respondents. The Finish *Eduskunta* wished to add that although it had no official opinion on this specific proposal it generally supported increasing transparency in EU decision-making.

**1.24** However, regarding Proposal 39, Measure 2 on “*Ensuring transparency of decision-making by ... guaranteeing broader right of access to documents ...*”, no respondent was against and eight were in favour (Czech *Senát*, Dutch *Eerste Kamer*, Dutch *Tweede Kamer*, Estonian *Riigikogu*, German *Bundestag*, Italian *Senato della Repubblica*, Latvian *Saeima* and Slovak *Národná rada*). The Dutch *Eerste Kamer* noted that it has for many years advocated for more transparency in EU decision-making. The remaining 26 Chambers/Parliaments that replied had no official opinion.

**1.25** The vast majority of Chambers/Parliaments (30) that responded to the question regarding Proposal 39, Measure 2 if “*National Parliaments should also be closer involved in the legislative procedure by the European Parliament, e.g. by way of participation in hearings.*” had no official opinion and four were in favour (German *Bundestag*, Hungarian *Országgyűlés*, Italian *Senato della Repubblica* and Slovak *Národná rada*).

**1.26** No Chamber/Parliament was against Proposal 39, Measure 2 when asked if “*the European Parliament’s right of inquiry should be strengthened*”. The Czech *Senát* replied positively,

highlighting that it should be strengthened as far as the Commission and EU Agencies are concerned, but not directed at Member States. Thirty-three of the respondents indicated that they had no official opinion.

**1.27** Chambers/Parliaments were also asked about “*Considering changing the names of EU institutions to clarify their functions and respective role in the EU decision-making process for citizens.*”, contained in Proposal 39, Measure 3. While 31 of the respondents had no official opinion, the Czech *Senát* and Lithuanian *Seimas* responded negatively. The Latvian *Saeima* was in favour.

**1.28 & 1.29** When Chambers/Parliaments were asked if, in the wake of the Conference, any changes to the procedures or practice of interaction with citizens were planned (following many proposals/measures aimed at increasing the involvement of citizens in EU-policy making e.g. Proposals 22, 36, 37, 38, 39), only the Belgian *Chambre des représentants* replied that changes had already been implemented (citizens have the possibility to submit via the website [www.lachambre.be](http://www.lachambre.be) a concrete question, a position or a proposal). The majority of respondents (25) indicated that no changes were planned. However, the Danish *Folketing* noted in addition that for years it was active in direct involvement of citizens in debates about the EU. Also, the Dutch *Tweede Kamer* highlighted that the government had decided to continue the organisation of citizens’ dialogues which started with the Conference.

Seven Chambers/Parliaments replied that changes were planned or discussed. The Belgian *Sénat* mentioned that current preliminary discussions examined how to modernise the Belgian democratic system by complementing representative democracy with increased citizen participation in legislative assemblies (participatory democracy).

The Dutch *Eerste Kamer* underlined that it had adopted two resolutions, as a follow-up of which the Dutch government would initiate a number of activities and set up an appropriate communication-strategy to better inform and involve citizens in EU policy-making.

The French *Assemblée nationale* stressed that it intended to repeat the model of meetings organised in the past at the European Affairs Committee, where citizens were invited to discuss with the parliamentarians and experts. Similarly, the German *Bundestag* noted that the format used before the start of the Conference, the so-called citizen’s council on Germany’s role in the world, should be used in the future for other citizen’s councils on specific questions.

The Lithuanian *Seimas* explained that relevant measures already in place, such as the Visitor Centre, the e-legislation initiative and work done by the Petitions Committee, would be further developed in order to strengthen the dialogue with citizens and their involvement in the EU-decision making process. The Luxembourg *Chambre des Députés* mentioned plans to organise meetings on the subject of European policy and public debates, to the extent possible, during the adoption of a reasoned or political opinion.

Finally, the European Parliament noted that changes were part of the general discussion on the follow-up of the Conference and reminded of its report adopted on 7 July 2021 on “Citizens’ dialogues and Citizens’ participation in the EU decision-making” in which it underlined the need to reflect on how the Union could become more effective in engaging with citizens, as citizens should have a greater voice in EU decision-making to make the Union more reflective of citizens’ views and more resilient, democratic and effective.

**1.30** Besides the proposals/measures mentioned above, Chambers/Parliaments were also asked if they wished to highlight any other proposals/measures of the Plenary of the Conference on the Future of Europe related to institutional affairs, which they supported or considered important. The German *Bundestag* highlighted the discussion on Treaty changes (Proposal 39, measure 7<sup>5</sup>), increasing transparency in the Council (Proposal 39, measure 2) and increasing the use of qualified majority voting in the Council in the area of CFSP (Proposal 21, measure 1).

The German *Bundesrat* wished to highlight that Proposal 38 on “Democracy and Elections” should be used as a basis for discussion in further deliberations on institutional reforms and for harmonising elections for the European Parliament in order to further develop European democracy.

The Slovenian *Državni zbor* wished to underline that for all questions in this section it opted for “no official opinion”, because no resolution or other formal opinion had been adopted. Nevertheless, this Chamber indicated that during the Conference it had repeatedly expressed general support for proposals aimed at greater transparency and citizen involvement. Nevertheless, it noted that its delegation had opposed the proposals for the establishment of transnational lists of candidates for the European elections and all proposals leading to the abolition of unanimity decision-making.

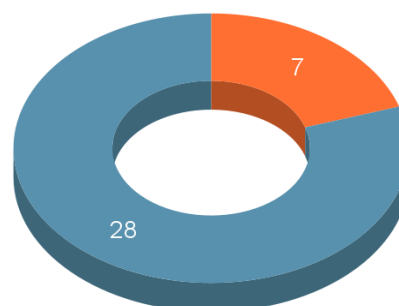
**1.31 & 1.32** When Chambers/Parliaments were asked if they discussed or approved any position on the European Parliament’s call for a Convention for the revision of the Treaties, according to Article 48 of the TEU, 28 out of 35 replied negatively.

The Dutch *Tweede Kamer* highlighted that the Government’s coalition agreement stated that The Netherlands would be open to Treaty change if in the interest of the country and of the EU. The Romanian *Camera Deputaţilor* stated that even if it had no formal position, its EU Affairs Committee had often noted that it was against any Treaty revision during these times of crises.

Seven Chambers/Parliaments had replied that they had discussed or approved a position on the European Parliament’s call for a Convention.

Has your Parliament/Chamber discussed or approved any position on the European Parliament’s call for a Convention for the revision of the Treaties, according to Article 48 of the TEU?

- Yes
- No



<sup>5</sup> Note: the exact wording of Proposal 39, measure 7, reads as follows: “Reopening the discussion about the constitution, where applicable, to help us align better on our values. A constitution may help to be more precise as well as involve citizens and agree on the rules of the decision-making process”.

The Italian *Camera dei deputati* and the Italian *Senato della Repubblica* referred to the adoption of relevant resolutions (on 26 April 2022 and 27 April 2022 respectively), supporting the implementation of the outcome of the Conference and the launching of the Convention.

The Austrian *Nationalrat* adopted a resolution on 19 May 2022 calling for quick implementation of the citizens' proposals and, in the event of, a Convention for an active role of the Federal Government and with participation of all parliamentary groups of the Austrian Parliament. The German *Bundesrat* stated that it was open for the process of convening the Convention.

The Danish *Folketing*, the Greek *Vouli ton Ellinon* and the Lithuanian *Seimas* noted that they discussed the topic. The Danish *Folketing* discussed this with the Danish Minister of Foreign Affairs prior to the relevant debate in the Council, but had not adopted an official opinion. The Greek *Vouli ton Ellinon* discussed this at committee level in May 2022 and in particular the fact that before entering the phase of Treaty revision, it should be looked at the proposals in order to review the conditions under which the EU could function within the provisions of the Treaty. The Lithuanian *Seimas* stressed that it was cautious about the Convention while it was not rejecting the possibility to revise the Treaties and highlighted the need to examine first the presented ideas and the possibilities for their implementation within the limits of the existing Treaties.

**1.33** Several Parliaments/Chambers complemented their replies to Part 2 of this Chapter with additional information, and part of these comments are mentioned above under the respective questions. In addition, some of these remarks are reproduced below.

The European Parliament explained that with its resolution of 9 June 2022 it welcomed the conclusions of the Conference and called for a Convention for the revision of the Treaties composed of representatives of the national Parliaments, the Heads of State or Government of the Member States, the European Parliament and the Commission. It further stressed the need to deliver on the Conference's conclusions and on citizens' expectations by working on ambitious changes in crucial policies. It highlighted that it took positions in support of issues mentioned in the Proposals, like the abolition of unanimity voting, reform of the electoral law, transnational lists, lead candidates system, right of legislative initiative for the European Parliament and right of inquiry for the European Parliament and citizens' participation and consultation. It had not yet taken an official position on each of the proposals or on every detail of them but was in the course of a detailed analysis of the Conference proposals. While noting that several of them would require amendments to the Treaties, it added that its Committee on Constitutional Affairs (AFCO) was accordingly working on a report on the Proposals of the European Parliament for the amendment of the Treaties.

The German *Bundestag* precised that the positive answers given in this chapter were no official positions, but according to the administration could correspond to the majority views based on the statements made by the two representatives at the CoFE as well as the coalition agreement of the governing parties.

The French *Assemblée nationale* stressed that due to the elections, it had not been able to adopt a position on the Conference but it was foreseen that the EU Affairs Committee would deal with the topic when resuming its work in October 2022.

The Latvian *Saeima* informed that, since no formal position on the Report on the Final Outcome of the CoFE had been adopted, the answers were provided only on the topics where the European Affairs Committee had ruled on the Governments' positions for the General Affairs Council.

## CHAPTER 2

### PROPOSALS OF COSAC WORKING GROUPS

THE SECOND CHAPTER OF THE 38<sup>TH</sup> BI-ANNUAL REPORT seeks to assess the support of Parliaments/Chambers to the proposals of the COSAC two working groups established under the parliamentary dimension of the French presidency (on the Role of National Parliaments and on the Place of Values at the Heart of the Sense of Belonging to the European Union), the priorities identified among these proposals and their possible implementation.

#### - Part concerning the Working group on the Role of National Parliaments

**2.1** Regarding the possibility to establish a collective right of indirect initiative by national Parliaments (“green card”), out of 36 respondents who answered this question over a half (19) was in favour of this idea: Austrian *Nationalrat* and *Bundesrat*, Belgian *Chambre des représentants*, Belgian *Sénat*, Czech *Senát*, Danish *Folketing*, Estonian *Riigikogu*, French *Assemblée nationale*, French *Sénat*, German *Bundesrat*, Greek *Vouli ton Ellinon*, Hungarian *Országgyűlés*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Latvian *Saeima*, Lithuanian *Seimas*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaților*, Spanish *Cortes Generales*. No respondent stated its opposition; however, nearly half of the answers (17) came with no official opinion on this topic.

The Belgian *Chambre des représentants* made a reference to the institutional context of Belgium, where the competences are divided between the Federal State, the Communities and the Regions.

The Finnish *Eduskunta* noted that it has not adopted a formal position regarding the suggestion on establishing a collective right of indirect initiative (“green card”). It further noted that the role of the national Parliaments in making suggestions concerning EU policies and legislation could be strengthened by using existing channels, mainly the political dialogue of the Parliaments with the EU institutions and the interaction of the Parliaments with their national Governments. The Swedish *Riksdag* stated that, in 2018, an all-party EU Committee concluded that it is more effective that the Parliament acts via the Government rather than directly to the EU institutions via a mechanism like the “green cards”.

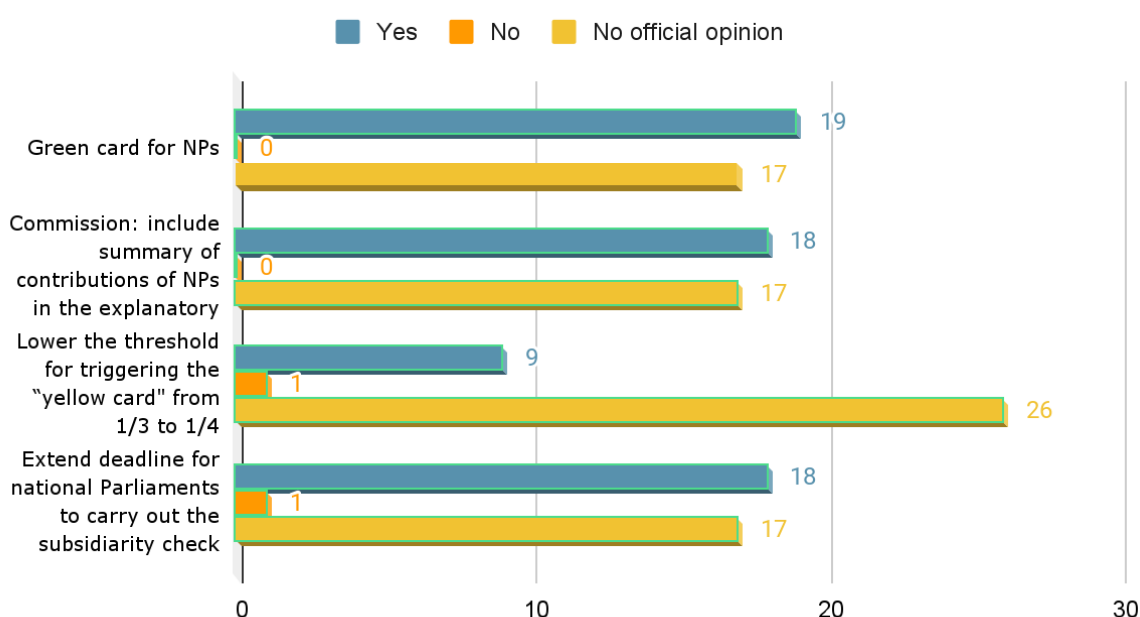
**2.2** A majority (22 respondents), out of 36 Parliaments/Chambers, did not have an official opinion on organisation of *ad hoc* interparliamentary conferences, prior to the presentation of the main legislative texts or packages. Fourteen respondents were in favour (Czech *Senát*, French *Assemblée nationale*, French *Sénat*, German *Bundestag*, Greek *Vouli ton Ellinon*, Hungarian *Országgyűlés*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Latvian *Saeima*, Lithuanian *Seimas*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaților*, Spanish *Cortes Generales*). No respondent answered negatively.

**2.3** Regarding the question of whether the European Commission should include a brief summary of the contributions of national Parliaments in the explanatory memorandum of legislative proposals just over a half of Parliaments/Chambers (18 respondents) answered positively: Austrian *Nationalrat* and *Bundesrat*, Belgian *Chambre des représentants*, Czech *Senát*, Danish *Folketing*, French *Assemblée nationale*, French *Sénat*, German *Bundestag*, Greek *Vouli ton Ellinon*, Hungarian

*Országgyűlés*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Latvian *Saeima*, Lithuanian *Seimas*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaților*, Slovak *Národná rada*, Spanish *Cortes Generales*. Nearly a half of the respondents had not adopted an official opinion (17) and there was no negative response.

**2.4** Asked whether lowering the threshold for triggering the “yellow card”<sup>6</sup> from one third to one quarter of the votes of national Parliaments, out of 36 respondents, 26 respondents had no official opinion, whereas nine were in favour of this idea: Belgian *Chambre des représentants*, Czech *Senát*, French *Assemblée nationale*, French *Sénat*, German *Bundesrat*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaților*, Spanish *Cortes Generales* and one Parliament was against (Latvian *Saeima*).

### Working Group on role of NPs - some proposals



**2.5** Regarding the question on extending the deadline for national Parliaments to carry out the subsidiarity check from eight to ten weeks<sup>7</sup>, in total 18 Parliaments/Chambers, which equalled half of all answers, were in favour of this idea: Belgian *Chambre des représentants*, Belgian *Sénat*, Czech *Poslanecká sněmovna*, Czech *Senát*, Danish *Folketing*, Estonian *Riigikogu*, French *Assemblée nationale*, French *Sénat*, German *Bundestag*, German *Bundesrat*, Greek *Vouli ton Ellinon*, Italian *Camera dei deputati*, Lithuanian *Seimas*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaților*, Slovak *Národná rada*, Spanish *Cortes Generales*. Nearly half of respondents (17) did not have an official opinion. Only one Parliament (Latvian *Saeima*) was in opposition to this proposal.

Concerning both questions 2.4 and 2.5, the Swedish *Riksdag* stated that with regard to the subsidiarity control mechanism, the Committee on the Constitution has stated that an extension of the timeframe from eight to 12 weeks should be considered in the appropriate contexts. This could be achieved for example by means of agreements between Member States and EU institutions.

<sup>6</sup> See Article 7(2) of Protocol (No 2) on the application of the principles of subsidiarity and proportionality.

<sup>7</sup> See Article 6 of Protocol (No 2) on the application of the principles of subsidiarity and proportionality.

**2.6** Asked whether to promote a common culture among all EU institutions and Member States regarding the principles of subsidiarity and proportionality, for example through tools such as the common subsidiarity grid drawn up by the subsidiarity task force in 2018<sup>8</sup> or by organising conferences on the subject, exactly half of respondents (18) were in favour of this: Belgian *Chambre des représentants*, Czech *Senát*, Dutch *Tweede Kamer*, Estonian *Riigikogu*, French *Assemblée nationale*, French *Sénat*, German *Bundestag*, German *Bundesrat*, Hungarian *Országgyűlés*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Latvian *Saeima*, Lithuanian *Seimas*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaţilor*, Slovak *Národná rada*, Spanish *Cortes Generales*. Whereas another half (18) did not have an official opinion.

**2.7** Seventeen respondents were in favour of putting all information on subsidiarity on the [IPEX](#) platform, namely including information from the EU institutions. Eighteen did not express an official opinion. There was no objection to this idea. The 17 Parliaments/Chambers who were supportive were the Belgian *Chambre des représentants*, Czech *Poslanecká sněmovna*, Estonian *Riigikogu*, French *Assemblée nationale*, French *Sénat*, German *Bundesrat*, Greek *Vouli ton Ellinon*, Hungarian *Országgyűlés*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Lithuanian *Seimas*, Polish *Sejm*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaţilor*, Slovak *Národná rada*, Spanish *Cortes Generales*.

**2.8** Out of the 36 respondents, 16 were in favour of giving the Chairpersons of the European Affairs Committees of each national Parliament/Chamber the right of access to the provisional conclusions drawn up by the Council Presidency and to the so-called “four column tables” of the trilogues: Austrian *Nationalrat and Bundesrat*, Belgian *Chambre des représentants*, Czech *Senát*, Danish *Folketing*, French *Assemblée nationale*, French *Sénat*, Hungarian *Országgyűlés*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Latvian *Saeima*, Lithuanian *Seimas*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaţilor*, Slovak *Národná rada*, Spanish *Cortes Generales*. No Parliament/Chamber was against this idea, nevertheless, more than half (20 respondents) did not have an official opinion.

**2.9** When asked if national Parliaments/Chambers should be encouraged to appoint shadow rapporteurs for the most important EU proposals, specifically responsible for following the discussion of a file and ensuring the political control of the minister concerned, most Parliaments/Chambers had no official opinion (28 of 36 respondents), whereas eight answered positively.

The following eight Parliaments/Chambers reported being in favour of the proposal: Belgian *Chambre des représentants*, Czech *Senát*, Dutch *Staten-Generaal: Tweede Kamer*, French *Assemblée nationale*, French *Sénat*, Italian *Senato della Repubblica*, Polish *Senat*, and the Portuguese *Assembleia da República*.

**2.10** Regarding the question if national parliamentarians and COSAC should have the right to put written questions to the EU institutions, 14 national Parliaments/Chambers answered yes (Belgian *Chambre des représentants*, Danish *Folketing*, French *Assemblée nationale*, French *Sénat*,

<sup>8</sup> For more information on the task-force, see [Task force on subsidiarity, proportionality and doing less more efficiently | European Commission \(europa.eu\)](#)

Hungarian *Országgyűlés*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Latvian *Saeima*, Lithuanian *Seimas*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaţilor*, Slovak *Národná rada*, Spanish *Cortes Generales*). A majority of national Parliaments/Chambers (22 of 36 respondents) had no official opinion.

**2.11** When asked about different proposals<sup>9</sup> to strengthen the dialogue between national Parliaments and the European institutions, 16 Parliaments/Chambers answered positively. The rest of the Parliaments/Chambers (20 of 36 respondents) answered that they had no official opinion regarding the specific suggestions.

**2.12** Six national Parliaments/Chambers answered yes when asked if they considered it important, during their next COSAC Presidency, to establish a COSAC working group, as suggested by Proposal 12<sup>10</sup> (French *Assemblée nationale*, French *Sénat*, German *Bundestag*, German *Bundesrat*, Polish *Senat*, Portuguese *Assembleia da República*). A majority (27 of 36 respondents) stated no official opinion, whereas three respondents (Czech *Poslanecká sněmovna*, Latvian *Saeima*, Swedish *Riksdag*) answered that they did not think it would be important.

**2.13** When asked if they support the proposal to address the national Recovery and Resilience Plans in the framework of the Next Generation EU/Recovery and Resilience Facility (NGEU/RRF) in the appropriate interparliamentary cooperation structures 26 out of 35 respondents did not have an official opinion. Nine national Parliaments/Chambers were in favour (Czech *Senát*, French *Assemblée nationale*, French *Sénat*, Italian *Senato della Repubblica*, Latvian *Saeima*, Lithuanian *Seimas*, Polish *Senat*, Portuguese *Assembleia da República*, Spanish *Cortes Generales*).

**2.14** Asked about their opinion on the proposal to establish a joint monitoring structure (between the national Parliaments and the European Parliament) for the European Border and Coast Guard Agency, nine national Parliaments/Chambers replied positively (Czech *Senát*, French *Assemblée nationale*, French *Sénat*, German *Bundesrat*, German *Bundestag*, Greek *Vouli ton Ellinon*, Lithuanian *Seimas*, Polish *Senat*, Portuguese *Assembleia da República*). Three national Parliaments/Chambers (Dutch *Staten-Generaal: Tweede Kamer*, Latvian *Saeima*, Polish *Sejm*), answered negatively. Twenty-three out of 35 respondents had no official opinion on this proposal.

**2.15** Asked to indicate, with multiple choice allowed, which of the proposals in the conclusions of the working group on the role of National Parliaments were considered the most important, thirteen answered N/A (not applicable), not indicating any specific proposal (Austrian *Nationalrat*, Cyprus *Vouli ton Antiprosopon*, Danish *Folketing*, Dutch *Staten-Generaal: Tweede Kamer*, Dutch *Eerste Kamer*, European Parliament, Finnish *Eduskunta*, Irish *Houses of the Oireachtas: Dáil Eireann*, Maltese *Kamra tad-Deputati*, Romanian *Senat*, Slovenian *Državni zbor*, and Spanish *Cortes Generales*).

The two proposals considered most important by the 19 Parliaments/Chambers who indicated their preferences were to “Establish a collective right of indirect initiative (“green card”)” and to “Extend

<sup>9</sup> The proposals specifically referred to increased participation of European Commissioners, MEPs or ministers of the presiding Member State in the work of national Parliaments or COSAC; invitation of national Parliaments to certain legislative hearings of the European Parliament and more regular dialogue between the rapporteurs of the European Parliament and the corresponding rapporteurs of national Parliaments.

<sup>10</sup> This proposal called for the establishment of interparliamentary working groups to strengthen links and conduct joint reflection in order to develop and make the interparliamentary cooperation more effective.



the deadline for national Parliaments to carry out the subsidiarity check from eight to ten weeks”. The table below contains a summary of provided answers from the 19 Parliaments/Chambers who indicated their preferences (multiple choice).

PROPOSAL	REPLY
<i>a) Establish a collective right of indirect initiative (“green card”)</i>	13
<i>b) Organise ad hoc interparliamentary conferences, prior to the main legislative texts or packages</i>	7
<i>c) The European Commission to include a brief summary of the contributions of national Parliaments in the explanatory memorandum of legislative proposals/</i>	8
<i>d) Lowering the threshold for triggering the “yellow card” to one quarter of the votes of national Parliaments/</i>	7
<i>e) Extend the deadline for national Parliaments to carry out the subsidiarity check from eight to ten weeks</i>	12
<i>f) Promote a common culture among all EU institutions and Member States regarding the principles of subsidiarity and proportionality</i>	8
<i>g) Put all information on subsidiarity on the IPEX platform, namely including information from the European institutions</i>	8
<i>h) Give the Chairpersons of the European affairs committees of each national Parliament the right of access to the provisional conclusions drawn up by the Council Presidency and to the “four column tables” of the trilogues</i>	4
<i>i) Appoint shadow rapporteurs in the national Parliaments for the most important EU proposals, specifically responsible for following the discussion of a file and ensuring the political control of the minister concerned</i>	5
<i>j) Give national parliamentarians and COSAC the right to put written questions to the EU institutions</i>	5
<i>k) Increased participation of European Commissioners, MEPs or ministers of the presiding state in the work of national Parliaments or COSAC; invitation of national Parliaments to certain legislative hearings of the European Parliament and more regular dialogue between the rapporteurs of the European Parliament and the corresponding rapporteurs of national Parliament</i>	7
<i>l) Develop the establishment of interparliamentary working groups to strengthen links and conduct joint reflection</i>	4
<i>m) Address recovery and resilience plans in the appropriate interparliamentary cooperation structures</i>	2
<i>n) Establish a joint monitoring structure for the European Border and Coast Guard Agency</i>	2
<i>o) N/A</i>	13
Total respondents	32
Respondents who skipped this question	4

**2.16** Thirteen Parliaments/Chambers made additional comments or suggestions related to the proposals of the COSAC Working Group on the Role of National Parliaments, or to the answers provided to questions in this part of the questionnaire. Provided comments and suggestions are reproduced in full text in the annex to this report and in summary below.

The Cyprus *Vouli ton Antiprosopon* noted that their Standing Committee on Foreign and European Affairs had not yet examined the Report.

The Dutch *Tweede Kamer* noted that many of the proposals of the working group were in line with proposals supported in the past by certain members of the *Tweede Kamer*. It further noted that since they had not recently been the subject of any resolution in the House of Representatives there was often no official position of the chamber as a whole on these issues, which should not be taken as an indication of a lack of interest or support for these ideas. The Dutch *Eerste Kamer* considered that the existing political dialogue was viewed as a means to put forward questions to the EU institutions, which was already being done, on a very regular basis, both in writing and in person.

The Irish *Houses of the Oireachtas* noted that it was represented on the COSAC working group and was supportive of COSAC's work on these issues, but it had not adopted official positions on these proposals.

The Italian *Senato della Repubblica* suggested focussing solely on the non-controversial proposals that require treaty amendments only in a limited number of cases. For other cases, closer cooperation and dialogue between national Parliaments and the European institutions would suffice. It further advocated for providing written conclusions or statements by the Presidency from interparliamentary meetings. It also encouraged strengthening the network of national Parliament representatives in Brussels.

The Lithuanian *Seimas* noted that the Committee on European Affairs had sent a letter to the Chairs of both COSAC working groups as of 13 June 2022 regarding the implementation of the proposals. The letter emphasised that national Parliaments should make maximum use of the instruments already available under the Treaties, and only after the existing implementation possibilities were exhausted, the need for any amendments to the Treaties should be addressed.

The Polish *Sejm* recalled that it had consistently called for the strengthening the role of national Parliaments in the EU, recalling the opinions submitted to the EU institutions in the framework of the political dialogue, in which it drew the attention to the untapped potential of national Parliaments in the EU decision-making process. It further added that this could ensure a better representation and participation of the citizens in the functioning of the EU, and advocated for the pursuit of a so-called active subsidiarity by creating a specific channel for national Parliaments to consult the European Commission at an early stage in preparing a legislative proposal. Finally, this Chamber also noted that some of the Working Group's demands required Treaty changes, which risked diverting political energy from finding solutions to the key problems and pressing geopolitical challenges facing Europe.

The Romanian *Camera Deputaţilor* suggested that extensive explanations in the Commission's annual work program should be included to facilitate the early documentation of the national Parliaments on expected proposals.

The Swedish *Riksdag* noted that it had not taken a position on the proposals presented by COSAC's working groups. The European Parliament recalled it was not in a position to take part in the consensus on the Working Group's text, reiterating the views expressed in its letter to the two Chairpersons dated 8 June 2022.

**- Part concerning the Working group on the Place of Values at the Heart of the Sense of Belonging to the European Union**

**2.17** The majority of Parliaments/Chambers (27 out of 36 respondents) had no official opinion about the setting up of a European Conference of the rule of law, with the composition and goals specified in proposals 1, 2 and 4 of the report of the COSAC Working group on the place of values at the heart of the sense of belonging to the European Union. Eight respondents were in favour of such an idea (French *Assemblée nationale*, French *Sénat*, Polish *Senat*, Italian *Camera dei deputati*, Lithuanian *Seimas*, Latvian *Saeima*, Portuguese *Assembleia da República* and Spanish *Cortes Generales*), whereas the Czech *Senát* stated its opposition and clarified that the conference as proposed went well beyond the usual scope of interparliamentary cooperation and that *ad hoc* videoconferences could be more practical. The Polish *Sejm* stated that it had no official opinion but at the same time considered this proposal questionable because it found that the European Commission reports are prepared using a flawed methodology, and were already discussed in the Council.

**2.18** When asked if the Council should hold more regular hearings of government representatives in a structured and open manner, with full minutes published, also within the framework of existing rule of law dialogues in accordance with proposal 3 of the report, a majority of Parliaments/Chambers had no official opinion (25 out of 36 respondents) and 11 answered positively (French *Assemblée nationale*, French *Sénat*, Hungarian *Országgyűlés*, Dutch *Tweede Kamer*, Polish *Senat*, Portuguese *Assembleia da República*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Lithuanian *Seimas*, German *Bundestag* and Spanish *Cortes Generales*).

**2.19** Asked about the systematical inclusions of recommendations to the Member States in the European Commission's annual rule of law reports (proposal 3, second intend), nine Parliaments/Chambers answered positively (French *Assemblée nationale*, French *Sénat*, Czech *Senát*, Polish *Senat*, Italian *Camera dei deputati*, Lithuanian *Seimas*, Latvian *Saeima*, German *Bundestag* and German *Bundestag*), whereas the Portuguese *Assembleia da República* and the Hungarian *Országgyűlés* replied negatively. Twenty-five Parliaments/Chambers had no official opinion. The Czech *Senát* stressed its support to proposal 3, provided that the recommendations remained non-binding, as there was no competence and no legal basis for the Commission to do so.

**2.20** When it comes to the establishment of an independent body providing expertise and assistance to Member States regarding the implementation of rule of law standards (proposal 5), only the Czech *Senát* was opposed to it and indicated that this would be a duplication of the Council of Europe Venice commission, which it found unnecessary. The majority of Parliaments/Chambers (30 out of 36 respondents) had no official opinion, whereas five Parliaments were in favour of this proposal (German *Bundestag*, French *Assemblée nationale*, French *Sénat*, Lithuanian *Seimas* and Portuguese *Assembleia da República*).

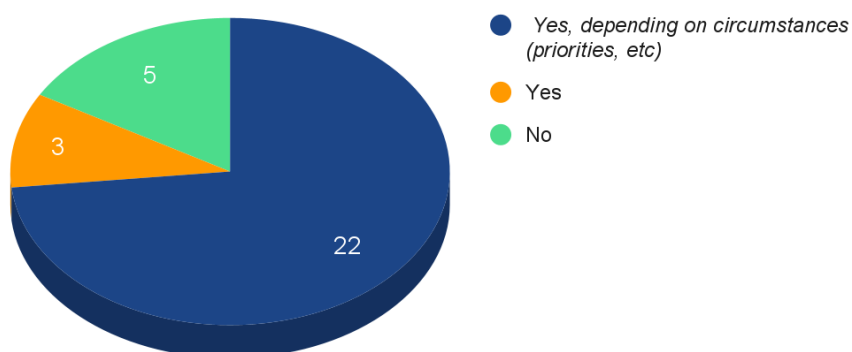
**2.21** A majority of Parliaments/Chambers (21 out of 30 respondents) found important to dedicate during their Presidency a special event, or an item on the agenda of COSAC to debate about the rule of law (proposal 6), but that it would depend on other circumstances (e.g. current pressing issues, Presidency priorities). Eight Parliaments/Chambers (Austrian *Nationalrat* and *Bundesrat*, Czech *Senát*, Dutch *Eerste Kamer*, French *Assemblée nationale*, French *Sénat*, German *Bundestag*, Italian *Senato della Repubblica*, Portuguese *Assembleia da República*) stated their support to proposal 6, whatever the other circumstances and the Czech *Poslanecká sněmovna* did not consider it important.

The Spanish *Cortes Generales* did not reply to this question but mentioned that there was no official position yet adopted on this proposal. The European Parliament mentioned that this question was not applicable to it.

**2.22** Asked whether they considered it important, during their respective COSAC Presidency, to establish a COSAC working group on rule of law (proposal 7), a vast majority of respondents (22 out of 30) replied yes, in general, but that the effective establishment would depend on other circumstances, such as current pressing issues or the Presidency's priorities. In the same way, three Parliaments/Chambers (Portuguese *Assembleia da República*, French *Assemblée nationale* and French *Sénat*) indicated that they considered it important to create this COSAC working group, whatever the other circumstances. Five respondents (Czech *Poslanecká sněmovna*, Czech *Senát*, the Hungarian *Országgyűlés*, Latvian *Saeima*, and Swedish *Riksdag*) stated their opposition to this proposal.

The Spanish *Cortes Generales* did not reply to this question but mentioned that there was no official position yet adopted on this proposal. The European Parliament mentioned that this question was not applicable to it.

Do you consider important to establish a COSAC working group on rule of law during your Presidency?



**2.23** Asked to indicate, with multiple choice allowed, which of the proposals in the conclusions of the working group on the place of values at the heart of the sense of belonging to the European Union was considered the most important, 32 out of 36 respondents answered. Out of the 32 responding Parliaments/Chambers 17 answered N/A (not applicable), not indicating any specific

proposal (Austrian *Nationalrat*, Belgian *Chambre des représentants*, Belgian *Sénat*, Cyprus *Vouli ton Atiprosopon*, Dutch *Staten-Generaal: Tweede Kamer*, Dutch *Eerste Kamer*, Estonian *Riigikogu*, Finnish *Eduskunta*, Irish *Houses of the Oireachtas*, Maltese *Kamra tad-Deputati*, Romanian *Senat*, Danish *Folketing*, Polish *Sejm*, Slovenian *Državni zbor*, Spanish *Cortes Generales*, Swedish *Riksdag*, and European Parliament).

The two proposals considered most important by the 15 Parliaments/Chambers who indicated their preferences were the creation of a dedicated special event or an item on the agenda of COSAC to discuss about rule of law and European values, and for the European Commission to systematically include recommendations to the Member States in its annual rule of law reports.

The table below contains a summary of provided answers from the 15 Parliaments/Chambers who indicated their preferences (multiple choice).

PROPOSAL	REPLY
<i>a) Setting up a European Conference of the rule of law</i>	5
<i>b) The Council should hold more regular hearings of government representatives in a structured and open manner, with full minutes published, also within the framework of existing rule of law dialogues</i>	5
<i>c) The Commission should systematically include recommendations to the States in its annual rule of law reports</i>	6
<i>d) Establishing an independent body providing expertise and assistance to Member States regarding the implementation of rule of law standards</i>	4
<i>e) Dedicating a special event or an item on the agenda of COSAC to discussion about rule of law, European values and aspects thereof</i>	11
<i>f) Establishing a COSAC working group on rule of law</i>	4
<i>o) N/A</i>	17
<i>Total respondents</i>	32
<i>Respondents who skipped this question</i>	4

**2.24** Finally, several Parliaments/Chambers provided additional information on Chapter 2. Many of them indicated that no formal resolution had been adopted about the conclusions of the working group on European values at the heart of the sense of belonging.

The German *Bundestag* precised that the positive answers given in this chapter were no official positions, but according to the administration could correspond to the majority's views.

The Dutch *Tweede Kamer* indicated that there was no official position of the chamber as a whole on these issues but that this should not be interpreted as a lack of interest or support for these ideas.

The Dutch *Eerste Kamer* noted that no official positions had been adopted, because it was not able to participate in the working group.

The Irish *Houses of the Oireachtas* and the Swedish *Riksdag* mentioned that they had not adopted official positions on these proposals. The Cyprus *Vouli ton Antiprosopon* also mentioned that the House Standing Committee on Foreign and European Affairs had not yet examined the report.

The European Parliament recalled it was not in a position to take part in the consensus on the Working Group's text, reiterating the views expressed in its letter to the two Chairpersons dated 8 June 2022.

Several Parliaments/Chambers seized this opportunity to reiterate their commitment to the rule of law and the defence of European values. The Romanian *Camera Deputaţilor* mentioned that the European values, as they underpin all strategic and legislative proposals and include the rule of law, should have a stronger weight in the measures proposed at the level of the European Union.

The Finnish *Eduskunta* noted that the rule of law was an essential basis for cooperation between the Union and its Member States, and that comprehensive ranges of measures were needed to strengthen and protect the rule of law.

According to the Finnish *Eduskunta*, the new conditionality mechanism should be fully utilised and implemented, and that the various EU instruments needed to support each other to strengthen rule of law adherence.

The Swedish *Riksdag* underlined the importance of respect for fundamental rights and the rule of law and welcomed the new regulation that protects the EU budget in the case of violations of principles of the rule of law.

The Irish *Houses of the Oireachtas*: expressed its support to COSAC's works on rule of law and values. The Dutch *Eerste Kamer* stated that the Chamber attached great importance to the Rule of law and that the report of the European Commission on this matter was discussed yearly and that in 2022 it was followed-up by a plenary debate on the State of the Rule of Law, democracy and fundamental rights in the EU.

About the working group's proposal for the creation of an early warning mechanism<sup>11</sup>, the Polish *Sejm* expressed its support, because such a mechanism would allow for a broader debate on a specific piece of legislation and the limits of the EU competence and would underline the relevance of the Member States' constitutional identities.

Regarding the organisation of the debates of the working group on values, the Greek *Vouli ton Ellinon* stated that although contributions of academics during the meetings were important, more time and space should have been given to parliamentarians for a fruitful dialogue regarding practical political issues.

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<sup>11</sup> I.e. if a delegation considers that a European legislative proposal violates its country's national constitutional identity, it could ask the COSAC Presidency to put the relevant item on the agenda of a future meeting.

## CHAPTER 3

# THE EUROPEAN UNION AND UKRAINE, REPUBLIC OF MOLDOVA AND GEORGIA

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THE THIRD CHAPTER OF THE 38<sup>TH</sup> BI-ANNUAL REPORT sought to examine to which extent have Parliaments/Chambers debated the Russian aggression and invasion against Ukraine and if any resolutions had been approved with that regard. Moreover, the involvement of Parliaments/Chambers in the process of granting candidate status to Ukraine, Georgia and the Republic of Moldova was also addressed, namely oversight of the Government's position at the European Council with that regard. Finally, Parliaments/Chambers were inquired as to whether any resolutions had been passed concerning the accession process of these three countries.

**3.1 & 3.2** When asked about which parliamentary procedures were employed to react to the Russian aggression against Ukraine, the majority of Parliaments/Chambers (28 out of 36 respondents) indicated that a resolution condemning the aggression had been adopted by one or more committees or by the plenary. Eight Parliaments/Chambers said that the situation had been debated, but that no resolution had been adopted.

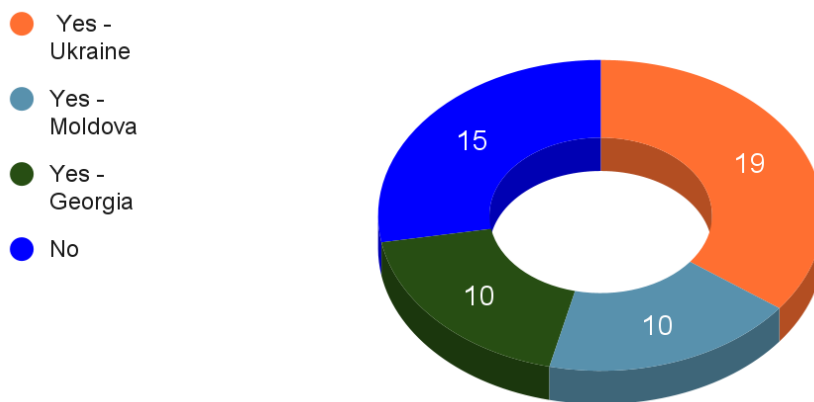
Parliaments/Chambers were also given the possibility to indicate whether any special body had been set up to follow the situation. Even though no respondent explicitly declared to have done so, one respondent provided further information related to this issue.

The Polish *Sejm* mentioned that no competent body had been set up to follow and discuss the situation in Ukraine, but a Parliamentary Team for Reconstruction of Ukraine was established on 9 March 2022, tasked with providing substantive and organisational support for the programme of reconstruction of Ukraine, promoting issues related to the damage done in the aftermath of the aggression of the Russian Federation, and cooperating with domestic and foreign institutions, non-governmental organisations dealing with aid, project, development issues. Furthermore, issues related to humanitarian aid were dealt with by the Parliamentary Group on Humanitarian Aid and International Humanitarian Law, active since the beginning of the current term of the *Sejm*.

**3.3** When asked whether they had adopted a resolution in favour of granting candidate status to Ukraine, the Republic of Moldova or Georgia, the majority of respondents (19 out of 36 respondents) indicated that they had adopted a resolution on Ukraine, while 10 Parliaments/Chambers mentioned having adopted one on the Republic of Moldova and one on Georgia. 15 Parliaments/Chambers said they had not adopted any resolutions on these subjects.

The Finnish *Eduskunta* mentioned that it has adopted a resolution regarding Georgia with the preconditions proposed by the Commission.

### Did your Parliament/Chamber adopt a resolution in support for granting the candidate status to Ukraine, Republic of Moldova or Georgia?



**3.4** Parliaments/Chambers were also asked whether they had discussed or influenced the position of its respective Member State Government in the context of the European Council held in June 2022, in which the granting of candidate status to Ukraine, the Republic of Moldova or Georgia was debated. Out of the 36 respondents, ten indicated that a position was discussed without adopting a formal resolution. Eight Parliaments/Chambers stated that they had approved a position/mandate (Danish *Folketing*, Finnish *Eduskunta*, Estonian *Riigikogu*, Latvian *Saeima*, Lithuanian *Seimas*, Slovak *Národná rada*, Slovenian *Državni zbor* and Swedish *Riksdag*) and six of the respondents indicated that they had adopted a non-binding resolution (recommendation) (Czech *Senát*, German *Bundestag*, Irish *Houses of the Oireachtas: Dáil Eireann*, Polish *Senat*, Portuguese *Assembleia da República* and Romanian *Senat*). Similarly, six Parliaments/Chambers stated that no scrutiny had taken place (Slovenian *Državni svet*, Cyprus *Vouli ton Antiprosopon*, French *Assemblée nationale*, German *Bundesrat*, Greek *Vouli ton Ellinon* and Romanian *Camera Deputaţilor*).

Five Parliaments/Chambers chose *Other* as their response and provided further information. The Dutch *Tweede Kamer* mentioned that regarding Ukraine and Moldova a resolution was adopted requesting the government to provide further insight into the security implications of granting candidate status for these two countries, to fully maintain the existing accession criteria and procedures vis-à-vis any (potential) candidate country and to develop a vision on the implications of possible EU enlargement for the nature and extent of EU cooperation and integration. Regarding Georgia a resolution was adopted calling on the government to commit to granting candidate membership as soon as the set criteria are met. The Croatian *Hrvatski sabor* mentioned that the position had been discussed *ad hoc* and reported to the Parliament. The Italian *Camera dei deputati and Senato della Repubblica* adopted a binding resolution. The Luxembourgish *Chambre des Députés* indicated that it had a regular exchange with the government and that it had adopted a motion on the subject.

**3.5** Eighteen Parliaments/Chambers provided additional information to clarify the nuances of their position on the candidate status of Ukraine, the Republic of Moldova or Georgia.



The Belgian *Chambre des représentants and Sénat* stated that during a briefing on the European Council of June 2022, the Prime Minister indicated that the Belgian government could follow the position set out by the European Commission in its opinion of 17 June 2022. In the exchange of views with the members of the Federal Advisory Committee (both Chambers) on European issues, most Members supported this position, while calling for caution and realism and emphasising the Copenhagen criteria.

The Croatian *Hrvatski sabor* noted that while the Croatian Parliament did not adopt any official position regarding the candidate status of Ukraine, Moldova and Georgia, the Chair of the European Affairs Committee, with the support of the Committee Members, sent letters of support concerning all three countries to the EU institutions and to the Chairpersons of European Affairs Committees of the EU Member States.

The Czech *Poslanecká sněmovna* indicated that the position of the Czech Government for the June 2022 European Council was discussed at the Committee on European Affairs on June 15, adopting a resolution "taking note of the information on the position of the Government for European Council". The same day, the Plenary adopted a resolution in support of the territorial integrity of Ukraine and condemning the Russian aggression (which included also the support of Ukraine's European integration). The Czech *Senát* stated that regarding Georgia, it supported the candidate status as soon as the conditions set by the Commission were fulfilled.

The Dutch *Eerste Kamer* mentioned that within the bicameral system of the Netherlands it is less likely for the Dutch Senate to adopt policy resolutions in the context of Council meetings. However, this Chamber had discussed the requests for candidacy at the general annual debate on the policy of the government in EU affairs and no formal resolution was adopted.

The Finnish *Eduskunta* pointed out that, based on the Grand Committee statement (E 83/2022 vp), it strongly supported the independence, sovereignty and integrity of Ukraine, Moldova and Georgia, considering it would send a positive message to these countries. It further added that Ukraine was part of the European family and should be given a clear path towards EU membership. The Committee further supported granting EU membership perspective and candidate country status to Moldova, and endorsed the EU membership perspective to Georgia, in line with the Commission's recommendation.

The German *Bundestag* added that it had influenced the position of the Government through discussions in the framework of various public and non-public formats.

The Hungarian *Országgyűlés* mentioned the point 9 of its political declaration 1/2022 on the war between Russia and Ukraine, which urged the formal start of the accession process. Moreover, the outcome of the June 2022 European Council was debated at the meeting of the Committee on European Affairs on 27 June 2022 and it was specified that the Hungarian position represented a clear support regarding the candidate status of Ukraine, Republic of Moldova and Georgia.

The Italian *Senato della Repubblica* mentioned that in the resolutions prior to the June 2022 European Council, both Chambers of the Italian Parliament urged the Government to support EU membership application by Ukraine, Republic of Moldova and Georgia, within a framework of the Copenhagen criteria, and to accelerate the path to the acquisition of EU membership of the Western Balkan countries.

The Irish *Houses of the Oireachtas: Dáil Éireann* published motions condemning Russia and in support of Ukraine, on 1 March and 2 March 2022. The Irish *Seanad Éireann* voted motions condemning Russia taken on 3 March, 30 March, and 1 June. Furthermore, Members of the Ukrainian Parliament addressed the *Seanad* on 14 June. Furthermore, a motion regarding Carbon policy referencing Ukraine was taken on 19 May, and a motion regarding the application of Georgia to the Georgian EU application was voted on 14 June.

The Romanian *Camera Deputaţilor* mentioned that in the plenary there were several individual political statements that supported the candidate status for Ukraine and Republic of Moldova. Moreover, it alluded to the political declaration of the Romanian Parliament condemning the military aggression against Ukraine which showed support for the European aspirations of this country. The Latvian *Saeima* mentioned that its European Affairs Committee supported the candidate status for Ukraine and the Republic of Moldova, and the EU membership perspective for Georgia, notwithstanding the fact that the statement adopted in the plenary was only on Ukraine.

The Lithuanian *Seimas* noted that its Committees on European Affairs and on Foreign Affairs, acting on behalf of the Parliament, discussed and endorsed the position of the Republic of Lithuania prior to the European Council meeting in June 2022. This position gave a high priority to the support for the EU membership of Ukraine as a country fighting not only for the values shared by the EU but also for the security of the EU as a whole. It has also shown support for the EU's open door policy in respect of Moldova and Georgia.

The Luxembourgish *Chambre des Députés* adopted a resolution calling on the government to support Ukraine in its application for EU membership presented 28 February 2022, and once the opinion of the European Commission had been received, and to continue to work towards its integration into the Union's single market, in accordance with the Association Agreement.

The Maltese *Kamra tad-Deputati* pointed out that a Ministerial statement was given by the Prime Minister on 5 July 2022 in the plenary, and that a statement was followed by a debate.

The Slovak *Národná rada* pointed out that the European Affairs Committee supported the granting of the status of a candidate country for EU membership to Ukraine and Moldova, the European perspective for Georgia, since this would have a significant motivational and mobilising effect for these countries.

The Swedish *Riksdag* highlighted that, in a statement on the membership applications decided in late March, the Committee on Foreign Affairs concluded that the EU should grant the three countries the status of potential candidates while awaiting the Commission's opinions according to article 49 of the TEU. It furthermore noted that the Government was always provided with a parliamentary mandate ahead of meetings and decisions of the European Council, which was approved in oral consultations with the Committee on EU Affairs.

The European Parliament mentioned its resolution of 23 June 2022 on the candidate status of Ukraine, the Republic of Moldova and Georgia, which *inter alia*:

- called on the Heads of State and Government to grant EU candidate status to Ukraine and the Republic of Moldova without delay, and to grant the same status to Georgia once its government has delivered on the indicated priorities in the Commission's opinion;

- underlined that the EU accession must take place in accordance with Article 49 TEU, based on respect for the so-called Copenhagen criteria for EU membership, and remains a merit-based process that requires adoption and implementation of relevant reforms;
- called on the EU institutions to update the Eastern Partnership policy in order to remain a transformative and meaningful instrument in the current context.

**3.6** When asked - with regard to negotiations with candidate/potential candidate countries and in addition to publicly available documents from the EU institution- what additional information they had received from their governments, 16 Parliaments/Chambers (out of 34 who did answer this question) replied that the government had discussed the progress of negotiations and positions taken on behalf of the Member State with the Parliament/Chamber, if requested. Fourteen Parliaments/Chambers replied that the Government regularly discussed with the Parliament/Chamber the progress of negotiations and positions taken on behalf of the Member State. Thirteen Parliaments/Chambers indicated that the Government regularly provided written information on the progress of negotiations and positions taken on behalf of the Member State (Austrian *Nationalrat* and Austrian *Bundesrat*, Czech *Poslanecká sněmovna*, Danish *Folketing*, Dutch *Staten-Generaal*, Dutch *Eerste Kamer*, Finnish *Eduskunta*, German *Bundestag*, German *Bundesrat*, Italian *Senato della Repubblica*, Luxembourg *Chambre des Députés*, Portuguese *Assembleia da República*, Romanian *Senat* and Swedish *Riksdag*). Nine Parliaments/Chambers reported that the government provided written information on the progress of negotiations and positions taken on behalf of the Member State, at the request of the Parliament/House (Czech *Senát*, French *Assemblée nationale*, French *Sénat*, Hungarian *Országgyűlés*, Polish *Sejm*, Portuguese *Assembleia da República*, Romanian *Camera Deputaților*, Spanish *Cortes Generales* and Swedish *Riksdag*). Finally, four respondents indicated that the government did not provide additional information (Belgian *Sénat*, Greek *Vouli ton Ellinon*, Polish *Senat* and Slovenian *Državni svet*).

Three respondents chose *Other* as their reply. The European Parliament clarified that this question was not applicable to it. The Maltese *Kamra tad-Deputati* stated that according to parliamentary practice, no parliamentary approval is required for Malta to approve of the granting of EU candidate status to any third country. Parliamentary approval would only be required once the actual accession Treaty between the EU and third countries was submitted before it. The Slovenian *Državni zbor* mentioned that its Committee on EU Affairs approved the position of the Government on the opening/closing of negotiating chapters. The Portuguese *Assembleia da República* wished to provide clarification regarding this question, to mention that article 5 of Law No. 43/2006 of 25 August<sup>12</sup> provided that the Government should keep the Parliament informed about the issues and positions to be discussed in European institutions, as well as proposals under discussion and ongoing negotiations, sending as soon as they are presented or submitted to the Council, all relevant documentation. In the same diploma, Article 4 provided that the Government should participate in parliamentary debates, in plenary sessions and/or in the parliamentary committee, to prepare and evaluate the European Councils.

**3.7** Several Parliaments/Chambers wished to provide additional information on this Chapter concerning the European Union and Ukraine, the Republic of Moldova and Georgia.

<sup>12</sup> Law on Monitoring, assessment and pronouncement by the Assembleia da República within the scope of the process of constructing the European Union.

The Dutch *Eerste Kamer* precised that the condemning of the Russian aggression and the support for the Ukrainian people was conveyed through a statement by the President at the opening of the plenary session of the Dutch Senate on March 8 2022. Furthermore the Senate has reiterated its support to Ukraine during the bilateral meetings with Ukrainian delegations and in common statements by interparliamentary conferences. The Dutch *Tweede Kamer* stated that the chairman of the Committee of Foreign Affairs cosigned a declaration in which the chairs of the different countries' Foreign Affairs Committees called for the immediate cessation of military force by the Russian Federation in Ukraine and considered the war to be illegal under the UN Charter.

The French *Assemblée nationale* reported that several motions for resolutions had been tabled in response to the Russian aggression. For instance, a motion for a resolution affirming the *Assemblée nationale's* support for Ukraine and condemning the war waged by the Russian Federation was tabled by the Chairperson of the European Affairs Committee and other Members and was due to be considered when the parliamentary session resumes. The Bureau of the Franco-German Parliamentary Assembly also adopted a deliberation on Russia's military aggression in Ukraine at its meeting on 24 March 2022 in Berlin.

The French *Sénat* indicated that this issue had been addressed during a debate in the public session of 1 March 2022, which followed the government's statement, and also through a communication of the Chairperson of European Affairs to its members on the same day. Furthermore, as part of the parliamentary dimension of the French Presidency of the Council of the EU, a declaration was adopted on 25 February 2022 at the Interparliamentary Conference on the Common Foreign and Security Policy and the Common Security and Defence Policy, condemning Russia's military aggression against Ukraine. Finally, a declaration in support of Ukraine attacked by the Russian Federation was also adopted by the LXVII COSAC, held on 3, 4 and 5 March 2022 in Paris.

The Irish *Houses of the Oireachtas* mentioned that Volodymyr Zelenskyy, President of Ukraine, had addressed a Joint Sitting of *Dáil Éireann* and *Seanad Éireann* on 6 April 2022. Moreover, the Joint Committee on European Union Affairs had engaged extensively on the EU enlargement in the context of the war in Ukraine, and had travelled to Moldova and Georgia on fact-finding missions. Finally, it adopted a report that is supportive of Moldova's application, and was due to endorse one on Georgia in autumn.

The Lithuanian *Seimas* indicated that, on numerous occasions, it supported Ukraine and condemned the Russian aggression by adopting several resolutions and statements and also by using all the possible means of parliamentary diplomacy, namely through its Committee on Foreign Affairs. The Romanian *Camera Deputaţilor* mentioned that its EU Affairs Committee and this Chamber showed a continuous interest in supporting the European policies of Georgia, the Republic of Moldova and Ukraine.

The Swedish *Riksdag* mentioned that the Russian aggressions had repeatedly been condemned by the Parliament since 2014. On the day of the full-scale Russian invasion of Ukraine in February 2022, the Committee on Foreign Affairs and the Committee on Defence met with the Government and the Ukrainian ambassador. The Committee on EU Affairs provided the Government with a mandate ahead of the European Council that followed the invasion. On the subject of enlargement, the Government provided information and consulted with the Committee on EU Affairs each year ahead of Council conclusions on enlargement and whenever enlargement was put on the Council agenda. Otherwise, it provided information to and deliberated with committees upon request.

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Bi-annual Report

COSAC