



**39<sup>th</sup>**

Bi-annual Report

**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-ninth 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 39th Bi-annual Report was 16 March 2023.

The outline of this Report was adopted by the meeting of the Chairpersons of COSAC, held on 30 January in Stockholm.

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 39 national Parliaments/Chambers of 27 Member States and of the European Parliament, can be found in the Annex on the [COSAC webpage](#) on the IPEX website.

### **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 37 responses to the questionnaire.

# ABSTRACT

## **CHAPTER 1: THE ROLE OF PARLIAMENTS/CHAMBERS IN DEALING WITH THE FIT FOR 55 CLIMATE LEGISLATION**

The first chapter of the 39<sup>th</sup> Bi-annual Report of COSAC sheds light on how Parliaments have been dealing with the Fit for 55 package, either by scrutinising the legislative proposals or by monitoring the national Government's positions in the Council of the EU.

Almost all Parliaments/Chambers replied they had a standing committee dealing with environmental and climate matters and only one had set up a temporary joint committee to coordinate the handling of the various proposals and legislative files included in the Fit for 55 package.

An overwhelming majority of Parliaments/Chambers had scrutinised the Fit for 55 package, while only one informed that no scrutiny was performed. When asked to indicate the means through which that scrutiny was implemented, the two most relevant were "*Debate at Committee level*" and "*By scrutinising specific legislative proposals*". Only three Parliaments/Chambers have adopted a reasoned opinion.

When asked whether they would be involved in the development of a national strategy to achieve the binding national objectives envisaged in the proposal on a review of the regulation on binding annual greenhouse gas emission reductions, an equal number of respondents informed that they would be involved (16) and that they would not take part in such procedure (16).

## **CHAPTER 2: THE ROLE OF PARLIAMENTS IN ACCELERATED DECISION-MAKING PROCESSES IN RESPONSE TO CRISES**

The second chapter of the 39<sup>th</sup> Bi-annual Report seeks to assess how and when Parliaments/Chambers have been involved in accelerated decision-making at EU-level during recent crises like the COVID-19 pandemic (travel restrictions, financial support, coordination of COVID-19 certificates, and coordination of vaccines); and Russia's invasion of Ukraine (sanctions, energy supply, and support in response to high electricity prices).

This chapter firstly deals with the role of Parliaments/Chambers in the management of energy supply. An overwhelming majority of Parliaments/Chambers replied affirmatively when asked if they had a standing committee dealing with energy issues, and a majority had also scrutinised the extraordinary Council meetings organised in the Transport, Telecommunications and Energy Council configuration (TTE) during the past year (2022). This had most commonly been done by debates at committee level, or in hearings of ministers at plenary or committee level.

When asked which of a pre-selected set of legislative proposals in the field of energy had been considered during the last year (2022), the two most common legal acts scrutinised were the Council regulation on enhancing solidarity through better coordination of gas purchases, exchanges of gas across borders and reliable price benchmarks, and the Council regulation on emergency intervention to address high energy prices.



Four Parliaments/Chambers reported that they had debated or discussed the fact that Article 122 of the Treaty on the Functioning of the European Union (TFEU), which allows for a rapid procedure for the adoption of legislation in specific cases, had been used on a number of occasions as a legal basis for adopting emergency measures. When further asked if the use of such an article had influenced their ability to scrutinise and monitor this rapid procedure the European Parliament, as an example, noted that two committees had been unanimous in their view that this procedure circumvented the European Parliament in its role as co-legislator.

Two Parliaments/Chambers replied positively when asked, from a predefined list of EU regulations which were applicable for a limited period of time, if a majority had urged that these legal instruments should apply for a longer period or permanently, whereas most Parliaments/Chambers answered that no such majority had emerged.

Furthermore, the second chapter also examines the role of Parliaments/Chambers in dealing with sanctions and financial assistance in connection with the Russian invasion of Ukraine. When asked which committees were responsible for matters concerning sanctions, the most relevant answer amongst Parliaments/Chambers was the “*Foreign Affairs Committee*” (23 replies).

Only three Parliaments/Chambers replied they had not discussed the sanctions against Russia and Belarus in connection with the invasion of Ukraine, while 24 Parliaments/Chambers held discussions at the plenary level.

Asked whether they had adopted a position on the sanctions against Russia and Belarus in connection with the invasion of Ukraine, 17 out of 37 Parliaments/Chambers had adopted a resolution on the matter, whereas 12 replied negatively. Seventeen respondents had also answered negatively to the question on their involvement in the monitoring of the implementation of the sanctions, only 12 out of 16 affirmative replies were further specified by description of the monitoring process.

When asked whether the Parliaments/Chambers had scrutinised the decision-making and Council negotiations on the imposition of sanctions against Russia and Belarus in connection with the invasion of Ukraine, 25 of the respondents answered affirmatively. The most often used scrutinising tool (17) was the “*Debate at committee level*”. Finally the financial support for Ukraine in connection with the Russian invasion of Ukraine, had been discussed by 32 respondents, while only five Parliaments/Chambers answered negatively.

When asked if Parliaments/Chambers had scrutinised the EU decision-making process on the restriction of non-essential travel to the EU, just over half (18) had done so with debates at committee level being the most common method.

Asked to assess whether the temporary derogation from the Council’s Rules of Procedure, allowing for the ordinary written procedure to be used when adopting Council legislation, had affected their ability to scrutinise decisions, a large majority of respondents found that the measure did not affect their ability to scrutinise decisions (27), and only five indicated that it had affected their ability to scrutinise.

Finally, in response to questions regarding the NextGenerationEU recovery instrument, an overwhelming majority (36) replied that they had discussed the instrument and a substantial majority (28) had adopted a position on this matter.

### **CHAPTER 3: BEST PRACTICES FOR INFORMATION EXCHANGE BETWEEN PARLIAMENTS, INCLUDING USE OF IPEX**

The third chapter of the 39<sup>th</sup> Bi-annual Report seeks to identify the best practices for information exchange between national Parliaments/Chambers and the European Parliament, including the use of IPEX. The purpose of this chapter is firstly to survey how Parliaments in their EU-related activities make use of the information they share and exchange, and secondly to inquire what type of information is of particular value to them.

The vast majority of Parliaments/Chambers publish information on IPEX either on a weekly or monthly basis, and they do so in order to share information related to the scrutiny of EU documents. The other items most published on IPEX are news from the Parliament's activities in EU affairs and information on the parliamentary structures and procedures dealing with EU issues.

Parliaments/Chambers mainly search IPEX for information related to interparliamentary conferences. Other common searches refer to subsidiary checks and opinions within the framework of the political dialogue, as well as contact information, procedural information on the state of play of files in other Parliaments or news from Parliaments.

As to the use given to the information available on IPEX, the large majority of Parliaments/Chambers resort to IPEX publications when scrutinising EU documents at staff level, and when searching for background information to be presented to the political level. The information on opinions or reasoned opinions issued by other Parliaments/Chambers is mostly made available to parliamentary staff and Parliamentary committees.

Almost all Parliaments considered that information had become more updated and available following the latest update of IPEX (IPEX version 3).

In nearly half of the Parliaments/Chambers, the IPEX correspondents are located in the EU Affairs Committee Secretariat or at the EU Secretariat, while the other half referred to the IPEX correspondent being located in other different units within their parliamentary structure.

Regarding the platforms apart from IPEX, in which Parliaments/Chambers regularly publish information on its scrutiny of EU documents, an overwhelming majority mentioned the official parliamentary website. Over half of Parliaments/Chambers also publish it in their internal EU databases, while nearly a third do so on social media.

Apart from IPEX, nearly all Parliaments/Chambers exchange information on a regular basis via the network of permanent representatives of national Parliaments in Brussels. The ECPRD network and the exchange between Committee Chairs are other possible ways to exchange information.

The vast majority of Parliaments/Chambers use information received from the network of representatives of national Parliaments in Brussels as background information for the political level or in the subsidiarity scrutiny of draft legislative acts. Other possible uses relate to the political scrutiny of draft legislative acts. The European Parliament informed that hosting representatives of national Parliaments in its premises helped foster interparliamentary cooperation and coordinate joint actions on an ad hoc basis.

# CHAPTER 1

## THE ROLE OF PARLIAMENTS/CHAMBERS IN DEALING WITH THE FIT FOR 55 CLIMATE LEGISLATION

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THE FIRST CHAPTER OF THE 39<sup>TH</sup> BI-ANNUAL REPORT seeks to assess how the Fit for 55 package was dealt with in the Parliaments/Chambers, namely the scrutiny of the legislative proposals and the monitoring of the national Government's positions at the Council.

### The role of national Parliaments/Chambers in dealing with the Fit for 55 climate legislation

**1.1** When asked whether they had a standing committee dealing with environmental and climate matters, 33 out of 37 Parliaments/Chambers responded affirmatively. Only three (Belgian *Sénat/Senaat*, Maltese *Kamra tad-Deputati* and Slovenian *Državni svet*) informed that they did not have such specific committees.

The European Parliament noted that the Committee on Environment, Public Health and Food Safety (ENVI) had the lead of the majority of Fit for 55 files. Given the current structure of committees, leadership on individual files of the Fit for 55 package had been in the hands of more than one committee.

**1.2** On the question of whether a temporary joint committee had been set up to coordinate the handling of the various proposals and legislative files included in the Fit for 55 package, only the Belgian *Chambre des représentants/Kamer van volksvertegenwoordigers* replied positively.

**1.3** An overwhelming majority of Parliaments/Chambers declared that they had scrutinised, in some way, the Fit for 55 package (36 out of 37 respondents). Only the Belgian *Sénat/Senaat* replied that such scrutiny was not carried out.

**1.4** Asked to indicate, with multiple choices allowed, the means through which that scrutiny was implemented, the two most relevant were “*Debate at Committee level*” (34 replies) and “*By scrutinising specific legislative proposals*” (24 replies).

Only three Parliaments/Chambers had adopted a reasoned opinion (Czech *Senát*, French *Sénat* and Irish *Houses of the Oireachtas*).

The table below contains a summary of provided answers from the 37 respondents:

PROPOSAL	REPLY
<i>Debate in the Chamber<sup>1</sup></i>	8
<i>Debate at committee level</i>	34
<i>Hearings of ministers at plenary or committee level</i>	16
<i>By adopting a reasoned opinion</i>	3
<i>By adopting a resolution</i>	8
<i>By adopting a negotiating mandate for the Government</i>	11
<i>By scrutinising specific legislative proposals</i>	24
<i>Other, please specify</i>	9
Total respondents	37

Some respondents (nine) indicated “*other*” as their reply and therefore further specified how this scrutiny was performed.

The Czech *Senát* mentioned it had instructed the Government on how to proceed, however noting that this was not a legally binding negotiating mandate. The Dutch *Eerste Kamer* held a political dialogue with the European Commission on the proposal for a social climate fund<sup>2</sup>. The Dutch *Staten-Generaal: Tweede Kamer* mentioned a technical briefing by the European Commission, and video-meetings with Members of other national Parliaments as well as Members of the European Parliament, besides promoting an integrated debate about the entire Fit for 55 package at plenary level.

The Italian *Camera dei deputati* noted that several legislative proposals included in the Fit for 55 package were scrutinised by the Committee on Environment and/or the Committee on Transport and communications and/or the Committee on Economic Activities and Trade, adding that on each proposal the competent committee(s) issued a final document.

The Polish *Senat* informed that the Foreign and European Union Affairs Committee, based on the opinion of the Special Committee on Climate Affairs, adopted opinions in the framework of the political dialogue on specific legislative proposals of this Fit for 55 package.

The Slovenian *Državni svet* highlighted that the Committee for International Relations and European Affairs held a debate on the Proposal for the position of the Republic of Slovenia on the Commission Communication "Fit for 55": delivering the EU's 2030 Climate Target on the way to climate neutrality. This Chamber also issued an opinion welcoming the "Fit for 55" package targets, deeming them as essential to tackling climate change.

<sup>1</sup> The term “*debate in the Chamber*”, in this context of this type of questions and hereinafter, should be read as “*debate in the Plenary*”.

<sup>2</sup> COM (2021) 568

The Spanish *Cortes Generales* added that written questions to the competent Minister had been put forward. Finally, the Swedish *Riksdag* added that consultation at committee level with representatives from the Government had been organised.

The European Parliament specified that its Committees have complemented or are planning to complement the above options with Interparliamentary Committee Meetings, hearings of Commissioners and through their work in negotiating the outcome of the Fit for 55 package.

**1.5** On the question if Parliaments/Chambers would be involved in the development of a national strategy to achieve the binding national objectives envisaged in the proposal on a review of regulation (EU) 2018/842 on binding annual greenhouse gas emission reductions by Member States from 2021 to 2030, an equal number of respondents informed that they would be involved (16) and that they would not take part in such procedure (16).

Those 16 respondents who have informed that they would be involved were the Austrian *Nationalrat* and *Bundesrat*, Belgian *Chambre des représentants/Kamer van volksvertegenwoordigers*, Bulgarian *Narodno sabranie*, Dutch *Staten-Generaal: Tweede Kamer*, Estonian *Riigikogu*, French *Sénat*, German *Bundestag*, Greek *Vouli ton Ellinon*, Irish *Houses of the Oireachtas*, Italian *Senato della Repubblica*, Latvian *Saeima*, Lithuanian *Seimas*, Luxembourg *Chambre des Députés*, Portuguese *Assembleia da República*, Romanian *Parlamentul României: Camera Deputaţilor*, Swedish *Riksdag*.

The 16 Parliaments/Chambers who did not anticipate any involvement in the development of such strategy were the Belgian *Sénat/Senaat*, Croatian *Hrvatski sabor*, Czech *Senát*, Danish *Folketing*, Dutch *Eerste Kamer*, Finnish *Eduskunta*, French *Assemblée nationale*, German *Bundesrat*, Hungarian *Országgyűlés*, Maltese *Kamra tad-Deputati*, Polish *Senat* and *Sejm*, Romanian *Senat*, Slovenian *Državni zbor* and Slovenian *Državni svet*, and the Spanish *Cortes Generales*.

Five Parliaments/Chambers replied “other” and further specified their positions. The Czech *Poslanecká sněmovna* informed that no information on this matter was available. The Cyprus *Vouli ton Antiprosopon* noted that since Cyprus was a presidential democracy with a clear separation of powers, the House of Representatives could not mandate the executive with respect to the policy formulated, nor could it formulate policy. However, it noted that the House could scrutinise the actions of the executive concerning the National Strategy adopted to achieve the national objectives.

The Italian *Camera dei deputati* acknowledged that even if the procedure had not yet been laid down, the Chamber had always been involved in developing the national strategies concerning the reduction of greenhouse emissions by means of resolutions, fact-finding inquiries, and hearings.

The Slovak *Národná rada* noted that following the proposed review of the regulation, a variety of national strategic documents needed to be adapted to the new EU legislation. Among them “The Low-Carbon Development Strategy of the Slovak Republic until 2030 with a View to 2050” and “The Integrated National Energy and Climate Plan 2021 – 2030”. Therefore, it noted that a new national law on climate change with its goals of targeting greenhouse gases emissions in various sectors would play an important role in achieving the goals set in the regulation review. The *Národná rada* was responsible for adopting the Slovak legislature, thus its role would be seen particularly in adopting any legally binding acts regarding the needed changes, as well as the scrutiny of any governmental documents if needed.

The European Parliament deemed this question as not applicable.

**1.6** Ten respondents provided additional information on this chapter. The Austrian *Nationalrat* and *Bundesrat* mentioned that an annual report from the Federal Ministry provided information for the Members on this matter. The Danish *Folketing* informed that it had recently decided to establish a “working group on EU’s climate and energy policies”. This group was constituted by Members of the Climate, Energy and Utilities Committee and the European Affairs Committee, and it would not only focus on the Fit for 55 package, but EU’s climate and energy policies in general.

The French *Sénat* informed that on question 1.4, it had adopted two reasoned opinions<sup>3</sup> on compliance with the principle of subsidiarity and on question 1.5, it noted that the French "Climate and Resilience Act"<sup>4</sup> provided for a national energy policy programming law that would, in particular, adapt the national low-carbon strategy.

The German *Bundesrat* noted that the German *Länder* contributed to achieving the climate targets in accordance with the Effort Sharing Regulation and the Federal Climate Protection Act. The German *Bundestag* said that the Committee on Climate Action and Energy regularly scrutinised the Government’s National Energy and Climate Action Plan.

The Lithuanian *Seimas* highlighted that the Committee on European Affairs had deliberated on the initiatives of the Fit for 55 package on a regular basis in order to mandate Lithuania’s positions for the Council meetings and also in the framework of parliamentary scrutiny. The Committee also considered the governmental *non-paper* on the Fit for 55 package with Lithuania’s negotiating position.

The Portuguese *Assembleia da República* noted that, regarding question 1.5, amongst other competencies, the Committee on the Environment and Energy monitored matters related to Sustainable development and Climate crisis, including climate change mitigation and adaptation measures, the national strategy for controlling greenhouse gases and management of extreme events in climate change scenarios. Therefore, it was expected for the Parliament to be involved in the development of a national strategy to achieve the above mentioned objectives.

The Swedish *Riksdag* emphasised that the Government must gain the Riksdag's support for its positions on EU policies and therefore it consulted with the Riksdag Committee on European Union Affairs prior to its meetings in the Council of the EU and in the European Council. In accordance with the Swedish climate legislation, the Government should submit a climate policy action plan to the *Riksdag* every four years that describes planned measures for emission reductions and to what degree decided and planned measures were expected to contribute to meeting the national and global climate targets.

The European Parliament specified that due to the wide scope of the Fit for 55 package, lead committees worked closely with numerous associated committees throughout the entire legislative process, to ensure that their expertise was reflected in the European Parliament’s positions.

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<sup>3</sup> Resolution No. 141 of 27 July 2022 on the proposal for a directive on renewable energy (COM(2022) 222) and Resolution No. 31 of 8 November 2021 on the proposal for a regulation on land use, forestry and agriculture (COM (2021) 554).

<sup>4</sup> (Act No. 2021-1104 of August 22, 2021 on combating climate change and strengthening resilience to its effects).

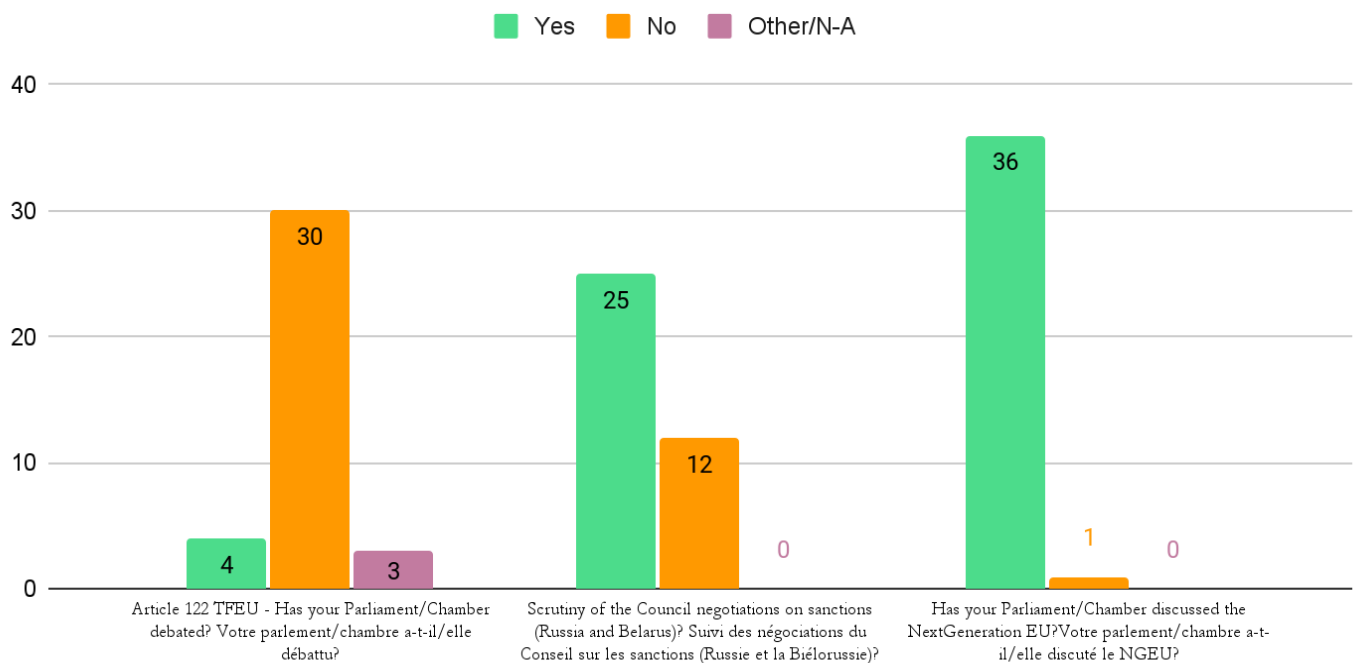
Furthermore, individual committees scrutinised the work of the executive in drawing up the Fit for 55 package.

## CHAPTER 2

### THE ROLE OF PARLIAMENTS IN ACCELERATED DECISION-MAKING PROCESSES IN RESPONSE TO CRISES

THE SECOND CHAPTER OF THE 39<sup>TH</sup> BI-ANNUAL REPORT seeks to highlight how and when Parliaments/Chambers have been involved in accelerated decision-making at EU-level during recent crises like the COVID-19 pandemic (travel restrictions, financial support, coordination of COVID-19 certificates, and coordination of vaccines); and Russia’s invasion of Ukraine (sanctions, energy supply, and support in response to high electricity prices).

#### The role of parliaments in accelerated decision-making processes in response to crises / Le rôle des parlements dans les processus accélérés de prise de décision face aux crises



#### - The role of Parliaments in the management of energy supply

**2.1** When asked if they had a standing committee dealing with energy issues, the overwhelming majority of Parliaments/Chambers (31 out of 37) answered “yes”. Only the Belgian *Sénat/Senaat*, the Croatian *Hrvatski sabor*, and the Maltese *Kamra tad-Deputati* replied “no”.

Another three Parliaments/Chambers answered “other”, including the Polish *Sejm* which specified that energy issues were dealt with by the EU Affairs Committee. The Romanian *Camera Deputaţilor* specified that energy issues were within the remit of other parliamentary committees such as the Industry and Services Committee. The Slovenian *Državni svet* specified that it did not have a standing committee dealing with energy issues, but that the Commission for Local Self-Government and Regional Development was competent for matters relating to local



self-government, regional development, environmental protection and spatial planning, communal, transport and economic infrastructure and maritime as elements of regional development, housing economy policies and supply of oil derivatives.

**2.2** When asked if they had scrutinised the extraordinary Council meetings organised in the Transport, Telecommunications and Energy Council configuration (TTE) during the past year (2022), 22 Parliaments/Chambers answered “yes”, 14 answered “no”, and one Parliament/Chamber replied “not applicable”.

As a follow up, Parliaments/Chambers which replied affirmatively, were asked to specify at what level that scrutiny had taken place, by choosing from a set of predefined alternatives with multiple choices allowed. The replies from the 22 Parliaments/Chambers which had scrutinised the extraordinary TTE Council meetings the past year (2022) were distributed as follows:

WAY OF SCRUTINY	REPLY
<i>Debate in the Chamber</i>	3
<i>Debate at committee level</i>	15
<i>Hearings of ministers at plenary or committee level</i>	11
<i>By adopting a resolution</i>	2
<i>By adopting a negotiating mandate for the Government</i>	7
<i>By scrutinising specific legislative proposals</i>	5
<i>Other, please specify</i>	7
Total respondents	22

Among the Parliaments/Chambers which opted for “other”, the Dutch *Tweede Kamer* specified that for most of the extraordinary TTE Council meetings, instead of a debate, a written procedure was held at committee level during which Members of Parliament could raise questions to the Minister responsible. The French *Sénat* specified that its European Affairs Committee had organised three round tables with various experts. The Greek *Vouli ton Ellinon* mentioned that debates regarding the management of energy supply, both at national and European level, took place both in the Chamber as well as in the competent committees. The Hungarian *Országgyűlés* highlighted that the parliamentary oversight was carried out by the relevant committees, and noted that the outcome of the extraordinary TTE Council meeting which took place 30 September 2022 was discussed by the Committee on European Affairs. The Portuguese *Assembleia da República* noted that, although it was not an extraordinary meeting, the European Affairs Committee and the Committee on the Environment and Energy held a joint hearing with the Minister of Environment and Climate Action regarding the outcome of the TTE Council which took place 25 October 2022. The Slovenian *Državni zbor* specified that the Government informed the EU Affairs Committee on its position before each Council meeting. The Swedish *Riksdag* noted that representatives from the Government had deliberated with the Committee on Industry and Trade, and consulted with the Committee on EU Affairs, prior to the Council meetings. The European Parliament pointed out that the Committee

on Industry, Research and Energy (ITRE) held regular meetings with the European Commissioner for Energy Kadri Simson, where they discussed Council meetings related to energy prices.

**2.3** Parliaments/Chambers were inquired on whether any of a pre-selected set of legislative proposals in the field of energy had been considered during the last year (2022), with multiple choices allowed. If so, they were also asked to specify which of those proposal(s) were scrutinised.

The answers were distributed in accordance to the table below, with correspondence to the legislative proposals concerned:

LEGISLATIVE PROPOSAL	REPLY
<i>Council regulation on emergency intervention to address high energy prices</i>	17
<i>Council regulation on coordinated efforts to reduce gas demand</i>	14
<i>Council regulation on enhancing solidarity through better coordination of gas purchases, exchanges of gas across borders and reliable price benchmarks</i>	18
<i>Council regulation on laying down a framework to accelerate the deployment of renewable energy and heat pumps</i>	13
<i>Council regulation establishing a market correction mechanism to protect citizens and the economy against excessively high prices</i>	15
N/A	12
<i>Total respondents</i>	34
<i>Respondents who skipped this question</i>	3

In a separate comment the European Parliament further specified that the Committee on Agriculture and Rural Development (AGRI) had discussed the impact of high-energy prices on farmers and the agricultural sector.

**2.4** Given that Article 122<sup>5</sup> of the Treaty on the Functioning of the European Union (TFEU) had been used as a legal basis on a number of occasions for adopting emergency measures, including for the regulations listed in the previous question, Parliaments/Chambers were asked if they had held any debates or discussions on the use of this particular legal basis for adopting emergency measures, and whether it had influenced their ability to scrutinise and monitor this rapid procedure.

Out of the 37 respondents the Czech *Senát*, the Danish *Folketing*, the German *Bundestag*, and the Romanian *Senat* answered “yes” and 30 Parliaments/Chambers answered “no”.

Another three Parliaments/Chambers opted for “other” including the Dutch *Eerste Kamer*, which noted that the Committee on Economic Affairs and Climate/Agriculture, Nature and Food Quality had sent questions to the European Commission referring to Article 122, but had not made any further political statements on it. The Polish *Sejm* specified that, when its European Union Affairs

<sup>5</sup> [Article 122 of the TFEU](#) allows for a rapid procedure where, for example, approval by the European Parliament is not required.

Committee considered the draft Council Regulation on emergency intervention to solve the problem of high energy prices, the use of Art. 122 TFEU in this context was raised as an issue that might constitute a dangerous breach in the EU law-making process.

The European Parliament specified that the Committee on Budgets (BUDG) and the Special Committee on the COVID-19 pandemic: lessons learned and recommendations for the future (COVI) were unanimous in their view that Article 122 TFEU circumvented the European Parliament in its role as co-legislator, excluding it from the decision-making process and thereby skewing the institutional balance as enshrined in the Treaties and putting into question the legitimacy and credibility of the emergency response actions. Both committees pointed out that recourse to this Treaty provision was acceptable only in exceptional circumstances, while its use had currently become systemic. The European Parliament further noted that it opposed the repeated use of this chosen legal base when the conditions foreseen in the Treaties were not met. The BUDG and COVI Committees also underlined that alternatives in the form of the co-decision urgency procedure with a proper parliamentary oversight or an accelerated Ordinary Legislative Procedure would be more appropriate in the current context.

**2.5** In relation to the listed legal instruments below, which were all applicable for a limited period of time, usually one year, Parliaments/Chambers were inquired if a majority in their Parliament/Chamber had urged that these legal instruments should apply for a longer period or permanently.

- *Council regulation on emergency intervention to address high energy prices*
- *Council regulation on coordinated efforts to reduce gas demand*
- *Council regulation on enhancing solidarity through better coordination of gas purchases, exchanges of gas across borders and reliable price benchmarks*
- *Council regulation on laying down a framework to accelerate the deployment of renewable energy and heat pumps*
- *Council regulation establishing a market correction mechanism to protect citizens and the economy against excessively high prices*

The Belgian *Chambre des représentants/Kamer van volksvertegenwoordigers* and the Slovenian *Državni zbor* reported that a majority in their Chambers had urged that these legal instruments should apply for a longer period or permanently. Most Parliaments/Chambers (24 of 37 respondents) answered that no such majority had emerged.

Out of the 37 respondents, 11 Chambers/Parliaments answered “N/A” including the Belgian *Sénat/Senaat*, Bulgarian *Narodno sabranie*, Croatian *Hrvatski sabor*, Cyprus *Vouli ton Antiprosopon*, Danish *Folketing*, Dutch *Eerste Kamer*, French *Assemblée nationale*, German *Bundestag*, German *Bundesrat*, Hungarian *Országgyűlés*, and the Portuguese *Assembleia da República*.

As a follow up question to those Parliaments/Chambers which replied that a majority was favourable to the use of the above-mentioned legal instruments for a longer period or permanently, they were asked to identify which specific regulations fell within this consideration. The Belgian *Chambre des représentants/Kamer van volksvertegenwoordigers* mentioned three instruments; the Council regulation on coordinated efforts to reduce gas demand, the Council regulation on laying down a framework to accelerate the deployment of renewable energy and heat pumps, and the Council regulation establishing a market correction mechanism to protect citizens and the economy

against excessively high prices. The Slovenian *Državni zbor* specified the Council regulation on emergency intervention to address high energy prices.

- **The role of Parliaments in dealing with sanctions and financial assistance in connection with the Russian invasion of Ukraine**

**2.6** When asked which Committees were responsible for matters concerning sanctions, the most relevant answer amongst Parliaments/Chambers who replied was the “*Foreign Affairs Committee*” (23 replies). Fifteen respondents indicated that sanctions were dealt with primarily by the “*EU Affairs Committee*” while at the same time nine of them (Austrian *Nationalrat* and *Bundesrat*, Czech *Senát*, Danish *Folketing*, French *Sénat* Polish *Sejm*, Polish *Senat*, Portuguese *Assembleia da República*, Slovenian *Državni zbor*; Swedish *Riksdag*) answered that both mentioned committees were involved in the process.

Some respondents indicated “*other*” as their reply and further specified their answer. The Austrian *Nationalrat* and *Bundesrat* mentioned that besides the EU Affairs and Foreign Affairs Committees, also sectoral committees could be involved, according to the subject matter.

The Belgian *Sénat/Senaat* replied that it had no competence in these matters. The Cyprus *Vouli ton Antiprosopon* noted that Cyprus was a presidential democracy with a clear separation of powers, and that any decisions in relation to the sanctions were taken by the executive, while noting that the House of Representatives could only scrutinise the executive’s actions related to the matter. The Czech *Senát* complemented its answer by adding that the responsibility depended very much on the nature of the matters envisaged by the sanctions and that the Committee on Legal and Constitutional Affairs could also be responsible. The German *Bundestag* stated that the responsibility was distributed among the various Committees depending on the type of sanction. In addition to the Finance Committee and the Committee on Climate Action and Energy, which legislated on sanctions in the narrower sense, the Committee on European Union Affairs and the Committee on Foreign Affairs were also informed about sanctions and discussed it in their meetings.

The Latvian *Saeima* specified that despite the Foreign Affairs Committee being the one responsible for matters concerning sanctions, the European Affairs Committee also had discussed the sanctions issues by adopting a mandate for the Government to the EU Council meetings. The Maltese *Kamra tad-Deputati* noted that the debates on sanctions were held in the Plenary. The Romanian *Parlamentul României: Camera Deputaţilor* stated that responsible was the Committee for Legal Matters, Discipline, and Immunities and that other parliamentary committees could be notified<sup>6</sup>. The Romanian *Senat* identified several committees as the ones responsible for sanctions: the EU Affairs Committee, but also the Committee for Legal Affairs, Appointments, Discipline, Immunities and Validations, the Committee on Budget, Finance, Banking and Capital Market, and the Committee for Economy, Industry and Services.

The Slovenian *Državni svet* replied that the responsible committee was the joint Commission for International Relations and EU Affairs. The Slovenian *Državni zbor* specified that according to the cooperation between the National Assembly and the Government in EU Affairs Act, the

<sup>6</sup> Full reply identifying all the Committees can be found in the attachment to the 39th BaR.

Government had informed the EU Affairs Committee and the Foreign Affairs Committee on its positions before the relevant Council meetings.

The Swedish *Riksdag* reported that the Committee on Foreign Affairs had an overall responsibility for matters concerning sanctions. However, the Committee on EU Affairs was involved in the actual adoption of sanctions at EU level by giving a mandate to the Government prior to Council decisions.

The European Parliament stated that it had no competence concerning the proposal, adoption or implementation of sanctions. It only had a right to be informed about measures taken at Council level on the basis of a proposal of the High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) and/or the Commission. However, as a consequence of its right of scrutiny of the HR/VP, the Committee on Foreign Affairs (AFET) had a competence to assess on behalf of the Parliament the HR/VP actions also when it came to the sanctions proposed.

**2.7** When asked whether they had discussed the sanctions against Russia and Belarus in connection with the invasion of Ukraine, only three Parliaments/Chambers replied negatively (Cyprus *Vouli ton Antiprosopon*, Czech *Poslanecká sněmovna*, and Slovenian *Državni svet*). Twenty four Parliaments/Chambers answered “Yes, in the Chamber” and 19 had discussed it at committee level, whereas nine replies covered both options (Austrian *Nationalrat* and *Bundesrat*, Czech *Senát*, Estonian *Riigikogu*, French *Sénat*, German *Bundesrat*, Latvian *Saeima*, Polish *Sejm*, Swedish *Riksdag*, European Parliament).

**2.8** On the question of whether the Parliaments/Chambers had adopted a position on the sanctions against Russia and Belarus in connection with the invasion of Ukraine, 12 replied negatively (Belgian *Sénat/Senaat*, Cyprus *Vouli ton Antiprosopon*, Czech *Poslanecká sněmovna*, Dutch *Eerste Kamer*, German *Bundestag*, Greek *Vouli ton Ellinon*, Hungarian *Országgyűlés*, Irish *Houses of the Oireachtas*, Maltese *Kamra tad-Deputati*, Polish *Senat*, Romanian *Parlamentul României: Camera Deputaţilor*, Slovenian *Državni zbor*).

Five respondents had adopted a negotiating mandate for the Government (Austrian *Nationalrat* and *Bundesrat*, Estonian *Riigikogu*, Danish *Folketing*, Latvian *Saeima*, Swedish *Riksdag*). Ten Parliaments/Chambers had adopted its position at committee level (Austrian *Nationalrat* and *Bundesrat*, Croatian *Hrvatski sabor*, Czech *Senát*, Finnish *Eduskunta*, French *Sénat*, German *Bundesrat*, Latvian *Saeima*, Polish *Sejm*, Spanish *Cortes Generales*, Swedish *Riksdag*), 10 in the Chamber (Austrian *Nationalrat* and *Bundesrat*, Bulgarian *Narodno sabranie*, Czech *Senát*, French *Sénat*, German *Bundesrat*, Italian *Senato della Repubblica*, Latvian *Saeima*, Polish *Sejm*, Slovak *Národná rada*, European Parliament) and 17 out of 37 respondents had adopted a resolution on sanctions (Austrian *Nationalrat* and *Bundesrat*, Belgian *Chambre des représentants/Kamer van volksvertegenwoordigers*, Czech *Senát*, Dutch *Staten-Generaal: Tweede Kamer*, Estonian *Riigikogu*, French *Assemblée nationale*, French *Sénat*, German *Bundesrat*, Italian *Camera dei deputati*, Lithuanian *Seimas*, Latvian *Saeima*, Luxembourg *Chambre des Députés*, Polish *Sejm*, Portuguese *Assembleia da República*, Romanian *Senat*, Slovenian *Državni zbor*, European Parliament).

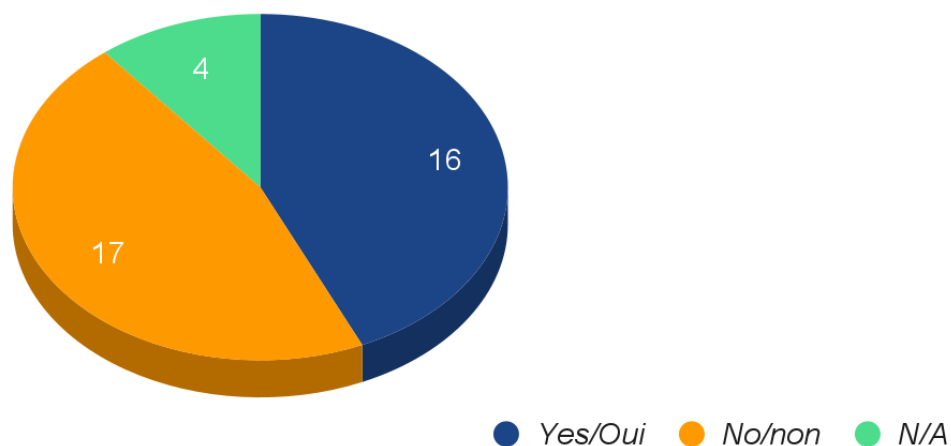
The Cyprus *Vouli ton Antiprosopon* noted that, with regard to Question 2.7, the invasion of Russia in Ukraine was debated both at Committee and Plenary levels and that a resolution condemning the invasion was adopted.

The Latvian *Saeima* complemented its reply to this question by stating that the position on the sanctions at Committee level was adopted in the form of a mandate for the Government, whereas the position in the Chamber was adopted in the form of a resolution/statement.

The Belgian *Sénat/Senaat* that with regard to question 2.7 further specified it had adopted several resolutions on the war in Ukraine. It specifically mentioned the resolution on the condemnation of the Russian invasion of Ukraine<sup>7</sup>, or on the fight against impunity for war crimes in Ukraine<sup>8</sup> in which it asked the Government to respectively take sanctions against Russia and Belarus and to ensure the execution of the various sanctions already taken.

**2.9** When asked whether they had been involved in the monitoring of the implementation of the sanctions, 17 respondents answered “no” and 16 affirmatively. Four Parliaments/Chambers replied that this question was non-applicable (Bulgarian *Narodno sabranie*, Hungarian *Országgyűlés*, Romanian *Parlamentul României: Camera Deputaților*, Slovenian *Državni zbor*).

Is your Parliament/Chamber involved in the monitoring of the implementation of the sanctions? Votre parlement/chambre est-il/elle associé/e au contrôle de l'application des sanctions?



Those Parliaments/Chambers who answered “yes” (16) were asked in what way they had been monitoring the implementation of the sanctions, and 12 replied.

<sup>7</sup> Senate doc. 7-330/2

<https://www.senate.be/www/webdriver?MItabObj=pdf&MIcolObj=pdf&MInamObj=pdfid&MItypeObj=application/pdf&MIvalObj=117441039>

<sup>8</sup> Senate doc. 7-361/2

<https://www.senate.be/www/webdriver?MItabObj=pdf&MIcolObj=pdf&MInamObj=pdfid&MItypeObj=application/pdf&MIvalObj=117441095>

The Belgian *Chambre des représentants/Kamer van volksvertegenwoordigers* informed that the monitoring of implementation was done in the context of current affairs debates or oral questions addressed to the Ministers for Foreign Affairs, European Affairs, International Trade and Federal Minister for Cultural Institutions.

The Croatian *Hrvatski sabor* informed that the Foreign Affairs Committee held regular hearings on the implementation of sanctions and that these debates were closed to the public. It also stated that the European Affairs Committee, the Foreign Affairs Committee and the Committee on the Economy held a joint debate on the effect of the sanctions on the Croatian economy.

The Dutch *Staten-Generaal: Tweede Kamer* noted that it had adopted resolutions on the implementation of sanctions<sup>9</sup> and that the Committee on Foreign Affairs had a monthly debate preceding the Foreign Affairs Council, in which the implementation of sanctions was discussed. The Committee also monitored the development of new Dutch sanctions legislation, which the government was planning to propose in summer.

The French *Sénat* specified that the monitoring was put in place through the oversight of the Government, more specifically in the context of the debates prior to the European Council meetings. These were held in the Chamber and in the European Affairs Committee during the hearing with the Secretary of State for the EU, particularly when she reported on the European Council meetings.

The German *Bundestag* informed that the Finance Committee received reports from the Federal Government as part of parliamentary control of Government and administrative action.<sup>10</sup> The Italian *Camera dei deputati* noted that the monitoring was exercised within the framework of the debates and hearings on the invasion of Ukraine in the Foreign Affairs Committee. The Italian *Senato della Repubblica* clarified that the debates on the sanctions were held during Plenary or Committee sittings held prior to the European Council meetings.<sup>11</sup>

The Latvian *Saeima* stated that it was the Foreign Affairs Committee that discussed the situation regarding the implementation of sanctions.

The Lithuanian *Seimas* replied that the responsible governmental institutions reported to the Committee on Foreign Affairs on the implementation of the EU sanctions and that the Committee on Foreign Affairs was also responsible for adopting a negotiating mandate for the Government. It further stated that the Committee on National Security and Defence dealt with *ad hoc* cases of the implementation of the EU sanctions in Lithuania in the framework of parliamentary scrutiny.

The Maltese *Kamra tad-Deputati* noted that although the Maltese Parliament did not have a dedicated structure, Members had the possibility to ask for information during parliamentary question time.

The Polish *Sejm* held *ad hoc* discussions at meetings of the European Affairs Committee.

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<sup>9</sup> For example on strengthening the capacity of the Ministry of Foreign Affairs for the implementation and enforcement of sanctions and on facilitating the exchange of information between government agencies.

<sup>10</sup> This took place, for example, within the framework of the ECOFIN reports or in the upcoming preparations for further legislation in the area of money laundering.

<sup>11</sup> The last debate in the Chamber took place on 14 December 2022 and on 8 February 2023 at Committee level.

The Swedish *Riksdag* noted that the implementation of sanctions was raised with the Government through its written consultations with the Committee on EU Affairs.

The European Parliament noted that the Committee on Economic and Monetary Affairs (ECON) had organised a public hearing on the economic impact of the sanctions on Russia and the EU economy and that the Committee on Budgetary Control (CONT) had scheduled a discussion on 22 March 2023 on how to prevent EU funds ending up with companies and individuals tied to the EU-Russia sanctions list.

**2.10** When asked whether the Parliaments/Chambers had scrutinised the decision-making and Council negotiations on the imposition of sanctions against Russia and Belarus in connection with the invasion of Ukraine, 25 of the respondents answered affirmatively. Twelve responded “no” (Croatian *Hrvatski sabor*, Czech *Poslanecká sněmovna*, Dutch *Eerste Kamer*, French *Assemblée nationale*, German *Bundesrat*, German *Bundestag*, Greek *Vouli ton Ellinon*, Polish *Sejm*, Romanian *Parlamentul României: Camera Deputaţilor*, Romanian *Senat*, Slovenian *Državni svet*, Spanish *Cortes Generales*).

When asked to indicate, with multiple choices allowed, the means through which that scrutiny was implemented, 14 respondents opted for the answer “*Debate in the Chamber*”. Seventeen respondents indicated that they have had “*Debate at committee level*”. Hearings of ministers at plenary or committee level in connection to sanctions against Russia and Belarus had taken place in 13 Parliaments/Chambers. Resolutions were adopted by 11 respondents. Adoption of a negotiating mandate for the Government was opted for in nine cases (Austrian *Nationalrat* and *Bundesrat*, Danish *Folketing*, Estonian *Riigikogu*, Finnish *Eduskunta*, Latvian *Saeima*, Lithuanian *Seimas*, Slovak *Národná rada*, Slovenian *Državni zbor*, Swedish *Riksdag*). The option of scrutinising specific legislative proposals was chosen only by three Parliaments/Chambers (Dutch *Staten-Generaal: Tweede Kamer*, Estonian *Riigikogu*, Finnish *Eduskunta*). The table below illustrates the replies provided.

WAY OF SCRUTINY	REPLY
<i>Debate in the Chamber</i>	14
<i>Debate at committee level</i>	17
<i>Hearings of ministers at plenary or committee level</i>	13
<i>By adopting a resolution</i>	11
<i>By adopting a negotiating mandate for the Government</i>	9
<i>By scrutinising specific legislative proposals</i>	3
<i>Other, please specify</i>	2
Total respondents	26



Two respondents answered “*other*”. The Romanian *Parlamentul României: Camera Deputaților* stated that certain Members had addressed questions and interpellations to the responsible ministries, within the parliamentary oversight procedure. The Swedish *Riksdag* specified that the Government consulted the Committee on EU Affairs by written procedure regarding all sanctions adopted by the Council, as well as revisions of existing sanctions. Eleven respondents skipped the explanatory question.

**2.11** On the question of whether the Parliaments/Chambers had discussed financial support for Ukraine in connection with the Russian invasion of Ukraine, 32 replied positively and five Parliaments/Chambers answered “no” (Croatian *Hrvatski sabor*, Cyprus *Vouli ton Antiprosopon*, Czech *Poslanecká sněmovna*, Dutch *Eerste Kamer*, Greek *Vouli ton Ellinon*). From those which replied affirmatively, eight respondents had adopted a negotiating mandate for the Government (Estonian *Riigikogu*, Finnish *Eduskunta*, Latvian *Saeima*, Lithuanian *Seimas*, Polish *Sejm*, Slovak *Národná rada*, Slovenian *Državni zbor*, Swedish *Riksdag*). Fourteen had adopted a resolution on that matter (Austrian *Nationalrat* and *Bundesrat*, Bulgarian *Narodno sabranie*, Czech *Senát*, Dutch *Staten-Generaal: Tweede Kamer*, French *Assemblée nationale*, French *Sénat*, German *Bundesrat*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Lithuanian *Seimas*, Luxembourg *Chambre des Députés*, Romanian *Senat*, Slovak *Národná rada*, European Parliament). Sixteen had reported that they held hearings of ministers (Austrian *Nationalrat* and *Bundesrat*, Belgian *Chambre des représentants/Kamer van volksvertegenwoordigers*, Belgian *Sénat/Senaat*, Czech *Senát*, Finnish *Eduskunta*, French *Assemblée nationale*, French *Sénat*, German *Bundestag*, Latvian *Saeima*, Luxembourg *Chambre des Députés*, Polish *Senat*, Portuguese *Assembleia da República*, Romanian *Parlamentul României: Camera Deputaților*, Romanian *Senat*, Slovak *Národná rada*, Swedish *Riksdag*). Debate at committee level took place in 25 Parliaments/Chambers and 24 respondents held debates in the Chamber.

The Swedish *Riksdag* further specified that the Committee on Finance had been informed on multiple occasions and had several deliberations with the Government regarding support to Ukraine and the NextGenerationEU recovery instrument.

**- The role of Parliaments in the decision-making process on certain issues related to the pandemic**

**2.12** Parliaments/Chambers were asked if they had scrutinised the decision-making process and Council negotiations on the restriction of non-essential travel to the EU. Out of the 37 respondents, 18 confirmed that they had scrutinised the process, while 19 indicated they had not.

The 18 affirmative respondents were then asked to specify how they had scrutinised the decision-making and Council negotiations. The most relevant were “*Debate at committee level*” (14 out of 18), “*Debate in the Chamber*” (eight) and “*Hearings of ministers*” (seven).

Only two Parliaments/Chambers had scrutinised specific legislative proposals (Finnish *Eduskunta*, European Parliament), while three had adopted a resolution (German *Bundesrat*, Italian *Senato della Repubblica*, European Parliament) and finally four had adopted a negotiating mandate for the Government (Finnish *Eduskunta*, Estonian *Riigikogu*, Lithuanian *Seimas*, Swedish *Riksdag*).

The Swedish *Riksdag* added that several written consultations had been implemented concerning travel restrictions and written consultations were held with the Committee on EU Affairs on decisions taken by written procedure.

The table below contains a summary of the replies:

WAY OF SCRUTINY	RESPONDENTS
<i>Debate in the Chamber</i>	8
<i>Debate at committee level</i>	14
<i>Hearings of ministers</i>	7
<i>By adopting a resolution</i>	3
<i>By adopting a negotiating mandate for the Government</i>	4
<i>By scrutinising specific legislative proposals</i>	2
Total respondents	18

**2.13** During the pandemic, a temporary derogation from the Council's Rules of Procedure was decided, allowing the ordinary written procedure to be used when adopting Council legislation. Parliaments/Chambers were asked to assess whether this measure had affected their ability to scrutinise decisions made through the written procedure. Out of 37 respondents, only five answered “yes”, 27 answered “no”, and five indicated that it was not applicable to their Parliament/Chamber.

The five respondents that replied affirmatively were the Czech *Senát*, Dutch *Staten-Generaal: Tweede Kamer*, Latvian *Saeima*, Romanian *Senat* and the European Parliament. The Czech *Senát*, the European Parliament and the Romanian *Senat* further specified that they had held a debate in the Chamber and all five held debates at committee level. Additionally, the Czech *Senát*, the Latvian *Saeima* and the European Parliament conducted hearings of ministers and adopted resolutions. The Latvian *Saeima* was the only one to adopt a negotiating mandate for the Government. Lastly, the European Parliament had scrutinised specific legislative proposals related to the Council's decision to use the written procedure.

The Swedish *Riksdag* also provided additional information by adding that, similar to question 2.12, several written consultations had been implemented concerning travel restrictions and written consultations were held with the Committee on EU Affairs on decisions taken by written procedure. The European Parliament mentioned as additional information that the debate in parliamentary committees and Plenary (in part-session) was restricted during the COVID-19 pandemic. At the early stages of crisis management, the European Parliament powers were limited in the EU decision-making process while the parliamentary control and oversight on several EU instruments was restricted by Council procedures, thus not conferring full legitimacy and credibility on the emergency response actions.

The table below contains a summary of the replies:

WAY OF SCRUTINY	RESPONDENTS
<i>Debate in the Chamber</i>	3
<i>Debate at committee level</i>	5
<i>Hearings of ministers</i>	3
<i>By adopting a resolution</i>	2
<i>By adopting a negotiating mandate for the Government</i>	1
<i>By scrutinising specific legislative proposals</i>	1
Total respondents	5

**2.14** With regard to the NextGenerationEU recovery instrument, designed to address the acute economic and social damage caused by the pandemic, Parliaments/Chambers were asked if they had discussed the recovery instrument. An overwhelming majority (36 out of 37) replied “yes” to the question, while the Belgian *Sénat/Senaat* was the only exception.

When asked to elaborate in what way the instrument had been discussed, half (18 out of 36) mentioned that they had a debate in the Chamber, while 33 Parliaments/Chambers had a debate at committee level and 22 reported that they had held hearings of ministers.

**2.15** Asked about whether the Parliaments/Chambers had adopted a position on the NextGenerationEU recovery instrument, a substantial majority (28 out of 37) confirmed that they had done so, while nine indicated that they had not.

Among the 28 Parliaments/Chambers who replied affirmatively, 13 mentioned they adopted a position in the Chamber, while an overwhelming majority of 23 did so at committee level. Slightly over half (14 respondents) adopted a position during hearings of ministers, and the same number of Parliaments/Chambers (14) also did so by adopting resolutions. Nine of the Parliaments/Chambers adopted a negotiating mandate, and 10 replied that they had adopted a position during scrutiny of specific legislative proposals.

The French *Senát* provided the additional information that it adopted a resolution on the revised proposal for the multiannual financial framework 2021-2027 and the proposal for a recovery instrument to deal with the consequences of the COVID-19 pandemic<sup>12</sup>. The Swedish *Riksdag* further noted that the Committee on Finance had been informed on multiple occasions and had several deliberations with the Government about the NextGenerationEU recovery instrument.

<sup>12</sup> Resolution No. 105 of 22 June 2020 <http://www.senat.fr/leg/tas19-105.html>.

The table below contains a summary of the replies:

WAY OF SCRUTINY	RESPONDENTS
<i>Debate in the Chamber</i>	13
<i>Debate at committee level</i>	23
<i>Hearings of ministers</i>	14
<i>By adopting a resolution</i>	14
<i>By adopting a negotiating mandate for the Government</i>	9
<i>By scrutinising specific legislative proposals</i>	10
Total respondents	28

### **Additional information on Chapter 2**

Of the 17 respondents who provided additional information to Chapter 2, the majority of their comments were enshrined in relation to the corresponding questions above. The eight remaining comments related to Chapter 2 are accounted for below.

The Dutch *Staten-Generaal: Tweede Kamer* stated that a written debate had taken place regarding the Dutch position for the negotiations on NextGenerationEU, as well as a plenary debate. Several motions had been submitted, but only a very limited number had been adopted.

The Finnish *Eduskunta* added that the Grand Committee stressed the need for an efficient implementation of the Recovery Instrument as it provided a good opportunity to support longer-term growth potential of the economy, as well as climate policy and digitalisation, in its Committee Report on EU Policy<sup>13</sup>. The *Eduskunta* further added that it was important to keep EU funding conditional and linked to the respect for the rule of law. The Instrument should be seen as exceptional and a one-off solution and not serve as a precedent.

The French *Sénat* provided additional information on the role of Parliaments in the management of energy supply. In the context of the energy crisis, the *Sénat* had adopted the law on the acceleration of the production of renewable energy, which was promulgated on 10 March 2023<sup>14</sup>. Additionally, the *Sénat* examined the bill on the acceleration of procedures relating to the construction of new nuclear facilities near existing nuclear sites, and the operation of existing facilities.

The Greek *Vouli ton Ellinon* added that discussions on the European response to the pandemic were held in a joint meeting of the Committees on Economic and Social Affairs, Production and Trade, and European Affairs of the Hellenic Parliament, during which the alternate Minister of Finance briefed Members of Parliament on Greece's recovery and resilience plan. During the ratification of

<sup>13</sup>Report SuVM 1/2021 vp.

<sup>14</sup> Law No. 2023-175.

the Recovery and Resilience Facility Financing Agreement between the European Commission and the Hellenic Republic, relevant debates were also held in competent Committees and the Plenary.

The Italian *Senato della Repubblica* mentioned that at the committee level, and at the subsequent Chamber level, there had been debates and adopted resolutions on the Guidelines for drafting the National Recovery and Resilience Plan, on the draft Plan itself, and on the first semester Government report on its implementation. The *Senato della Repubblica* also mentioned that they scrutinised and approved specific pieces of legislation, proposed by the Government, regarding the Plan's implementation.

The Lithuanian *Seimas* added that, in the framework of parliamentary scrutiny, the *Seimas* Committee on European Affairs had been involved, at early stages, in the hearing of reports on the progress of drafting the National Recovery and Resilience Plan, as well as in its implementation. On 16 March 2022, the Committee adopted a decision “On the implementation of the Recovery and Resilience plan for the Lithuanian Economy New Generation Lithuania” (NCL plan) and requested the Government of the Republic of Lithuania to report on the progress in the implementation of the measures under the NCL Plan on a biannual basis, or more frequently if needed, by informing the Committee about the fulfilment of the milestones, targets, and related indicators set out in the NCL Plan. The Lithuanian *Seimas* further noted that the Committee on Budget and Finance and the Committee on Economics were also engaged in the parliamentary scrutiny of this matter.

The Romanian *Parlamentul României: Camera Deputaților* clarified that it had debated the NextGenerationEU mainly in connection with issues related to the National Recovery and Resilience Plan.

Lastly, the Swedish *Riksdag* added that the Government consulted the Committee on EU Affairs prior to Council meetings as well as through written consultations on decisions taken by written procedure. The Committee on Industry and Trade has deliberated with the Government ahead of an extra Council meeting, and also regarding the regulations on emergency intervention, enhancing solidarity through better coordination of the purchasing of gas, the framework to accelerate the deployment of renewable energy, and the establishment of a market correction mechanism.

## CHAPTER 3

### BEST PRACTICES FOR INFORMATION EXCHANGE BETWEEN PARLIAMENTS, INCLUDING USE OF IPEX

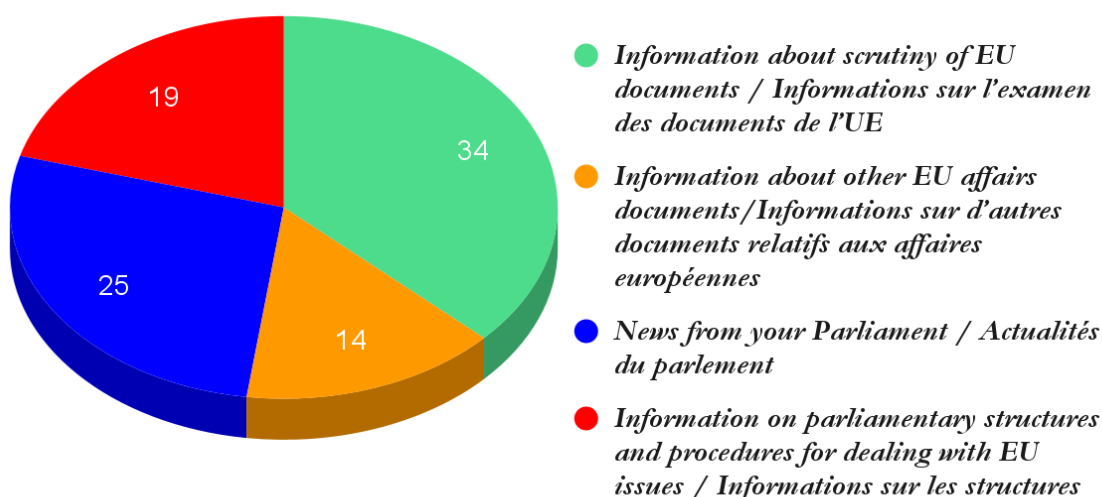
THE THIRD CHAPTER OF THE 39<sup>TH</sup> BI-ANNUAL REPORT seeks to identify the best practices for information exchange between national Parliaments/Chambers and the European Parliament, including the use of IPEX. The purpose of this chapter is firstly to survey how Parliaments/Chambers in their EU-related activities make use of the information they share and exchange, and secondly to inquire what type of information is of particular value to them.

#### - IPEX and exchange of information between Parliaments

**3.1.1** When asked how often, on average, Parliaments/Chambers published information on IPEX, 16 out of the 37 respondents declared to so on a weekly basis, while 12 replied they did so monthly, eight did it less often, and one, the Slovenian *Državni svet*, did not upload any information.

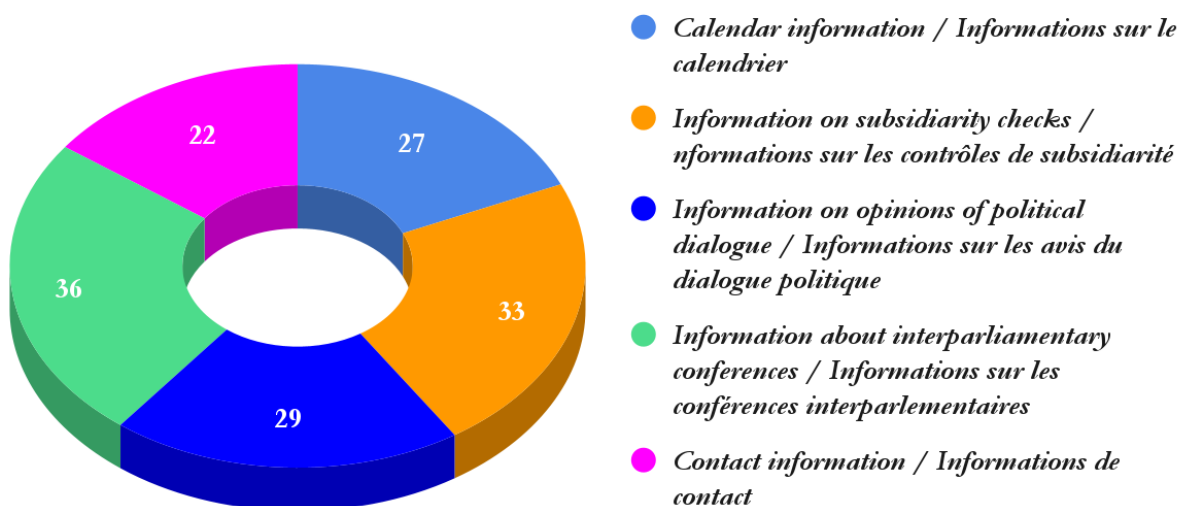
**3.1.2** When inquired about which kind of information they made available on IPEX, the overwhelming majority of Parliaments/Chambers (34 out of 36 respondents) mentioned the scrutiny of EU documents as the most commonly published. Furthermore, news from the Parliament's activities in EU affairs was the second most common topic in IPEX publications (25 out of 36 respondents). Nineteen respondents also published information on the parliamentary structures and procedures dealing with EU issues and 14 respondents published other EU affairs documents, mainly parliamentary documents concerning EU documents not included in the IPEX legislative database.

What information does your Parliament/Chamber publish on IPEX? /  
Quelles informations votre parlement/chambre publie-t-il/elle sur IPEX?



**3.1.3** On the question of what type of information Parliaments/Chambers sought for on IPEX, respondents indicated that they mainly searched for information related to interparliamentary conferences, with 36 out of 37 respondents doing so. Other common matters included subsidiarity checks (33 respondents), opinions within the framework of political dialogue (29), and information regarding the calendar of interparliamentary cooperation (27). More than half of the Parliaments/Chambers (22) also consulted IPEX regarding contact details; procedural information on the state of play of files in other Parliaments (21); news from Parliaments (18); or information on parliamentary structures and procedures for dealing with EU issues (17). Other less common topics include general information about IPEX (12); prioritised files in other Parliaments (nine); and the European Parliament’s Democracy Support Network (nine).

### What information does your Parliament look for on IPEX? Quelles informations votre parlement recherche-t-il sur IPEX (top 5)?



**3.1.4** When inquired on how they use the information available on IPEX from other national Parliaments/Chambers, the large majority of respondents (31 out of 36) indicated they resorted to IPEX publications when scrutinising EU documents at staff level, and when searching for background information to be presented to the political level (26).

However, some respondents mentioned there are other less common uses to IPEX information. For example, the Hungarian *Országgyűlés*, the Romanian *Parlamentul României: Camera Deputaților* and *Senat*, and the Polish *Sejm* used IPEX information for newsletters. Meanwhile, the Dutch *Eerste Kamer* used it for EU legislation dossiers; the Greek *Vouli ton Ellinon* did so for snippets of IPEX news in Parliamentary websites, and the European Parliament, for the organisation of interparliamentary events.

**3.1.5** When asked on how information on opinions or reasoned opinions issued by other Parliaments/Chambers was distributed, from a set of multiple choices allowed, the most common reply was that it was made available to parliamentary staff (30 out of 35 respondents).

Parliamentary committees were the second biggest recipient of IPEX information (25), and less than half of the Parliaments mentioned that it was distributed to Members of Parliament (15). Less commonly, IPEX information was also directed to political staff (seven), Speakers/Presidents of Parliament (four), the latter referred to specifically by the Czech *Senát*, Portuguese *Assembleia da República*, Swedish *Riksdag*, and European Parliament; and political groups (three), namely in the Czech *Senát*, French *Sénat* and European Parliament. The Latvian *Saeima* also provided the information retrieved on IPEX to the government offices.

The Slovenian *Državni svet* skipped this question and the Austrian *Nationalrat* and *Bundesrat* stated that information was publicly available on IPEX.

**3.1.6** On the question of whether information had become more updated and available following the latest update of IPEX (IPEX version 3), almost all Parliaments/Chambers (34 out of 36 respondents) replied affirmatively. Only two respondents (the Czech *Poslanecká sněmovna* and the Polish *Sejm*), replied negatively. The Irish *Houses of the Oireachtas* skipped the question.

The Swedish *Riksdag* indicated that from the perspective of its most frequent IPEX users, it was noted that the amount of news and their relevance had increased. The Swedish *Riksdag* further stated that its Committee on the Constitution was in favour of all improvements which resulted in information being updated and complete on the IPEX website. However, in their opinion, it was too early to tell whether the new version of the website had resulted in a greater tendency to upload information.

**3.1.7** When asked where the IPEX correspondent was located within their administrations, nearly a half of the respondents (16) indicated the EU Affairs Committee Secretariat. Six respondents stated that the correspondent was located at the EU Secretariat (Belgian *Sénat/Senaat*, Czech *Senát*, Danish *Folketing*, Irish Houses of the Oireachtas, Italian *Camera dei deputati*, Swedish *Riksdag*). In total, 15 respondents specified other different locations within their parliamentary structure ranging from Permanent representatives to the European Parliament (Slovenian *Državni zbor*), research departments/bureaus (Italian *Senato della Repubblica*, Polish *Sejm*), international relations department/service (Cyprus *Vouli ton Antiprosopon*, Maltese *Kamra tad-Deputati*) or in two units - EU Secretariat and Communications/IT Unit (Finnish *Eduskunta*). The rest of this group mentioned other departments which overlap in various ways with the cases discussed above.

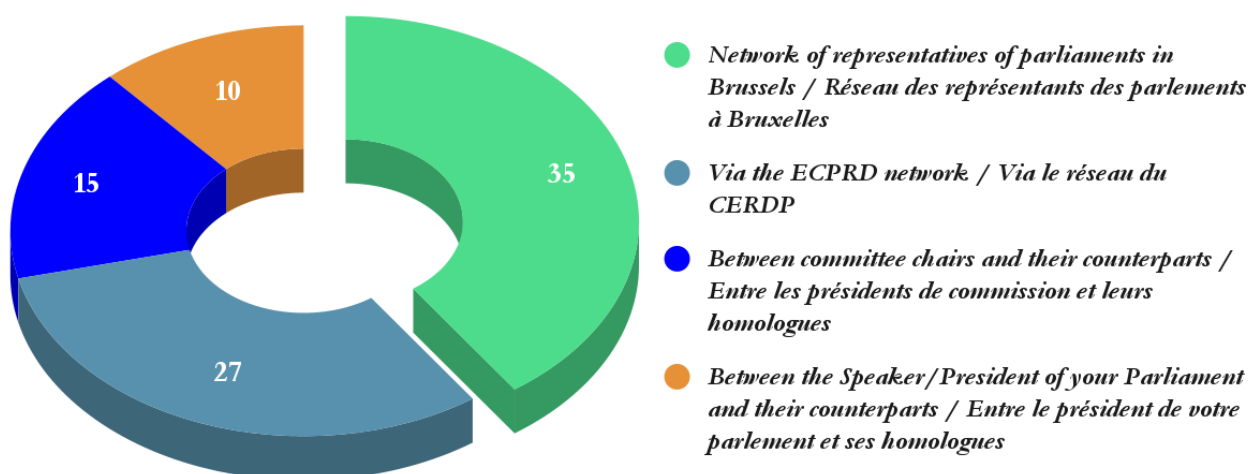
#### - Exchange of information between Parliaments/Chambers (other than IPEX)

**3.2.1** Parliaments/Chambers were also asked which platforms (if any) apart from IPEX, they regularly published information on its scrutiny of EU documents. An overwhelming majority (30 out of 37 respondents) stated they published such information on the official parliamentary website on a regular basis. In addition to that, with multiple choice allowed, over a half of respondents (19) also published in their internal EU databases. Nearly a third of respondents (11) stated that they published it on social media. Finally, four respondents (Greek *Vouli ton Ellinon*, Maltese *Kamra tad-Deputati*, Slovenian *Državni svet* and *Državni zbor*) informed that they did not use any other platform than IPEX.



**3.2.2** Asked to indicate, with multiple choice allowed, through which channels, apart from IPEX, their Parliament/Chamber exchanged information on a regular basis, nearly all respondents (35 out of 37) stated they did so via the network of permanent representatives of national Parliaments in Brussels. The ECPRD network was mentioned by 27 respondents and 15 stated that this exchange occurred between Committee Chairs of their respective Parliament/Chamber and their counterparts. Nearly a third of respondents (10), namely Austrian *Nationalrat* and *Bundesrat*, Belgian *Chambre des représentants/Kamer van volksvertegenwoordigers*, French *Sénat*, German *Bundestag*, Estonian *Riigikogu*, Luxembourg *Chambre des Députés*, The Romanian *Parlamentul României: Camera Deputaților*, Slovak *Národná rada*, Swedish *Riksdag* and European Parliament informed that the exchange was also between the Speaker/President of their Parliament/Chamber and their counterparts. No other channels were mentioned.

### Which channels of information are used apart from IPEX? Quels canaux d'échange sont utilisés, en dehors d'IPEX?



**3.2.3** With multiple choice allowed, Parliaments/Chambers were asked how they used information received from the network of permanent representatives of national Parliaments in Brussels. The vast majority of respondents (29) referred to background information for the political level and a similar amount of replies (28) stated they used it in the subsidiarity scrutiny of draft legislative acts. The political scrutiny of draft legislative acts was mentioned by 23 Parliaments/Chambers and early scrutiny of long-term strategies or strategic foresight was indicated by 17 respondents, followed by 16 replies mentioning scrutiny of their respective Government's work on EU matters.

Five Parliaments/Chambers stated that they used this information gathered by the representative in Brussels in other ways.

The Belgian *Sénat/Senaat* answered that information, depending on its nature, was passed on to the appropriate level, while the Belgian *Chambre des représentants/Kamer van*

*volksvertegenwoordigers* mentioned that such information was sometimes also useful for the administrative level.

The Latvian *Saeima* reported they use it for organising the work of the European Affairs Committee.

The Swedish *Riksdag* stated that information was shared with a Committee and it has also been used to support the parliamentary Committees' monitoring of EU matters. The information was also used to access contact details of relevant persons ahead of visits to Brussels.

The European Parliament informed that hosting representatives of national Parliaments in its premises helped foster interparliamentary cooperation and coordinate joint actions on an *ad hoc* basis.

**3.2.4** Parliaments/Chambers were asked in which phase of the preparation of a position on an EU document the information retrieved from sources other than IPEX was important. They were also asked which phase of that process they deemed the most important. The overwhelming majority (29 out of 36 respondents) indicated that it was during the legislative process at EU level, followed by 27 replies stating an early stage, before or just after a draft legislative act was presented. Over a half of the replies (19) referred to the connection with Council meetings, while nearly a third of respondents (11) mentioned they did it in connection with trilogues, and nine mentioned the European Parliament committee meetings as the adequate phase. The Belgian *Chambre des représentants/Kamer van volksvertegenwoordigers*, Czech *Senát*, Dutch *Erste Kamer*, Polish *Senat*, and the European Parliament stated that they did so after the legislative phase, as part of post-legislative scrutiny.

**3.2.5** Finally, some Parliaments/Chambers added different ways in which the exchange of information on EU issues could be further developed.

The Dutch *Tweede Kamer* aimed to be better informed in the pre-legislative phase, the working group phase and the trilogue phase of the EU legislative process, in accordance with a recently adopted report on improving the access to EU information.

The German *Bundestag* mentioned that the exchange of information could focus more on previously defined key issues. Therefore, it would be helpful if the national Parliaments could also agree on a medium-term EU work programme, as the EU institutions regularly do.

The Italian *Senato della Repubblica* suggested that national Parliaments should be engaged in consultation with the European Commission before a legislative proposal was officially presented.

The Latvian *Saeima* suggested there should be more public sessions of the EU Council meetings, which would allow follow up to the ministerial debates, and access to information provided by the European Commission on new legislative proposals/communications, as well as progress reports and updates provided by the Presidency on EU issues. The *Saeima* also advocated that there should be more transparency of trilogues, principally access to easy-to-use and easy-to-understand information about the negotiating mandates, which would allow for follow up to the legislative process.

The Lithuanian *Seimas* mentioned that it was necessary to keep using the existing forms of information exchange on EU issues effectively in all forms that currently exist, and that the EU-related information should be more actively published by all national Parliaments.

The Polish *Senat* indicated that IPEX provided a lot of useful information, although it was not always easy to find. As an example, this Chamber pointed out that information about activities of Parliaments/Chambers following the Conference on the Future of Europe (CoFE) could only be found through the IPEX search engine, and not under the CoFE heading on the IPEX website. Moreover, the information about the events put in the IPEX calendar was considered helpful, and could be improved through an automatic alert informing about new information (e.g. programme or practical information) uploaded to the event dossier.

The Portuguese *Assembleia da República* indicated that COSAC had been an important forum in the promotion of the relations between national Parliaments and the debate on the most relevant issues and said that it was particularly important to promote bilateral meetings between the corresponding committees of the national Parliaments in order to contribute a greater and more in depth-debate and scrutiny on these issues.

The Swedish *Riksdag* reported that its Committee on the Constitution had on several occasions stated that there was potential for improvement concerning what type of information was uploaded on IPEX and that it should be offered in a language accessible for other national Parliaments. Other Committees supported this position. The *Riksdag* also considered that the information on IPEX needed to be published as soon as possible after decisions became available and that it would be advantageous to have a contact at the political level during the preparation of a matter.

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Bi-annual Report

COSAC