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**Procedures and Practices**  
**Relevant to Parliamentary Scrutiny**



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## BACKGROUND

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This is the Fourteenth 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 COSAC website at: <http://www.cosac.eu/en/documents/biannual/>

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.

Each chapter begins with the relevant part of the outline adopted by the meeting of the Chairpersons of COSAC, held on 5 July 2010 in Brussels.

As a general rule, the Report does not specify all Parliaments or Chambers whose case is relevant for each point. Instead, illustrative examples, introduced in the text as “e.g.”, are used.

The COSAC Secretariat is grateful to the contributing Parliaments for their cooperation.

### **Note on Numbers**

Of the 27 Member States of the European Union, 14 have a unicameral Parliament and 13 have a bicameral Parliament. Due to this combination of unicameral and bicameral systems, there are 40 national parliamentary Chambers in the 27 Member States of the European Union.

Although they have bicameral systems, the national Parliaments of Austria, Belgium, Ireland, Romania and Spain each submitted a single set of replies to the questionnaire circulated by the COSAC Secretariat.

The COSAC Secretariat received replies from all 40 national Parliaments / Chambers of 27 Member States and the European Parliament. These replies are published in a separate Annex to this Bi-annual Report which is also available on the COSAC website at:

<http://www.cosac.eu/en/documents/biannual/>

## ABSTRACT

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### **CHAPTER 1: SUSTAINABLE DEVELOPMENT IN THE EUROPE 2020 STRATEGY**

About one in three Parliaments/Chambers reply that, up to now<sup>1</sup>, they have **not (fully) discussed** the integration of the notion of "sustainable development" into the EUROPE 2020 Strategy.

An overwhelming majority of the respondents having reached a final opinion on the matter, report that they consider the Strategy to be **a well integrated concept** albeit that only a minority of them do this unconditionally.

Some other Parliaments/Chambers hold the view that the integration of sustainable development is insufficient.

Only a few Parliaments/Chambers have not positioned themselves on this particular issue yet.

Half of the Parliaments/Chambers having discussed the matter, are of the opinion that the Strategy sufficiently takes into account **the economic and scientific development outside the EU** although, here too, most do not do this without formulating conditions.

Only a few Parliaments/Chambers disagree with this opinion.

Another quarter reply that they have not reached a final position on this point yet.

A small majority of the Parliaments/Chambers with a final position, report that the Strategy sufficiently takes into account **the social and environmental consequences as well as respect for human rights**.

However, about one in four Parliaments/Chambers are of the opposite opinion.

A few Parliaments/Chambers have not answered this question.

Almost half of the Parliaments/Chambers do not offer specific answers to the questions asked on the sustainable development related aspects of the EUROPE 2020 Strategy, either because they have not treated this issue or have done so only in general terms.

Most Parliaments/Chambers share a **positive view on the way the challenges** of the European Union Strategy for Sustainable Development have been **reflected** in the EUROPE 2020 Strategy. However, several Parliaments/Chambers consider that the following five challenges on sustainable development are not sufficiently reflected in the EUROPE 2020 Strategy: "climate change and clean energy", "sustainable transport", "sustainable consumption and production", "public health" and "social inclusion and demography and migration".

A vast majority of the Parliaments/Chambers consider the **instruments** foreseen in the EUROPE 2020 Strategy for meeting these challenges as **sufficient**; even though the cooperation between the Member States and the EU institutions should be strengthened, and targets should be realistic and quantitative. The possibility of sanctions is also mentioned by some Parliaments/Chambers, in order to improve the efficiency of the implementation of the EUROPE 2020 Strategy.

Although a relevant number of Parliaments/Chamber that have submitted the answers to the questionnaire have not provided any comment on the questions regarding the **involvement of national Parliaments** in the oversight of the EUROPE 2020 Strategy, a significant number of

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<sup>1</sup> 5 October 2010

Parliaments/Chambers consider that the **decision-making process** linked to the EUROPE 2020 Strategy is **sufficiently stringent** for the Member States and that the oversight by national Parliaments is assured to a sufficient extent. On the other hand, some Parliaments/Chambers voice their concerns about the limited oversight of national Parliaments, as well as insufficient stringency for the Member States of the decision-making process.

In relation to the **parliamentary bodies that will be in charge of the follow-up** of the EUROPE 2020 Strategy, a large variety of bodies and procedures will be involved at committee level. In some Parliaments/Chambers, the Committee on European Affairs will be solely in charge or will have a leading role coordinating the specialised committees. In other Parliaments/Chambers, the specialised committees will take decisions without the coordination of a Committee on European Affairs. In a number of Parliaments/Chambers, the plenary will be eventually involved.

In relation to the **means at the Parliament/Chamber's disposal** to make the Government accountable for its actions in relation to the Strategy, a number of Parliaments/Chambers refer to the powers of the Parliament to monitor the Executive and the Government's duty to justify its actions. In some Parliaments/Chambers, the Government has a duty to consult the Parliament/Chamber on these issues.

Parliaments/Chambers suggest a number of means to **strengthen the sustainable development** aspect of the EUROPE 2020 Strategy, like regular parliamentary monitoring of the implantation of the Strategy - which may comprise the national targets, the National Reform Program and the national budget -, maintenance of contacts with NGOs and other stakeholders, provision of information to the national population, exchange of information and best practice, active participation in decision-making process, organisation of public conferences, elaboration of self-evaluation procedures, focusing on policy content or the upholding of a political dialogue with the EU institutions.

## **CHAPTER 2: PARLIAMENTARY SCRUTINY OF THE COMMON SECURITY AND DEFENCE POLICY**

Replies of the Parliaments/Chambers indicate that the issue of parliamentary scrutiny of the common foreign and security policy (henceforth "CFSP") and common security and defence policy (henceforth "CSDP") is of **significant importance** to both national Parliaments and the European Parliament. However, more than one third of the Chambers/Parliaments state that they have not yet expressed an official position on this issue, are in the process of discussing the issue and/or are planning to so in the near future.

**A majority** of Parliaments/Chambers agree that interparliamentary exchange on CSFP and/or CSDP is **useful and helpful** in improving parliamentary scrutiny at the national and/or the EU levels; some of them consider such scrutiny even as **indispensable** in a post-Lisbon context. Some other Parliaments/Chambers seem to be more cautious in their attitudes while a few question the efficacy of the scrutiny at the EU level, considering the national level to be more appropriate.

**A majority** of Parliaments/Chambers consider that the interparliamentary scrutiny at the EU level should **cover both CFSP and CSDP**, as these two policy areas are closely interconnected.

Ten Parliaments/Chambers consider that **a new special mechanism, structure or forum should be set up** to organise interparliamentary cooperation on and scrutiny of CFSP and/or CSDP. The preferred form of such a new forum is that of **an (interparliamentary) conference** (in some cases modelled on COSAC). The form of an interparliamentary committee meeting is cited in two cases.

Other Parliaments/Chambers consider **existing fora** to be the best solution to organise cooperation and scrutiny of CFSP and/or CSDP, including the options of keeping the existing form/reforming and/or merging COSAC with the existing meetings of COFACC<sup>2</sup> and CODAC<sup>3</sup>. A significant number of Parliaments/Chambers consider that **COSAC** should be involved in one or another way in the organisation of the interparliamentary cooperation on and scrutiny of CFSP and/or CSDP. Some Parliaments/Chambers favour COSAC as the main (but not necessarily the only) forum for dealing with the subject matter, while others prefer COSAC cooperating with COFACC and/or CODAC. Another significant group of Parliaments/Chambers gives preference to **COFACC and CODAC or a combination of the two** as the scrutiny of CFSP and/or CSDP is already within their remit. Some Parliaments/Chambers also suggest involving COSAC, either at a practical level (organisation, secretarial support, etc.) or at a substantive level (exchange of information).

As to the **funding** of the interparliamentary scrutiny of CFSP and/or CSDP, a **majority** of Parliaments/Chambers do not have a clear position primarily because of the lack of a decision on this issue. The Parliaments/Chambers which support the idea of a financial contribution are cautious and prefer meeting the needs within the framework of their existing budgets or making funds available in a limited manner. Some low-cost solutions are also advanced.

Regarding the **composition** of the forum responsible for the interparliamentary cooperation and scrutiny of CFSP and CSDP, a vast majority of Parliaments/Chambers express their support for a **mixed body** which includes Members of both national Parliaments and the European Parliament, the latter being granted a **member status**.

### **CHAPTER 3: THE FUTURE ROLE OF COSAC AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON - CONTINUATION OF THE DEBATE OF THE XLIII COSAC MEETING**

In general, Parliaments/Chambers are **satisfied** with the work of COSAC. A vast majority of them consider that monitoring of national Parliaments' role under Article 12 of TEU by COSAC is best carried out by **exchanging information and best practice** with the help of Bi-annual Reports of COSAC as well as **promoting dialogue on EU matters**.

According to some Parliaments/Chambers, COSAC should **regularly debate the role of national Parliaments in European affairs** with a special attention given to the monitoring of the **implementation of the provisions of the Treaty of Lisbon**, related to the new powers of national Parliaments.

Parliaments/Chambers offer a wide range of ideas on how COSAC could contribute to the effective functioning of the **Early-Warning System** as established in Protocol 2. In the majority

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<sup>2</sup> I.e. Meeting of the Chairpersons of the Committees on Foreign Affairs of national Parliaments.

<sup>3</sup> I.e. Meeting of the Chairpersons of the Committees on Defence of national Parliaments.

opinion, COSAC can facilitate enhancement of the ability of national Parliaments to individually determine whether EU draft legislative acts comply with the principle of subsidiarity. **Specific proposals** on how such a role of COSAC could be developed include (bi-annual/annual) debates on subsidiarity, sharing of information on planned subsidiarity checks in national Parliaments, publication of a regularly updated list of EU draft legislative acts to be subjected to subsidiarity checks by national Parliaments, assuming a monitoring role, including alerting national Parliaments on reasoned opinions issued by other Parliaments/Chambers, and conducting debates on subsidiarity concerns over specific EU draft legislative acts. However, Parliaments/Chambers seem to **remain divided** as to the continuation of the pre-Treaty of Lisbon practice of conducting **COSAC-coordinated subsidiarity checks**.

All Parliaments/Chambers which responded to the questionnaire seem to agree on the added value of the debates on the **Commission's Work Programme** in the framework of COSAC. However, several of them point out potential timing problems and consider such debates useful only if the publication of the Work Programme is close to the date of a COSAC meeting.

A majority of Parliaments/Chambers welcome the idea of inviting **keynote speakers from outside the European Union** (e.g. the NATO Secretary General, the U.S. Ambassador, etc.) to address COSAC **on CFSP and/or CSDP**. Some of them, however, **condition their support** on the pending decision of whether COSAC is the forum for debates on CFSP/CSDP.

As to hearings of representatives of **Europol and Eurojust** in COSAC, several Parliaments/Chambers indicate that it is difficult to give a final answer before the Commission consultation with national Parliaments and the European Parliament has been conducted and the Regulations on Europol and Eurojust based on Articles 85 and 88 of the TFEU are published. However, a majority of Parliaments/Chambers which have formulated their position support the idea of COSAC debates on Europol and Eurojust being preceded by hearings of representatives of Europol and Eurojust as well as introductory evaluations by representatives of the academic world, judiciary and /or law enforcement services.

Parliaments/Chambers see a general need for better and closer cooperation among **specialised parliamentary committees** in view of the growing interconnection between subjects discussed at the EU and the national levels. Since the **composition of the COSAC delegations** is an autonomous right of each Parliament/Chamber, a number of them see a possibility of involving specialised committees in the work of COSAC by including in the delegations Members of their specialised committees. However a slightly lower number of Parliaments/Chambers explicitly state that cooperation among specialised committees should be strengthened independently, without a formal link to the framework of COSAC or agree with the involvement of specialised committees in COSAC on an ad hoc basis.

As concerns coinciding debates on European issues in the form of a **European Week**, Parliaments/Chambers remain divided with no clear preference for the initiative.

Concerning the issue of employing and optimising **new technologies**, Parliaments/Chambers are generally positive and would welcome their use in the future. Most of them raise the possibility of **videoconferencing and web streaming**.

More than a half of Parliaments/Chambers consider that there is no need to amend the current **Rules of Procedure of COSAC**. However, 14 Parliament/Chambers consider that the Rules of Procedure could be amended and advance specific proposals with underlying motives.



## CHAPTER 1: SUSTAINABLE DEVELOPMENT IN THE EUROPE 2020 STRATEGY

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This chapter accompanies a set of questions regarding the content as well as the procedures of the recently adopted EUROPE 2020 Strategy. These enable to examine whether the concept of sustainable development has been sufficiently integrated into this Strategy. In addition, the chapter provides information on how the national Parliaments intend to hold their governments to account for their actions in pursuit of the objectives of this strategy.

This concept of sustainable development was described for the first time in the so-called “Brundtland Report” in 1987 as: “(...) *development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts: the concept of ‘needs’, in particular the essential needs of the world’s poor, to which overriding priority should be given, and the idea of limitations imposed by the state of technology and social organisation on the environment’s ability to meet present and future needs*”<sup>4</sup>.

In 1992, the United Nations Conference on Environment and Development (henceforth “UNCED”)<sup>5</sup> transferred the concept of sustainable development onto the action level and, subsequently, the Commission on Sustainable Development (henceforth “CSD”) was established<sup>6</sup>.

On 9 June 2006, the European Union Strategy for Sustainable Development was published<sup>7</sup>.

Moreover, sustainable development is one of the first items of the Treaty of Lisbon as Article 3.3 of the Treaty on European Union stipulates: “*The Union shall establish an internal market. It shall work for the sustainable development of Europe based on balanced economic growth and price stability, a highly competitive social market economy, aiming at full employment and social progress, and a high level of protection and improvement of the quality of the environment. It shall promote scientific and technological advance*”.

After Rio de Janeiro and Johannesburg, a third important Summit on the level of the United Nations will take place in Rio de Janeiro in 2012 (“Rio + 20”). This Summit is currently being prepared by the CSD.

The new strategy “EUROPE 2020: A strategy for smart, sustainable and inclusive growth” was presented by the European Commission in its communication on 3 March 2010<sup>8</sup>. As suggested by the strategy’s title, one of its social and economic priorities is the concept of sustainable

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<sup>4</sup> Report of the World Commission on Environment and Development: Our Common Future (UNO, 4 August 1987)-  
[http://www.un.org/french/documents/view\\_doc.asp?symbol=A/42/427&TYPE=&referer=http://www.un.org/fr/documents/&Lang=E](http://www.un.org/french/documents/view_doc.asp?symbol=A/42/427&TYPE=&referer=http://www.un.org/fr/documents/&Lang=E)-p. 54

<sup>5</sup> Also known as the “Earth Summit” or the “Rio Summit”

<sup>6</sup> The CSD is responsible for executing the international agreements on global sustainable development i.e. the Agenda 21, the Rio Declaration and the *Johannesburg Plan of Implementation* stemming from the 2002 Summit

<sup>7</sup> This Strategy mainly deals with the following issues (1) climate change and clean energy, (2) sustainable transport, (3) sustainable consumption and production, (4) conservation and management of natural resources, (5) public health, (6) social inclusion, demography and migration and (7) global poverty and sustainable development challenges-<http://register.consilium.europa.eu/pdf/en/06/st10/st10117.en06.pdf>

<sup>8</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:2020:FIN:EN:PDF>

growth described as: “*promoting a more resource efficient, greener and more competitive economy*” and expressed as three climate and energy targets of (at least) 20% to meet, namely: “*reduce greenhouse gas emissions by at least 20% compared to 1990 levels or by 30%, if the conditions are right; increase the share of renewable energy sources in our final energy consumption to 20%; and a 20% increase in energy efficiency*”.

The Belgian Presidency of the European Union has defined sustainable development, one of the present-day major global challenges, as one of its priorities. It will, therefore, endeavour to search for ways to integrate sustainable development into the framework of the new strategy “EUROPE 2020: A strategy for smart, sustainable and inclusive growth”, the Lisbon Strategy’s successor, and to put it into practice.

## 1.1. Debates in National Parliaments

As regards chapter 1, a number of Parliaments/Chambers reports that they have not yet discussed the integration of the notion of “sustainable development” in the EUROPE 2020 Strategy<sup>9</sup> or that this discussion is still ongoing<sup>10</sup>. The Dutch *Eerste Kamer* replies having “taken an explicit stance” neither on the EUROPE 2020 Strategy nor on its connection to the European Union Strategy for Sustainable Development. However, most of the Parliaments/Chambers have replied separately to the different questions of this chapter.

As to the debates on the EUROPE 2020 Strategy, the Slovakian *Národná rada* and the Slovenian *Državni zbor* state that, although this strategy has been put on the agenda of their respective parliamentary bodies, a final position on it was not reached yet. As to the Swedish *Riksdag*, the EUROPE 2020 Strategy was discussed by its Committee on Finance<sup>11</sup>.

### 1.1.1. The EUROPE 2020 Strategy, a Well-Integrated Concept?

Given that an intention of the EUROPE 2020 Strategy is to bridge the different crises the Member States are currently facing (economic, financial, social, ecological), Parliaments/Chambers were asked whether the Strategy's political standpoints constitute a well-integrated concept. An overwhelming majority of the Parliaments/Chambers that replied to this question considers the Strategy as **a well integrated concept**. Nonetheless, only a few of them do this unconditionally. Indeed, most of the Parliaments/Chambers are of the opinion that this integration can only be accomplished if certain conditions are taken into account. Some of these conditions are: the limitation of the number of the targets or a closer linkage amongst them (the Czech *Senát*, the French *Assemblée nationale*, the German *Bundesrat* and the Latvian *Saeima*), their transparent implementation (the German *Bundestag*, the Lithuanian *Seimas* and the Maltese *Kamra tad-Deputati*), strong (national) enforcement measures (the Finnish *Eduskunta*, the French *Assemblée nationale* and the Polish *Senat*), a coordination with other EU initiatives (the Portuguese *Assembleia da República* and the Spanish *Cortes Generales*), the Member States’ starting positions (the Irish *Houses of the Oireachtas*, the Polish *Sejm* and the Romanian

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<sup>9</sup> I.e. the Austrian *Bundesrat* and *Nationalrat*, the Belgian *Chambre des représentants* and *Sénat*, the Czech *Poslanecká sněmovna*, the French *Sénat*, the Italian *Senato* and the Spanish *Cortes Generales*

<sup>10</sup> I.e. the Cypriot *Vouli ton Antiprosopon*, the Slovenian *Državni Svet* and the UK *House of Commons*

<sup>11</sup> A comprehensive summary of the ensuing statement may be consulted in the Annex to this Report.

*Parlamentul*) and a less predominant role of the Strategy's economic chapter (the Luxembourg *Chambre des Députés*).

On the other hand, the Italian *Camera dei Deputati* emphasises that the Strategy “does not ensure a real integration among the economic, financial, social and environmental actions and approaches” and the European Parliament expresses its “disappointment at the main elements of the new EU strategy”.

The Danish *Folketing* and the UK *House of Lords* reply that they have not yet reached an explicit opinion on this issue, although the latter cites its Committee on EU Affairs' elaborate proposal<sup>12</sup>.

### 1.1.2. Economic and Scientific Developments in the Rest of the World

About half of the Parliaments/Chambers reply that the EUROPE 2020 Strategy **sufficiently takes into account** the economic and scientific developments in the rest of the world. Nevertheless, for most of these respondents, this support does not come without caveats such as: the risk that the Strategy neglects the energy security in Europe (the Czech *Senát*), the issue of the enforcement of the principles (the Finnish *Eduskunta*), avoiding possible losses of productivity (the German *Bundesrat* and the Luxembourg *Chambre des députés*), the consistent implementation of the targets established by the Strategy (the Lithuanian *Seimas*) and the need for a benchmarking exercise (the Maltese *Kamra tad-Deputati*) as well as for a broader presentation and analysis (the Greek *Vouli ton Ellinon*).

On the other hand, the Latvian *Saeima* and the Polish *Senat* respectively state that the EUROPE 2020 Strategy is “primarily the strategy for the EU inner development” and that it is “mainly focused on the recovery of the EU economy after a slump” without “much in common with former plans to gain an economic advantage over the United States or China”.

The European Parliament is of the opinion that, although its **Resolution of 16 June 2010 on EU 2020**<sup>13</sup> does not contain any specific references nor does it mention the issue at hand, a few of its concepts could have an impact on the global scale<sup>14</sup>.

Finally, about one in four Parliaments/Chambers having replied to this question, report that they have not yet reached a final position on this matter<sup>15</sup>.

### 1.1.3. The Social and Environmental Consequences of the EUROPE 2020 Strategy

A majority of the Parliaments/Chambers respond that the social and environmental consequences as well as the respect for human rights are **sufficiently taken into account** by the EUROPE 2020 Strategy. Yet, a number of them express reservations regarding the inclusion of social aspects. In this respect, for example, the German *Bundestag* stresses that the “discussion on the indicators for poverty, unemployment, etc (...) was controversial”, the Lithuanian *Seimas* states that “the qualitative indicator for education (...) must not be considered less important than the quantitative indicators”, the Irish *Houses of the Oireachtas* and the European Parliament appeal

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<sup>12</sup> For more details see the Annex to this Report.

<sup>13</sup> European parliament Resolution P7\_TA(2010)0223: <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P7-TA-2010-0223+0+DOC+XML+V0//EN>

<sup>14</sup> See the replies of the European Parliament in the Annex to this Report.

<sup>15</sup> I.e. the Danish *Folketing*, the German *Bundestag*, the Irish *Houses of the Oireachtas*, the Italian *Camera dei Deputati*, the Portuguese *Assembleia da República* and the UK *House of Lords*

for a greater emphasis on employment policies and the Maltese *Kamra tad-Deputati* calls for “more focus on the humanitarian issue” specifically connected to the “illegal immigration in the Mediterranean”.

Some other Parliaments/Chambers (e.g. the Czech *Senát* which states that the Strategy’s flagship initiative “Resource efficient Europe” “insufficiently addresses the importance of nuclear energy as a significant source of clean energy”) express reservations regarding environmental aspects.

About one in four of the respondents are of the opinion that the EUROPE 2020 Strategy fails to sufficiently take into account the social and environmental consequences and respect of human rights (e.g. the European Parliament, the Cypriot *Vouli ton Antiprosopon*, the Polish *Senat* and the Finnish *Eduskunta*, the latter of which regrets the absence of the integration of the “Roma Question”, the Italian *Camera dei Deputati*, which stresses the need for the social and environmental dimensions by e.g. developing an absolute poverty indicator, and the Luxembourg *Chambre des Députés*, which regrets the predominant role of the Strategy’s economic chapter).

Lastly, some Parliaments/Chambers<sup>16</sup> have not yet reached a final position on this issue.

## 1.2. The EUROPE 2020 Strategy and the EU Strategy for Sustainable Development

A significant number of Parliaments/Chambers<sup>17</sup> offer a general answer to the questions on the EUROPE 2020 Strategy and the European Union Strategy for Sustainable Development, considering only certain individual aspects of the mentioned Strategies. The possibility of merging the existing strategies into a single one is suggested by the Spanish *Cortes Generales*, as well as the convenience of taking into account the external dimension of the EU.

Another considerable group of Parliaments/Chambers<sup>18</sup> are, on the other hand, not in a position to give an answer to these questions, as they have not taken an explicit stance on them. Others, such as the Cypriot *Vouli ton Antiprosopon*, are still debating the matter, or, as the Slovenian *Državni zbor* and the UK *House of Commons*, foresee a debate in the coming months. The Austrian Parliament does not have an institutional position on these issues, but indicates divergent opinions of its political groups<sup>19</sup>.

### 1.2.1. Reflection of the Challenges of the EU Strategy for Sustainable Development in the EUROPE 2020 Strategy

Amongst the Parliaments/Chambers which have answered these questions, a vast majority shares a **positive assessment** of the provisions of the EUROPE 2020 Strategy. This idea is expressed either through a general consideration of its content<sup>20</sup>, or through individual answers to each of

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<sup>16</sup> I.e. the Danish *Folketing*, the Estonian *Riigikogu*, the Portuguese *Assembleia da República* and the UK *House of Lords*

<sup>17</sup> I.e. the French *Assemblée nationale*, the Spanish *Cortes Generales*, the Irish *Houses of the Oireachtas*, the Slovakian *Národná rada*, the Finnish *Eduskunta*, and the Swedish *Riksdag*.

<sup>18</sup> Such as the Danish *Folketing*, the French *Sénat*, the German *Bundestag*, the Italian *Senato della Repubblica*, the Dutch *Eerste Kamer*, the Slovenian *Državni Svet* and the UK *House of Lords*.

<sup>19</sup> The above mentioned answers of the Austrian *Nationalrat* and the *Bundesrat* may be consulted in the Annex to this Report.

<sup>20</sup> The Irish *Houses of the Oireachtas* and the Maltese *Kamra tad-Deputati*.

the seven questions posed<sup>21</sup>. For instance, the role of green research and technology in job creation and sustainable economic growth is considered as a key issue in the EUROPE 2020 Strategy by the Irish *Houses of the Oireachtas*.

However, the following five challenges are deemed to be **insufficiently reflected** in the EUROPE 2020 Strategy by several Parliaments/Chambers:

- "**Climate change and clean energy**" (by the Dutch *Tweede Kamer*, the Italian *Camera dei Deputati* and *Senato della Repubblica*, the Finnish *Eduskunta* and the Czech *Senát*, which asks for more emphasis on nuclear energy);
- "**Sustainable transport**" (by the Polish *Sejm* and *Senat*);
- "**Sustainable consumption and production**" (by the Greek *Vouli ton Ellinon* and the Polish *Senat*);
- "**Public health**" (by the Latvian *Saeima*, the Hungarian *Országgyűlés*, the Luxembourg *Chambre des Députés*, the Polish *Senat* and the Romanian *Parlamentul*);
- "**Social inclusion, demography and migration**" (by the Italian *Camera dei Deputati* and *Senato della Repubblica*, the Latvian *Saeima* and the Greek *Vouli ton Ellinon*, which points out the need to reflect the impact of clandestine migration in the Strategy).

The Finnish *Eduskunta* emphasises that an ambitious environmental policy has not been sufficiently integrated into the EUROPE 2020 Strategy, effectively leading to a lack of specific target-setting at the EU level.

The **European Parliament extensively addresses each of the seven key challenges** foreseen in the European Union Sustainable Development Strategy and their reflection in the EUROPE 2020 Strategy in its 16 June 2010 Resolution. In its reply, the European Parliament draws attention to the following:

- The "**Climate change and clean energy**" challenge - the European Parliament deplors the lack of any ambition in the EUROPE 2020 Strategy to develop a common European energy policy;
- The "**Sustainable transport**" challenge - the European Parliament notes that substantial investments will be needed in transport infrastructures;
- The "**Sustainable consumption and production**" challenge - the European Parliament calls for a more sustainable pattern of production, as it is a fundamental requirement in the face of climate change;
- The "**Conservation and management of natural resources**" challenge - the European Parliament urges for clear and measurable environmental goals to be built into the main targets of the Strategy;
- The "**Public health**" challenge - the European Parliament foresees substantial investments before 2020 and beyond;
- The "**social inclusion, demography and migration**" challenge - the EU must implement an ambitious social agenda;
- The "**global poverty and sustainable development**" challenge - the European Parliament calls for inclusion of a target for halving poverty in the EU, as well as for an ambitious long-term strategy against poverty.

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<sup>21</sup> The Austrian *Nationalrat* and *Bundesrat*, the Czech *Sénat*, the Estonian *Riigikogu*, the Greek *Vouli ton Ellinon*, the Luxembourg *Chambre des Députés*, the Italian *Camera dei Deputati*, the Latvian *Saeima*, the Lithuanian *Seimas*, the Hungarian *Országgyűlés*, the Dutch *Tweede Kamer*, the Polish *Senat*, the Portuguese *Assembleia da República*, the Bulgarian *Narodno Sabranie*, and the Romanian *Parlamentul*.

### 1.2.2. Instruments of the EUROPE 2020 Strategy

A vast majority of Parliaments/Chambers considers that the EUROPE 2020 Strategy foresees **sufficient instruments**, to meet both the challenges identified in the European Union Strategy for Sustainable Development and to measure and monitor their results.

Several national Parliaments<sup>22</sup> indicate, nevertheless, that Member States should cooperate more closely with the EU institutions in monitoring the results of the EUROPE 2020 Strategy, as political will is, in any case, a key element for its success.

The role of the Council in the oversight of the implementation of the Strategy is underlined by some Parliaments/Chambers, such as the French *Assemblée nationale*, the Latvian *Saeima* or the Hungarian *Országgyűlés*, while accordingly, the Czech *Senát* indicates that, given the fact that the EUROPE 2020 Strategy is merely an action plan, it does not create new instruments and it is not intended to do so.

The EUROPE 2020 Strategy should include "**realistic targets**", according to the Dutch *Tweede Kamer* or quantitative and specific goals, as the Polish *Senat* and the French *Assemblée nationale* state, which can be actually achieved by the Member States.

Another essential instrument to reach this objective is **adequate funding** of the Strategy, as the Dutch *Tweede Kamer* and the UK *House of Lords* specify in their answers.

The UK *House of Lords* has proposed, amongst a variety of enforcement measures, the possibility of **sanctions** for non-performance.

The German *Bundesrat* considers that the mechanism of binding national objectives and monitoring by the Commission should not impinge upon the clear division of competences between the EU and the Member States established by the Treaty of Lisbon. At the same time, this Chamber considers that the method for selecting indicators and the corresponding criteria, particularly in the realm of education, should be readily comprehensible.

The European Parliament states in its above-mentioned Resolution, that the Commission needs to come forward and present to the European Parliament more detailed plans on the EUROPE 2020 Strategy. Finally, the Commission is asked to foresee possible sanctions for those Member States that fail to implement the EUROPE 2020 Strategy, as well as incentives for those that do so.

### 1.3. The EUROPE 2020 Strategy and National Parliaments

The following Parliaments/Chambers that have submitted the answers to the questionnaire have not provided any comment on the questions regarding the involvement of national Parliaments in the oversight of the EUROPE 2020 Strategy: the Czech *Poslanecká snemovna*, the French *Sénat*, Italian *Senato della Repubblica*, the Maltese *Kamra tad-Deputati* and the UK *House of Commons*.

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<sup>22</sup> The French *Assemblée nationale*, the Irish *Houses of the Oireachtas*, the Latvian *Saeima*, the Hungarian *Országgyűlés*, the Maltese *Kamra tad-Deputati* and the Romanian *Parlamentul*.

The Estonian *Riigikogu*, the Romanian *Parlamentul*, the Hungarian *Országgyűlés*, the Lithuanian *Seimas*, the Greek *Vouli ton Ellinon*, the Latvian *Saeima* and the Italian *Camera dei Deputati* consider that the **decision-making process** linked to the EUROPE 2020 Strategy is **sufficiently stringent** for Member States and that the oversight by national Parliaments is sufficiently assured. In this context, the role of national Parliaments in the whole process is emphasised by the Dutch *Tweede Kamer* and the *Eerste Kamer*, the Slovakian *Národná rada*, the Greek *Vouli ton Ellinon* and the European Parliament.

On the other hand, the following Parliaments voice their **concerns about the limited oversight of national Parliaments**, as well as the insufficient stringency for the Member States of the decision-making process: the Polish *Senat*, the Finnish *Eduskunta* and the Slovakian *Národná rada*. Luxembourg's *Chambre des Députés* also considers that national Parliaments and some public actors, like the trade unions and the business associations, were not sufficiently consulted. This Chamber also voices its concerns about the limited period of consultation provided prior to the drafting of the Strategy.

In the Cypriot *Vouli ton Antiprosopon*, the Swedish *Riksdag*, the Portuguese *Assembleia da República*, the French *Assemblée nationale*, the Danish *Folketing* and the Austrian Parliament, the issue of the role of Member States in the decision-making process has not been debated, while the UK *House of Lords* and the Spanish *Cortes Generales* state that they cannot provide an answer to the questions, although they perceive the need to scrutinise the EUROPE 2020 Strategy.

In relation to the **parliamentary bodies** that will be in charge of the follow-up of the EUROPE 2020 Strategy, there is a large variety of bodies and procedures involved at committee level:

- The Committee on European Affairs is solely in charge (the Lithuanian *Seimas*);
- The Committee on European Affairs has a leading role, with specialised committees providing recommendations (the Romanian *Parlamentul*, the German *Bundestag*, the Latvian *Saeima*);
- The Committee on European Affairs coordinates with the Committees on Economy and/or Finance (the Dutch *Tweede* and the *Eerste Kamer*, the Polish *Senat*, the Italian *Camera dei Deputati*);
- The Committee on European Affairs coordinates with the relevant competent committees (the Czech *Senát*, the Slovenian *Državni zbor*, the Slovakian *Národná rada*, the Portuguese *Assembleia da República*, the Cypriot *Vouli ton Antiprosopon*, the Irish *Houses of the Oireachtas*, the Greek *Vouli ton Ellinon*);
- The Committee on European Affairs together with the Committee on Environmental Protection (the Hungarian *Országgyűlés*);  
The Grand Committee together with the relevant specialised committees (the Finnish *Eduskunta*);
- The relevant specialised committees (the Bulgarian *Narodno sobranie*, the Swedish *Riksdag*, the Estonian *Riigikogu* and Luxembourg's *Chambre des Députés*).

A number of Parliaments/Chambers explicitly mention that the follow-up procedure will be the usual EU scrutiny procedure (the Slovenian *Državni zbor*, the Finnish *Eduskunta*, the German *Bundestag*, the Cypriot *Vouli ton Antiprosopon*, the Romanian *Parlamentul*, the Dutch *Tweede Kamer*, the Czech *Senát*, the Portuguese *Assembleia da República* and Luxembourg's *Chambre des Députés*). In a number of parliamentary procedures, the plenary may be eventually involved (the Dutch *Tweede Kamer*, the German *Bundestag*, the Slovakian *Národná rada*, the Romanian *Parlamentul* – where a Joint Session of both Chambers may be convened). The Latvian *Saeima*

has established an EU 2020 national reform supervisory board, where the Chairs of the European Affairs Committee and of the specialised committees are full members.

In relation to the **means** at the Parliament/Chamber's disposal **to hold the Government accountable** for its actions in relation to the Strategy, the Finnish *Eduskunta*, the Polish *Senat*, the German *Bundestag* and the Greek *Vouli ton Ellinon* refer to the powers of the Parliament to monitor the Executive and the Government's duty to justify its actions. The duty of the Government to consult the Chamber on these issues is also mentioned by the Finnish *Eduskunta*, the Italian *Camera dei Diputati* and the Czech *Senát*. In the case of the *Eduskunta*, the Government has the obligation to take into account the views adopted by the Parliament. The Cypriot *Vouli ton Antiprosopon* lists parliamentary questions, as well as the amendments to the Budget and to the Bills as the means to make the Government accountable in their presidential system of government.

The Parliaments/Chambers suggest the following **means to strengthen the sustainable development aspect** of the EUROPE 2020 Strategy:

- Regular parliamentary monitoring of the implantation of the Strategy (the Bulgarian *Narodno sabranie*, the Hungarian *Országgyűlés*, the Lithuanian *Seimas*, the Irish *Houses of the Oireachtas*, the Latvian *Saeima*, the Portuguese *Assembleia da República*, the Romanian *Parlamentul*, the German *Bundestag*, the Polish *Senát*, the Slovakian *Národná rada*, the Czech *Senát*). Some Chambers consider that the monitoring should include the national targets, the National Reform Program and the national budget (both Chambers of the Dutch *Staten-Generaal*, the Polish *Senat*). Luxembourg's *Chambre des Députés* mentions the follow-up of the recommendations to the Member States by the European Council regarding the evaluation of the National Reform Programs;
- Maintaining contacts with NGOs and other stakeholders (the Bulgarian *Narodno sabranie*, the Irish *Houses of the Oireachtas*, the Romanian *Parlamentul*);
- Providing information to the national population (the Spanish *Cortes Generales*);
- Exchanging best practices and information between national Parliaments (the Cypriot *Vouli ton Antiprosopon*) or by organising interparliamentary exchanges (the Slovakian *Národná rada*);
- Actively participating in decision-making procedures (the Finnish *Eduskunta*);
- Organising public conferences (the Slovenian *Državni zbor*);
- Elaborating self-evaluation procedures (the Greek *Vouli ton Ellinon*);
- Focusing on policy content (the Italian *Camera dei Diputati*, the Estonian *Riigikogu*);
- Upholding a political dialogue with the EU institutions (the Romanian *Parlamentul*).



## CHAPTER 2: PARLIAMENTARY SCRUTINY OF THE COMMON SECURITY AND DEFENCE POLICY

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On 31 March 2010, ten Member States<sup>23</sup> of the Western European Union (henceforth “WEU”) agreed to initiate procedures to terminate the modified Treaty of Brussels. Citing the mutual assistance clause enshrined in the Treaty of Lisbon (Article 42.7<sup>24</sup> of the Treaty on European Union), these Member States considered that the next phase in common security and defence policy had begun, ending the historic role of the WEU.

However, the termination of the modified Treaty of Brussels also means the end of the activities of the Assembly of the WEU, traditionally considered to be one of the interparliamentary bodies dealing with security and defence policy in Europe. The Assembly will cease its activities at the end of June 2011.

For many, the dissolution of the Assembly of WEU will leave the issue of parliamentary control in the field of European defence unsolved.

Moreover, the Treaty of Lisbon is not designed to introduce any modification on this matter. It, though, grants the European Parliament with a general right to be informed and consulted. In this respect, Article 9 of Protocol 1 on the role of national Parliaments in the European Union states that “*The European Parliament and national Parliaments shall together determine the organisation and promotion of effective and regular interparliamentary cooperation within the Union*”.

In that context, the implementation of Article 10 of Protocol 1 on the role of national Parliaments in the European Union also represents an opportunity for national Parliaments to be more involved in the CSDP.

But what should this parliamentary control of CSDP look like? Is it really necessary to create an interparliamentary body, considering the fact that security and even more so defence remain to a large extent national policies? The discussion still has to take place.

Some consider Protocol 1 to the Treaty of Lisbon on the role of national Parliaments in the European Union as the basis for this discussion.

In March 2010, the European Affairs Committee of the French *Sénat* adopted a resolution in which it stated that a structure should be created bringing together Members of Parliament specialised in defence issues of the 27 Member States of the European Union. This structure could be designed following the model of COSAC<sup>25</sup>. The organisation and secretariat would be the responsibility of the national Parliaments on a rotational basis of one meeting every six months. Some Members of COSAC have expressed different opinions.

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<sup>23</sup> France, Germany, Belgium, Spain, Greece, Italy, Luxembourg, the Netherlands, Portugal and the United Kingdom

<sup>24</sup> “*If a Member State is the victim of armed aggression on its territory, the other Member States shall have towards it an obligation of aid and assistance by all means in their power. This commitment will be consistent with commitments in NATO*”.

<sup>25</sup> Six Members of Parliament for each Member State, six Members of the European Parliament, meeting once every six months

The President of the Assembly of the WEU has proposed the creation of a permanent conference of representatives of national Parliaments. This new mechanism would have effective parliamentary control powers *vis-a-vis* the actors and activities of the European Union.

Another idea, presented at the XLIII COSAC meeting on 31 May - 1 June 2010, was to leave this scrutiny in the hands of COFACC and/or CODAC.

Both the Conference of the Speakers of the European Union Parliaments (henceforth "EU Speakers' Conference") and COSAC have considered that:

- (Speakers): *"Given the special nature of the common security and defence policy (CSDP) and the role of national parliaments in the smooth functioning of the European Union, the Speakers stress the fundamental role of national Parliaments in the future parliamentary scrutiny of the common foreign and security policy including the CSDP"*<sup>26</sup>;
- (COSAC): *"Given the special nature of this policy area, COSAC underlines the fundamental role of national Parliaments in the parliamentary scrutiny of the common foreign and security policy as well as the common security and defence policy"*<sup>27</sup>.

For this reason, the Speakers have asked the incoming Presidency of their Conference to take the discussion forward, with a view to reaching an agreement at the next meeting of the EU Speakers' Conference.

Article 10 of Protocol 1 clearly gives COSAC a role in this matter. At the same time, the European Parliament, the WEU Parliamentary Assembly and national Parliaments are also encouraged to reflect on this matter, which will be on the agenda of the XLIV COSAC meeting on 25-26 October 2010 in Brussels.

Building on the information in the 13th Bi-annual Report of COSAC, this chapter examines a possible parliamentary scrutiny of the CSDP and its modalities.

### **Preliminary Remark**

The issue of parliamentary scrutiny of CFSP and CSDP, in general, and the role of national Parliaments in this scrutiny, in particular, after the entry into force of the Treaty of Lisbon and the decision to dissolve the Assembly of WEU is of significant importance to both national Parliaments and the European Parliament. However, out of 41 respondents (40 national Parliaments/Chambers and the European Parliament) 16<sup>28</sup> have not yet expressed an official position on this issue, are in the process of discussing the issue and/or are planning to do so in the near future. Among the latter, the Slovenian *Državni zbor* and the *Državni svet* have reached a position regarding the need of parliamentary scrutiny of the CFSP and CSDP, but not on modalities.

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<sup>26</sup> Presidency Conclusions of the EU Speakers' Conference, Part 6, Stockholm, 14 - 15 May 2010

<sup>27</sup> Contribution of the XLIII COSAC, Para 5.3, Madrid, 31 May - 1 June 2010

<sup>28</sup> The Austrian Parliament, the Belgian Parliament, the Czech *Poslanecká sněmovna* and the *Senát*, the French *Assemblée nationale*, the German *Bundestag* and the *Bundesrat*, the Estonian *Riigikogu*, the Slovenian *Državni zbor* and the *Državni svet*, the Spanish *Cortes Generales*, the UK *House of Commons* and the *House of Lords* (the latter notes that the responses to this Chapter represent the view of the EU Committee).

## 2.1. Added Value of an Interparliamentary Exchange on CFSP and CSDP

A majority of Parliaments/Chambers (i.e. 28) consider interparliamentary exchange on CFSP and/or CSDP **useful and helpful** in improving parliamentary scrutiny at the national and/or the EU levels. For example, the Maltese *Kamra tad-Deputati*, the Lithuanian *Seimas*, the Luxembourg *Chambre des Députés* and the European Parliament consider such scrutiny not only useful and helpful but **indispensable** in a post-Lisbon context. The Swedish *Riksdag*, in this context, recalls the Presidency Conclusions of the EU Speakers' Conference on 14-15 May 2010 in Stockholm in which "the Speakers stress the **fundamental role of national Parliaments** in the future parliamentary scrutiny of CFSP including CSDP".

However, some of these Parliaments/Chambers are **cautious** in their attitudes towards such scrutiny. Thus, for the Finnish *Eduskunta* "interparliamentary exchange is useful only to the extent that it reflects active and effective scrutiny at the national level". The Romanian *Parlamentul* considers that "the interparliamentary exchange in these fields has little capacity to clarify, define or re-define the political options of the delegations and parliaments they represent, and where it does, it will be only on specific topics". Nevertheless, "it is preferable to keep the forum open, in the name of parliamentary partnership, the entire EU construction and those specific matters open to discussions."

Two Chambers, namely the Dutch *Eerste Kamer* and the *Tweede Kamer*, question the usefulness of interparliamentary scrutiny on CFSP and CSDP at the EU level. The *Eerste Kamer* "believes that interparliamentary exchange is useful and helpful to the extent that it furthers discussions in national Parliaments on CSDP and CFSP and promotes active participation of Members in COFACC and CODAC". However, it "sees little added benefit in organising interparliamentary scrutiny of CSDP and CFSP at the European level". On the other hand, the *Tweede Kamer* clearly states that it "is not in favour of interparliamentary scrutiny of CFSP and CSDP at the EU level" and considers that "interparliamentary exchange on these topics should concentrate on the exchange of information, coordination of parliamentary activities and preparatory meetings with key EU players".

## 2.2. The Scope of the Interparliamentary Cooperation and Scrutiny

A majority (27) of Parliaments/Chambers<sup>29</sup> considers that the interparliamentary scrutiny at EU level **should cover both CFSP and CSDP**. The Polish *Sejm* considers that "there is strict correlation between those two and both should be considered". The Lithuanian *Seimas* argues that "the most effective way to debate" the CSDP is to see it "as an integral part of the CFSP". While the Cypriot *Vouli ton Antiprosopon* is of the opinion that "this would be the ideal principle underpinning the European External Action, as there can not be a CSDP without a CFSP."

The French *Sénat* informs that it "has pronounced itself **only on CSDP** that has been considered as a priority issue in view of the disappearance of the Assembly of the WEU."

In this context, two Parliaments and one Chamber comment on the nature of the concepts used in the questionnaire for this chapter of the Report. Thus, the Finnish *Eduskunta* suggests using the

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<sup>29</sup> E.g. the European Parliament, the Irish *Houses of the Oireachtas*, the Italian *Camera dei Deputati* and the *Senato della Repubblica*, the Maltese *Kamra tad-Deputati* the Portuguese *Assembleia da República*, the Slovakian *Národná rada*, the UK *House of Commons* and the *House of Lords*.

term "interparliamentary cooperation on scrutiny" instead of "interparliamentary scrutiny", the Dutch *Eerste Kamer* considers that it is an exchange of information and not scrutiny that should cover both CFSP and CSDP, while the Irish *Houses of the Oireachtas* point out that "'scrutiny" is undertaken at a national level".

## 2.3. The Modalities for Interparliamentary Cooperation and Scrutiny

### 2.3.1. New Special Mechanisms, Structures and Fora

A number of Parliaments/Chambers<sup>30</sup> (i.e. 10) consider that a **new** special mechanism, structure or forum should be set up to organise interparliamentary cooperation on and scrutiny of CFSP and/or CSDP. They offer a wide-range of proposals some of which are quite elaborate. In the vast majority of cases (i.e. 7) the preferred form is that of an **(interparliamentary) conference** (in some cases modelled on COSAC); in one case the form of a conference is explicitly excluded, while in two others, the suggested form is that of an interparliamentary committee meeting.

Thus, the French *Sénat* suggests a structure bringing together Members of Parliament specialised in defence issues from all 27 EU Member States. This structure could be designed following **the model of COSAC**<sup>31</sup>. The organisation of one meeting every six months and the secretariat would be the responsibility of the national Parliaments on a rotational basis. The Greek *Vouli ton Ellinon* proposes "a new structure, in the form of an **interparliamentary conference**, of competent committees, meeting regularly every six months in the country holding the Presidency" while the Danish *Folketing* favours an **interparliamentary Conference** including up to six delegates per national Parliament and the European Parliament (the delegations being composed of the chairpersons of national Parliaments' Committees on Foreign Affairs, Committees on Defence and Committees on European Affairs).

The Italian *Camera dei Deputati* and the *Senato della Repubblica* suggest establishing an **Interparliamentary Conference for European Foreign, Defence and Security Policy**<sup>32</sup> made up of delegations from the European Parliament, national Parliaments of Member States and candidate countries (i.e. Members of the Committees on Foreign Affairs, Committees on Defence and Committees on European Affairs). The Conference should meet at least twice a year and work under its own Rules of Procedure. It would be "headquartered in Brussels", would have "a streamlined operational structure" and would "organise its work with the logistical and operational cooperation of the European Parliament".

The Lithuanian *Seimas*<sup>33</sup> proposes merging COFACC and CODAC and establishing a joint forum called the **Conference of the Foreign and Defence Committees** (henceforth "COFDAC") which would meet once every six months. The *Seimas* also proposes that COFDAC cooperates with COSAC by presenting to the COSAC ordinary meetings outcomes of COFDAC

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<sup>30</sup> The Cypriot *Vouli ton Antiprosopon*, the Danish *Folketing*, the French *Sénat*, the Greek *Vouli ton Ellinon*, the Italian *Camera dei Deputati* and *Senato della Repubblica*, the Lithuanian *Seimas*, Luxembourg *Chambre des Députés*, the Portuguese *Assembleia da República* and the European Parliament.

<sup>31</sup> Six Members of Parliament for each Member State, six Members of the European Parliament, meeting once every six months.

<sup>32</sup> For more details on the initiative see the Annex to this Report.

<sup>33</sup> For more details on the initiative see the Annex to this Report.

debates and by incorporating COFDAC conclusions into COSAC final documents. The COSAC Secretariat could be involved in the organisation of the COFDAC meetings.

The Portuguese *Assembleia da República* considers it necessary to have "**a mechanism** to ensure that interparliamentary cooperation at this level effectively takes place in a constant and regular manner and in a way that guarantees an effective scrutiny of every aspect of the CSDP". According to the *Assembleia*, scrutiny of CSDP "must be undertaken in a forum that is closely linked to the committees that deal with defence issues in each national Parliament". This implies **institutionalising the regularity of CODAC meetings** and finding ways to ensure the necessary coordination of its work. The new mechanism "could be inspired by the **COSAC model**" and could meet once every six months.

The European Parliament in its reply underlines "strong support in the European Parliament for the idea of organising **a new and innovative form of interparliamentary committee meetings** involving representatives of all Committees on Foreign Affairs and Committees on Defence of the national Parliaments and its own Committee on Foreign Affairs and the Subcommittee on Security and Defence". Twice a year, such meetings could be **organised by the European Parliament**. The European Parliament also emphasises that "the proposed format would not involve the creation of a new form of administrative structure nor would it involve any cost to national Parliaments" as the European Parliament would "make available the necessary facilities (meeting premises, interpretation and translation) and provide the secretarial support".

The Slovakian *Národná rada* also mentions, as its third preference, **Joint Parliamentary Meetings** which it considers to be "an excellent tool" for sharing information and best practice between parliaments at the national and the European levels.

Finally, the Cypriot *Vouli ton Antiprosopon* considers that "a special **mechanism** should indeed be set up to organise interparliamentary cooperation and scrutiny in this domain", particularly in view of the cessation of the activities of the WEU Assembly. Therefore, "the form of this new body should contribute to the smooth functioning of CFSP/CSDP scrutiny, through regular meetings (at least once per semester) and substantial examination of related matters". Therefore, "this cooperation and exchange **should not remain at a conference level**, but allow the adoption of regular reports on the CFSP/CSDP related matters and actions".

### **2.3.2. Involvement of COSAC**

On the other hand, a significant number (i.e. 16) of Parliaments/Chambers consider that **COSAC should be involved** in one way or another in the organisation of interparliamentary cooperation on and scrutiny of CFSP and/or CSDP. In several cases COSAC is preferred as the main forum, in other cases as the second option or as merely the forum which is kept informed on the developments in CFSP and/or CSDP matters.

Thus, for example the Hungarian *Országgyűlés* considers that "on the basis of the Presidency programme, COSAC should play a part in the scrutiny of CFSP and/or CSDP". The Bulgarian *Narodno sabranie* thinks that COSAC should be informed on the developments of the CFSP and CSDP while the Dutch *Tweede Kamer* believes that "information exchange on these topics should take place in the existing structures: COFACC/CODAC and COSAC".

#### **2.3.2.1. COSAC as the Main Forum**

Seven Parliaments/Chambers<sup>34</sup> consider COSAC to be the main (but not necessarily the only) forum for interparliamentary cooperation on and scrutiny of CFSP and/or CSDP.

Thus, in the opinion of the Polish *Senat*, **COSAC should take the lead** on this issue. Referring to Article 10 of Protocol 1, the *Senat* underscores that “COSAC is the only interparliamentary body mentioned in the Treaties” and that is why “COSAC is the only body which has a mandate to organise interparliamentary cooperation on and scrutiny of CFSP and CSDP within the framework of the Treaties.” The Polish *Sejm* expresses preference for the existing model and suggests creating “a permanent panel during the COSAC meetings”. The Maltese *Kamra tad-Deputati* considers that the scrutiny should be integrated in the regular work of COSAC with the possibility of holding ad hoc meetings if needed, while the Romanian *Parlamentul* suggests that the scrutiny could take place “in dedicated COSAC meetings for both policies, merged for the occasion, with COFACC and CODAC meetings”, although “COFACC and CODAC should continue functioning as distinct organisations”. Similarly, the European Scrutiny Committee of the UK *House of Commons* considers that “Article 10 of Protocol 1 clearly gives COSAC a role in this matter and its preference would therefore be for COSAC to organise regular meetings for parliamentary scrutiny of CFSP as well as CSDP<sup>35</sup>”.

### 2.3.2.2. Involvement of COSAC together with COFACC and CODAC

Six Parliaments/Chambers<sup>36</sup> share the opinion that interparliamentary cooperation on and scrutiny of CFSP and/or CSDP should be conducted by COSAC together with COFACC and/or CODAC.

For instance, in the opinion of the Maltese *Kamra tad-Deputati* “scrutiny of CFSP and CSDP primarily should be within the remit of COSAC; however this should not preclude any other forum, such as COFACC or “CODAC” to independently scrutinise these aspects”. The Slovakian *Národná rada* considers that “in order to scrutinise the CFSP and CSDP at the EU level it is necessary to make use of COSAC, whose competence in this area should be slightly reformed and rationalised”. According to the *Národná rada*, it would also be very useful to reform and rationalise COFACC (maybe also CODAC) to allow the participation in these meetings of “authorized” stakeholders.

The Irish *Houses of the Oireachtas*, for their part, consider that this cooperation on CFSP and CSDP is mainly the responsibility of COFACC and CODAC with COSAC being kept informed of meetings and outcomes of various such interparliamentary meetings. In this context, the *Houses of the Oireachtas* suggest “an examination as to whether the COSAC Secretariat could provide some assistance to the Presidency as regards the organisation of COFACC meetings”. The Dutch *Eerste Kamer* also considers that “interparliamentary information exchange can and should take place within the appropriate existing structures, namely COFACC and/or CODAC”; while COSAC could be “involved to a lesser degree”, i.e. COSAC should aim to assist in the exchange of information between national Parliaments “insofar as COFACC and CODAC prove to be inadequate for this purpose”.

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<sup>34</sup> The Hungarian *Országgyűlés*, the Maltese *Kamra tad-Deputati*, the Polish *Sejm* and the *Senat*, the Romanian *Parlamentul* and the Slovakian *Národná rada*.

<sup>35</sup> UK *House of Commons* has not yet expressed a formal view. For more information on the opinion of the European Scrutiny Committee of the UK *House of Commons*, see Annex to this Report.

<sup>36</sup> The Bulgarian *Narodno sabranie*, the Hungarian *Országgyűlés*, the Irish *Houses of the Oireachtas*, the Dutch *Eerste Kamer* and the *Tweede Kamer* and the Slovakian *Národná rada*.

### 2.3.3 Involvement of COFACC and/or CODAC

18 Parliaments/Chambers<sup>37</sup> express preference for COFACC, CODAC or a combination of the two as the best possible forum of scrutiny and cooperation on CFSP and/or CSDP.

Thus for instance, preference for COFACC is given by the Finnish *Eduskunta* and the Czech *Senát*<sup>38</sup>. In case the idea of COFACC is not acceptable, the *Senát* could support the idea of CODAC. In both cases the meetings should be organised by the Member State holding the Presidency. The Swedish *Riksdag*, for its part, considers that “political debates on particular issues are best taken care of by the relevant specialised committees” and that “COFACC and CODAC already address these issues”. On the other hand, the Luxembourg *Chambre des Députés* gives preference to a "reformed" CODAC.

#### 2.3.3.1. COFACC and/or CODAC as the Main Fora

Nine Parliaments/Chambers<sup>39</sup> consider COFACC and/or CODAC as **the main** (but not necessarily the only) fora (for scrutiny and cooperation on CFSP and/or CSDP).

Thus, for instance, the Finnish *Eduskunta* is of the opinion that cooperation of such a nature falls mainly within the competences of the **COFACC** which “is already a well-functioning platform for interparliamentary debate” and there is no need to create a new forum which would only duplicate the existing system”. Since in Finland CFSP and CSDP are in the remit of other committees than the Committee on EU Affairs, the *Eduskunta* considers that COSAC should not play a role in CFSP/CSDP. However, it suggests examining the option of various ‘permanent’ conferences - while retaining their independence – being subsumed in the COSAC structure and utilise the COSAC Secretariat. Such an arrangement, according to the *Eduskunta*, “might help intensify the cooperation of national Parliaments in COFACC matters”.

Similarly, the Latvian *Saeima* believes that **COFACC in collaboration with CODAC** can successfully deal with the interparliamentary cooperation on the CFSP and/or CSDP. According to the *Saeima*, COSAC should not play a part in the CFSP and CSDP scrutiny unless there is a special need or wish on the part of the Presidency to include the issues on the agenda of COSAC provided there is an agreement of the Presidential Troika.

On the other hand, the EU Committee<sup>40</sup> of the UK *House of Lords* envisages combining COFACC and CODAC and expanding them to include additional delegates up to a maximum of six per Parliament, including the European Parliament. It is suggested to engaging temporary specialist support to aid in drafting meeting documents. Specialist support in a form of “*une cellule d’experts*” is also foreseen by the Luxembourg *Chambre des Députés*.

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<sup>37</sup> E.g. The Finnish *Eduskunta*, the Hungarian *Országgyűlés*, the Irish *Houses of the Oireachtas*, the Latvian *Saeima*, the Portuguese *Assembleia da República*, the UK *House of Lords*.

<sup>38</sup> The Czech *Senát* has no official position yet, but its representatives in the framework of the debate in the Assembly of the WEU have supported the proposal of the parliamentary cooperation (rather than interparliamentary scrutiny) being organised at the COFACC meetings.

<sup>39</sup> The Bulgarian *Narodno sabranie*, the Czech *Senát*, the Dutch *Eerste Kamer*, the Finnish *Eduskunta*, the Irish *Houses of the Oireachtas*, the Latvian *Saeima*, the Luxembourg *Chambre des Députés*, the Swedish *Riksdag*.

<sup>40</sup> It should be noted that the House of Lords itself has held no discussions on this issue and has no position. For more details of the proposal of the EU Committee, see the Annex to this Report.

**Table: ANSWERS TO QUESTIONS 1-4 OF CHAPTER 2**

Parliament/Chamber	Q 1 + Q 2 Interparl. scrutiny needed	Q 3 New structure	Q 4.1 COSAC	Q 4.2 COFACC/ CODAC	Q 4.3 Other existing structure	No decision yet
Austrian <i>Nationalrat</i> and <i>Bundesrat</i>						X
Belgian <i>Chambre des Représentants, Sénat</i>						X
Bulgarian <i>Narodno sabranie</i>	X		INFO	X		
Cyprus <i>Vouli ton Antiprosopon</i>	X	1 <sup>41</sup>		2		
Czech <i>Poslanecká sněmovna</i>						X
Czech <i>Senát</i>				1/2		X <sup>42</sup>
Danish <i>Folketing</i>	X	1	2 <sup>43</sup>			
Dutch <i>Tweede Kamer</i>	INFO		X	X		
Dutch <i>Eerste Kamer</i>	INFO		2	1		
Estonian <i>Riigikogu</i>						X
Finnish <i>Eduskunta</i>	X			1 <sup>45</sup>		
French <i>Assemblée nationale</i>						X
French <i>Sénat</i>	X <sup>46</sup>	1	2			
German <i>Bundestag</i>						X
German <i>Bundestag</i>						X
Greek <i>Vouli ton Ellinon</i>	X	X				
Hungarian <i>Országgyűlés</i>	X		1	2		
Irish <i>Houses of the Oireachtas</i>	X		INFO	X		
Italian <i>Camera dei Deputati</i>	X	X				
Italian <i>Senato della Repubblica</i>	X	X				
Latvian <i>Saeima</i>	X			X		
Lithuanian <i>Seimas</i>	X	X	INFO			
Luxembourg <i>Chambre des Députés</i>	X	2		1 <sup>47</sup>		
Maltese <i>Kamra tad-Deputati</i>	X		1	2		
Polish <i>Sejm</i>	X		1	2		
Polish <i>Senat</i>	X		1	2 <sup>48</sup>		
Portuguese <i>Assembleia da República</i>	X	1	2 <sup>49</sup>			
Romanian <i>Parlamentul</i>	X		1	2		
Slovakian <i>Národná rada</i>	X		1	2	3	
Slovenian <i>Državni zbor</i>	X					X <sup>50</sup>
Slovenian <i>Državni svet</i>	X					X <sup>51</sup>
Spanish <i>Cortes Generales</i>						X
Swedish <i>Riksdag</i>	X			X		
UK <i>House of Commons</i>	X					X <sup>52</sup>
UK <i>House of Lords</i>						X <sup>53</sup>
European Parliament	X	X				
<b>TOTAL 40+1</b>	<b>26/2</b>	<b>10</b>	<b>13/3</b>	<b>18</b>	<b>1</b>	<b>16</b>

<sup>41</sup> “1”, “2” and “3” signify respectively the first, the second and the third choice of a Parliament/Chamber

<sup>42</sup> “No official position on the detailed features of such cooperation” has been taken yet

<sup>43</sup> Only within the framework of Protocol 1

<sup>45</sup> Only COFACC



## 2.4. Funding of the Interparliamentary Scrutiny of CFSP and/or CSDP

When asked about the possibility of making funding available for interparliamentary scrutiny of CFSP and/or CSDP, a **majority** of Parliaments/Chambers (i.e. 24)<sup>54</sup> **do not give a clear answer** primarily because of a lack of decision on this issue. Some of these Parliaments/Chambers, as, for example, the Czech *Senát*, highlight the financial restraints which will probably determine their reserved position.

The French *Sénat* seems to be the only Chamber which **agrees** to bear the costs 'unconditionally' as they will be significantly lower than those of the functioning of the Assembly of the WEU.

Even the 9 Chambers/Parliaments<sup>55</sup> which **support** the idea of financial contribution are cautious and rather prefer "the new challenges to be met in the framework of the existing budget". For example, the Cypriot *Vouli ton Antiprosopon* states that the "financial contribution could be foreseen", but "the budget should be kept to a minimum; the eventual contribution of each Parliament should be discussed and jointly agreed upon" while the Maltese *Kamra tad-Deputati* would make funding available "only in a very limited manner and provided such scrutiny remains within the remit of COSAC". The European Parliament, on the other hand, offers for the **new and innovative form of interparliamentary committee meetings** the necessary facilities (meeting premises, interpretation and translation) and secretarial support, without involving any cost to national Parliaments. The Slovakian *Národná rada* and the UK *House of Lords*, for their part, believe that **merging** the existing meetings of COSAC, COFACC and CODAC or COFACC and CODAC may give rise to savings. While the Greek *Vouli ton Ellinon* proposes to "work out a **viable low-cost solution**" by making the best out of existing modalities, i.e. by using the COSAC Secretariat, by appointment of the second permanent member of the COSAC Secretariat with expertise in defence matters and by adopting the interpretation scheme of the EU Speakers' Conference.

From the ten Parliaments/Chambers which propose to set up a new mechanism, structure or forum, four (namely the Danish *Folketing*, the Italian *Camera dei Deputati* and the *Senato della Repubblica*, and the Portuguese *Assembleia da República*) do not specify whether they are prepared to make the funding available.

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<sup>46</sup> The French *Sénat* has expressed its opinion only on CSDP, COSAC's role - only in the framework of Protocol 1

<sup>47</sup> Only CODAC

<sup>48</sup> Only COFACC

<sup>49</sup> Only within the framework of Protocol 1

<sup>50</sup> Decision on the new forum or structure has not been taken yet

<sup>51</sup> No decision on the modalities has been taken

<sup>52</sup> However, the European Scrutiny Committee has formulated its opinion.

<sup>53</sup> However, the EU Committee has elaborated a detailed proposal.

<sup>54</sup> The Austrian Parliament, the Belgian *Chambre des représentants* and the *Sénat*, the Czech *Poslanecká sněmovna* and the *Senát*, the Danish *Folketing*, the Estonian *Riigikogu*, the French *Assemblée nationale*, the German *Bundestag* and the *Bundesrat*, the Irish *Houses of the Oireachtas*, the Italian *Camera dei Deputati* and *Senato della Repubblica*, the Latvian *Saeima*, the Luxembourg *Chambre des Députés*, the Polish *Sejm* and the *Senat*, the Portuguese *Assembleia da República*, the Slovenian *Državni zbor* and the *Državni svet*, the Swedish *Riksdag* and the UK *House of Commons*.

<sup>55</sup> The Cypriot *Vouli ton Antiprosopon*, the Greek *Vouli ton Ellinon*, the Lithuanian *Seimas*, the Maltese *Kamra tad-Deputati*, the *Romanian Parlamentul*, the European Parliament, the Slovakian *Národná rada* and the UK *House of Lords*.

In contrast, seven Parliaments/Chambers<sup>56</sup> explicitly state that they are not ready to financially contribute to the interparliamentary scrutiny of CFSP and/or CSDP.

## 2.5. Involvement of the European Parliament in the Interparliamentary Cooperation on CFSP and/or CSDP

A majority of Parliaments/Chambers (i.e. 24) that have answered the question on the composition of the body responsible for the interparliamentary cooperation on CFSP and/or CSDP wish to **include the European Parliament** in the cooperation. The vast majority of them (i.e. 19) consider that the European Parliament should have a **member status**. On the other hand, three Parliaments/Chambers (namely the Czech *Senát* and the Irish *Houses of the Oireachtas*) consider that although the European Parliament should be involved, this involvement should be limited to an **observer** status. The Maltese *Kamra tad-Deputati* states that "once it is being suggested that COSAC be the body entrusted with the scrutiny of CFSP/CSDP, MEPs would automatically be involved in the debate" Moreover, "it would be appropriate for MEPs from related EP Committees to be present during debates on CFSP/CDSP".

On the other hand, five Parliaments/Chambers prefer a forum composed of **Members of national Parliaments only**. For example, the Finnish *Eduskunta* justifies its opinion by noting that "CFSP and CSDP are determined by the EU Council" and "any involvement of the European Parliament would be hard to reconcile with the Lisbon Treaty". Thus, "in any case, the possible role given to the European Parliament cannot exceed its competences based on the EU Treaties, precluding any arrangement where the European Parliament could, for example, influence the conclusions of the interparliamentary cooperation". Similarly, the Spanish *Cortes Generales* is of the opinion that "the European Parliament has, according to the Treaties, no relevant competence on Foreign and defence policies." Also, the Irish *Houses of the Oireachtas* believe "that CFSP/CSDP is an intergovernmental competency and involvement by the European Parliament should be as an observer".

The Portuguese *Assembleia da República* considers that the future mechanism must include Members of both national Parliaments and the European Parliament even though "the CSDP maintains its intergovernmental nature, the European Parliament will also have an important contribution to make, complementing the role of the national Parliaments, particularly at the level of the control of common expenditure and the monitoring of some aspects of the process of defining and conducting the missions undertaken by Union bodies". Similarly, the Cypriot *Vouli ton Antiprosopon* considers that the European Parliament "could bring added value to joint debates carried out in the framework of to the mechanism/structure which will be put in place to scrutinise CSFP and/or CSDP".

The European Parliament, for its part, reminds that in accordance with **Article 9 of Protocol 1** of the Treaty "the organisation and promotion of effective and regular interparliamentary cooperation within the Union must be determined **together** by the European Parliament and national parliaments" and that "any new form of interparliamentary cooperation in the field of CFSP/CDSP must therefore respect the Lisbon Treaty and reflect its logic". According to the European Parliament, "the critical questions" such as the size of the respective - European and

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<sup>56</sup> The Bulgarian *Narodno sabranie*, the Dutch *Tweede Kamer* and the *Eerste Kamer*, the Finnish *Eduskunta*, the Hungarian *Országgyűlés*, the Spanish *Cortes Generales*.

national - parliamentary delegations to such meetings, both enjoying equal rights, would be decided at a later stage.

Finally, the Luxemburg *Chambre des Députés* raises the question of whether it should be possible to grant an observer status to the non-EU Member States which are currently associated with the activities of the Assembly of the WEU.

## CHAPTER 3: THE FUTURE ROLE OF COSAC AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON - CONTINUATION OF THE DEBATE OF THE XLIII COSAC MEETING

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The replies of the national Parliaments to the questions on the future role of COSAC after the entry into force of the Treaty of Lisbon led to a number of fairly general conclusions and suggestions which were taken up in the 13th Bi-annual Report of COSAC<sup>57</sup>.

Furthermore, the XLIII COSAC spent a considerable part of its meeting in Madrid discussing this topic. This debate demonstrated that the issue of the future role of COSAC is far from being closed. Moreover, new suggestions were made which merit further exploration.

Consequently, the Belgian Presidency has agreed to refine the quest for COSAC's post-Lisbon identity by means of a series of well-aimed questions in the context of Article 10 of Protocol 1 on the role of national Parliaments in the European Union which reads:

*"A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise inter-parliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudice their positions".*

Given this background, this chapter presents an overview of the opinions of national Parliaments and the European Parliament on practical aspects of holding COSAC debates on such issues as:

- the principle of subsidiarity;
- the European Commission's Work Programme;
- political monitoring of Europol and evaluation of Eurojust's activities;
- the European Union common foreign and security policy, including common security and defence policy.

### 3.1. Monitoring role of COSAC

A vast majority of Parliaments/Chambers consider that monitoring of national Parliaments' role under Article 12 of TEU by COSAC is best carried out by **exchanging information and best practice** with the help of Bi-annual Reports of COSAC as well as **promoting dialogue on EU matters**.

According to ten Parliaments/Chambers, the role of national Parliaments in European affairs should be **regularly debated in the framework of COSAC** (the Danish *Folketing* proposes an annual debate). Some Parliaments/Chambers (e.g. the Hungarian *Országgyűlés*, the French *Sénat* and the Czech *Senát*) consider it important to give special attention to the monitoring of the **implementation of the provisions of the Treaty of Lisbon** related to the new powers of

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<sup>57</sup> <http://www.cosac.eu/en/meetings/Madrid2010/ordinary.doc/> - p. 32 - 61

national Parliaments. Such debates could focus on the experience gained by national Parliaments and the difficulties encountered in carrying out the role vested in them by the Treaty. In this context, the French *Sénat* is of the opinion that "COSAC should ensure full implementation of Article 12 of TEU, including using Contributions to seek its actual implementation". The Portuguese *Assembleia da República*, for its part, suggests not only a twice-yearly "state of the art" moment on the role of various Chambers in utilising new possibilities provided for in the Treaty of Lisbon, but also advocates a novel idea of inviting the EU institutions "to draw up a balance sheet" on the EU draft legislative acts and national Parliaments/Chambers' opinions on them.<sup>58</sup> The Czech *Senát* suggests, *inter alia*, discussing practical functioning of arrangements established for forwarding documents to national Parliaments and for sending reasoned opinions to the EU institutions. In addition, the Slovenian *Državni zbor* suggests exchanging information on conducted subsidiarity tests and the procedures before the Court of Justice of the European Union on grounds of infringement of the principle of subsidiarity.

Some Parliaments/Chambers would like to see more monitoring by COSAC of **highly political issues and of relations with the EU institutions**<sup>59</sup>. Thus, the Italian *Senato della Repubblica* calls on COSAC to focus its attention on the EU institutional issues and to address such cross-cutting subjects as better law making, quality of transposition of EU legislation, electoral procedures, citizens' initiative and control of the EU budget.

Other Parliaments/Chambers, however, would explicitly stick to the existing monitoring mechanisms (e.g. the German *Bundestag*).

However, the Polish *Sejm* and the Slovakian *Národná rada* consider that the monitoring functions can partly be performed by **representatives of national Parliaments in Brussels**. The Maltese *Kamra tad-Deputati* considers that this monitoring function can be enriched by "presentations from academics and professionals".

The UK *House of Lords* and the *House of Commons* underline that setting the agenda for the COSAC meetings is a matter for the Presidency.

### 3.2. Early-Warning System

Parliaments/Chambers have presented **a wide range of opinions** on how in practical terms COSAC could contribute to the effective functioning of the Early-Warning System as established in Protocol 2 and to the coordination mechanism among national Parliaments. In the majority opinion, COSAC, as an established forum for exchange of information and best practice, **can facilitate enhancement of the ability of national Parliaments** to individually determine whether EU draft legislative acts comply with the principle of subsidiarity.

Several Parliaments/Chambers put forward specific suggestions on how such the role of COSAC could be further developed. Thus, the Cypriot *Vouli ton Antiprosopon* suggests that COSAC dedicates time in one of its ordinary meetings to **evaluate the operation of the Early-Warning System**, to discuss the problems encountered by national Parliaments in the process and to seek solutions to these problems. **A report** on the methods of carrying out subsidiarity checks and their results could be drawn at the end of each such COSAC debate. This opinion is shared by a

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<sup>58</sup> For more details on the proposals of the Portuguese *Assembleia da República*, see Annex to this Report.

<sup>59</sup> E.g. the Polish *Senat*, the Greek *Vouli ton Ellinon* and the Italian *Camera dei Deputati*.

number of Parliaments (e.g. the Hungarian *Országgyűlés*, the French *Assemblée nationale*, the UK *House of Lords*) which advocate **an annual COSAC debate on subsidiarity** / efficacy of the Early-Warning System, including experience with issuing reasoned opinions under Protocol 2, especially while the system is still new. According to the German *Bundesrat* such a debate should be prepared with the help of a COSAC Bi-annual Report. Another possible form of cooperation within COSAC, suggested by the Dutch *Eerste Kamer*, is **sharing of information on planned subsidiarity checks** in national Parliaments, or the **subsidiarity checks in their early stages**. The Polish *Senat* and the German *Bundestag* also suggest that COSAC Secretariat could compile and publish a regularly updated **list of EU draft legislative acts to be subjected to subsidiarity checks** by individual national Parliaments. The French *Assemblée nationale*, for its part, suggests that the COSAC Secretariat assumes a **monitoring mission** on subsidiarity checks undertaken by national Parliaments, by quickly alerting the Committees on European Affairs when a significant number, for example five, national Parliaments voice subsidiarity concerns over the same EU draft legislative act. In this context, the Luxembourg *Chambre des Députés* considers that the COSAC Secretariat should keep national Parliaments informed about the information provided by COSAC delegations on the reasoned opinions being debated in national Parliaments. In addition, some Parliaments/Chambers consider COSAC as a suitable forum to **discuss a limited number of politically sensitive legislative dossiers** selected from the Commission's Work Programme (the Czech *Senát*) or to **discuss subsidiarity concerns over particular EU draft legislative acts** in case such concerns are raised by one-third or one-quarter of national Parliaments or when decided by the Presidential Troika of COSAC (the Danish *Folketing*, the Lithuanian *Seimas*).

However, Parliaments/Chambers **remain divided as to the continuation of the pre-Treaty of Lisbon practice of conducting COSAC-coordinated subsidiarity checks**. Such coordination role of COSAC is explicitly supported by the Czech *Poslanecká sněmovna*, the Dutch *Tweede Kamer*, the Danish *Folketing*, which suggest introducing a procedure whereby one-quarter of the Parliaments could ask to have a subsidiarity check run on a particular EU draft legislative act. The Portuguese *Assembleia da República* suggests, *inter alia*, inviting the Commission, the Council and the European Parliament to debate the results of the checks with national Parliaments. On the other hand, the Italian Parliament, the Spanish *Cortes Generales*, the Lithuanian *Seimas* and the European Parliament reiterate their **opposition** to the continuation of this practice once the Treaty of Lisbon is in force. Also, the Austrian Parliament advocates "an ex-post reflection" on the functioning of the Early-Warning System instead of "common checks".

A number of Parliaments/Chambers underscore the need for COSAC to encourage the **optimal use of IPEX** and of **the national Parliaments' representatives in Brussels**, noting that a rapid exchange of early information on subsidiarity concerns of national Parliaments should be conducted through the network of national Parliaments' representatives and/or IPEX (e.g. the Belgian Parliament, the Estonian *Riigikogu*, the Latvian *Saeima*, the Slovenian *Državni zbor*).

### **3.3. Debate on Commission's Work Programme**

All Parliaments/Chambers which responded to the questionnaire seem to **agree on the added value of the debates** on the Commission's Work Programme in the framework of COSAC. Thus, the Greek *Vouli ton Ellinon* considers such debates "indispensable", and the Hungarian *Országgyűlés* notes that they are "a priority and should become a tradition".

As to the **timing** of such COSAC debates, a number of Parliaments/Chambers suggest presenting and debating the Programme during the meeting of the Chairpersons of COSAC or the COSAC ordinary meeting in the first semester of the year. A debate in the COSAC ordinary meeting in the second semester of the year should focus on the assessment of the annual activities of the Commission (e.g. the Bulgarian *Narodno sabranie*, the Czech *Senát*, the Polish *Senat*). Other Parliaments/Chambers, however, think that the presentation of the Programme and the COSAC debate should take place in the second semester of the preceding year (the Greek *Vouli ton Ellinon*, the Danish *Folketing*). On the other hand, some Parliaments think that they should have a possibility to be involved in the early stages of the preparation of the Programme. Thus, the Latvian *Saeima* and the Lithuanian *Seimas* suggest having a debate with representatives of the Commission at the spring ordinary meeting of COSAC focussing on possible policy priorities of the Commission for the following year.

Several Parliaments/Chambers point out **potential timing problems** with regard to the COSAC debates<sup>60</sup> and consider that such debates could be useful only if the publication of the Work Programme is close to the date of a COSAC meeting (e.g. German *Bundestag*). The Danish *Folketing* suggests the following **solution** to this problem: when fixing the date of the future COSAC meetings in the second half of the year, COSAC Presidencies should take into account the timing of publication of the Commission's Work Programme.

The Maltese *Kamra tad-Deputati*, on the other hand, draws attention to the '**Declaration on the Role of National Parliaments to Raise National European awareness**' of the European Convention dated 9 July 2003 (consequently adopted by COSAC<sup>61</sup> and the EU Speakers' Conference<sup>62</sup>) which called upon national Parliaments to hold a **coinciding debate** on the Commission Annual Legislative and Work Programme (ALWP). In the opinion of the *Kamra tad-Deputati*, COSAC should work to encourage all the Parliaments to hold such a coinciding debate sometime towards the end of the year. Following the debate, the Chairpersons could report any issues of interest to the meeting of the Chairpersons of COSAC in the first semester of the year, and if necessary include such issues on the agenda of the ordinary meeting of COSAC.

As to the **practical organisational aspects** of the debate, Parliaments/Chambers consider that the presentation of the Programme should be done by the President of the Commission (a priority option), or alternatively by a Vice-President, a Member or relevant Members of the Commission. In this context, the Slovenian Parliament underlines the importance of allocating sufficient time for the ensuing debate so that all Members of delegations have a possibility to participate in it. The Austrian Parliament, for its part, raises the question on "how thoroughly such a debate can be held, without the participation of specialised committees" in view of the fact that "the Work Programme stretches across many topics".

As to other possible **formats** of the debate, the Cypriot *Vouli ton Antiprosopon* and the German *Bundesrat* suggest conducting it on the proposals/topics chosen beforehand by each national Parliament. Such topics could be examined in a Bi-annual Report. At the start of such a debate, the *Vouli ton Antiprosopon* proposes to have a concise briefing by senior Commission officials focused on the matters pre-selected by national Parliaments in order to stimulate the ensuing debate. Furthermore, the Polish *Senat* suggests that before the meeting of the Chairpersons in the

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<sup>60</sup> This fact is also highlighted in the Commission's reply to the Contribution of the XLIII COSAC, where it is noted that any discussions on the Work Programme should consider the future interinstitutional programming cycle of the Commission, and ultimately the date of publication of the document, so that any debate can be conducted in a timely manner. Please see the COSAC website at: <http://www.cosac.eu/en/meetings/Brussels2010/ordinary.pdf/>

<sup>61</sup> XXXII COSAC, The Hague, 21-23 November 2004, XXXIII COSAC, Luxembourg, 17-18 May 2005, XXIV COSAC, London, 9-11 October 2005.

<sup>62</sup> EU Speakers' Conference, Presidency Conclusions, Budapest, 6-7 May 2005.

first semester of the year, the COSAC Secretariat could compile a list of the legislative proposals selected by national Parliaments for their in-depth scrutiny.

As to the **outcome** of the debate, Parliaments/Chambers believe that they could lead to defining topics for the future debates in COSAC (the Czech *Poslanecká sněmovna*), facilitate the exchange of information among Parliaments on their priorities set on the basis of the Commission's Work Programme, and enrich EU debates 'at home' (the Dutch *Eerste Kamer* and the *Tweede Kamer*). The Romanian *Parlamentul* suggests that following such a debate, COSAC could adopt conclusions and recommendations to the Commission.

### 3.4. Keynote Speakers from outside the European Union on CFSP and/or CSDP

The majority of Parliaments/Chambers<sup>63</sup> **welcome the idea** of inviting keynote speakers from outside the European Union (e.g. the NATO Secretary General, the U.S. Ambassador, etc.) to address COSAC on CFSP and/or CSDP. For instance, the Bulgarian *Narodno sabranie* holds that the presence of outside speakers "would contribute to better mutual understanding and cooperation in responding to the new challenges of the security and diplomacy".

Some of the Parliaments/Chambers, however, **condition their support** on the pending decision of whether COSAC is the appropriate forum for discussions on CFSP and CSDP (the Danish *Folketing*, the Irish *Houses of the Oireachtas*, the UK *House of Commons*). Others welcome the idea of hearing keynote speakers from outside the EU in COSAC, but only on an ad hoc basis (the Czech *Sénat*, the German *Bundestag*, the Latvian *Saeima*) or prefer leaving the decision to the COSAC Presidency or the Presidential Troika (the Czech *Poslanecká sněmovna*, the Italian Parliament, the Hungarian *Országgyűlés*).

A few Parliaments/Chambers **do not support** this proposal as they consider that guests invited to speak at the COSAC meetings should come from within the EU (the German *Bundesrat*) or that matters of CFSP and CSDP should be debated in other specialised fora (the French *Sénat*, the Dutch *Eerste Kamer* and the *Tweede Kamer*, the Swedish *Riksdag*, the UK *House of Lords*) while the Portuguese *Assembleia da República* considers that regular debates on CFSP and CSDP should preferably be conducted within the ambit of COFACC and CODAC. The Committee on European Affairs of the *Assembleia da República* takes a positive view of the possibility of organising a general political debate of this kind within the ambit of COSAC.

### 3.5. Political Monitoring of Europol and Evaluation of the Activities of Eurojust

Several Parliaments/Chambers indicate that it is **difficult to give a final answer** before the Commission consultation with national Parliaments and the European Parliament has been conducted and the Regulations on Europol and Eurojust based on Articles 85 and 88 of the TFEU are published<sup>64</sup> (the Dutch *Tweede Kamer*, the European Parliament, the German

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<sup>63</sup> E.g. the Belgian Parliament, the Finnish *Eduskunta*, the Luxembourg *Chambre des Députés*, the Maltese *Kamra tad-Deputati*, the Polish *Senat*, the Spanish *Cortes Generales*, the European Parliament.

<sup>64</sup> Action Plan Implementing the Stockholm Programme (COM(2010) 171) dated 20 April 2010 foresees that the Communication from the Commission on the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments and the Communication from the Commission on the arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust activities will be



*Bundestag*, the Irish *Houses of the Oireachtas*, the Spanish *Cortes Generales*, the UK *House of Commons*). However, in the opinion of the Italian *Camera dei Deputati*, it would be appropriate for COSAC to discuss the matter **before the Commission lays down the provisions** implementing the Articles 85 and 88.

A majority of Parliaments/Chambers which have formulated their position, **support** the idea of COSAC debates on Europol and Eurojust being **preceded by hearings** of representatives of the two bodies as well as introductory evaluations by representatives of the academic world, judiciary and /or law enforcement services (e.g. the Austrian Parliament, the Danish *Folketing*, the French *Sénat*, the German *Bundesrat*, the Latvian *Saeima*, the Slovenian *Državni svet*). In addition, the Bulgarian *Narodno sabranie* suggests that COSAC hearings could be held in the presence of Members of **specialised committees** of national Parliaments as well as representatives of different EU institutions. On the other hand, the Dutch *Eerste Kamer* favours COSAC discussions based "on **expert reports**, as opposed to hearings of representatives of Europol and Eurojust".

As regards the **format** of the debate, the German *Bundesrat* suggests structuring it in a manner similar to the discussion at the XL COSAC meeting in Paris on 4 November 2008 which led to a concentrated and informative debate.

As to the **content** of the COSAC debates, the Czech *Poslanecká sněmovna* is of the opinion that the debates should focus on the **eventual implementation of Articles 85(1)<sup>65</sup> and 88(2)<sup>66</sup>** of the TFEU. The Czech *Senát*, on the other hand, holds that COSAC should be "informed regularly on **state of evaluations of Europol and Eurojust decisions and on preparatory works on new regulations**"<sup>67</sup>. Therefore, not only should representatives of Europol and Eurojust be invited, but also representatives of the Commission services responsible for drafting the regulations, with representatives of the academic community, judiciary and/or law enforcement services invited on ad hoc basis. In addition, according to the *Senát*, COSAC is an appropriate platform for **exchange of information on experience** acquired by national Parliaments while establishing their respective **procedures** for scrutiny of political monitoring of Europol and evaluation of Eurojust's activities.

### 3.6. Involvement of Specialised Committees in COSAC

Parliaments/Chambers see **a general need for better and closer cooperation** among specialised parliamentary committees in view of the growing interconnection between subjects discussed at the EU and the national levels. Therefore, a significant number of the Parliaments/Chambers consider that cooperation of specialised committees of national Parliaments and the European Parliament should be **enhanced**.

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presented in 2011. The proposal for a Regulation on Eurojust will be submitted by the Commission in 2012 while a proposal for a Regulation on Europol will be presented in 2013.

<sup>65</sup> Article 85(1), *inter alia*, provides that the European Parliament and the Council, by means of regulations, shall "determine arrangements for involving the European Parliament and national Parliaments in the evaluation of Eurojust's activities".

<sup>66</sup> Article 88(2), *inter alia*, provides that such regulations "shall also lay down the procedures for scrutiny of Europol's activities by the European Parliament, together with national Parliaments".

<sup>67</sup> According to Annual report 2009 on relations between the European Commission and national Parliaments, the latter should be closely associated to these preparatory works.

Since the **composition** of the COSAC delegations is an autonomous right of each Parliament/Chamber, many of them (i.e. 13) see a possibility of involving specialised committees in the work of COSAC by including in the delegations Members of specialised committees. In some of these Parliaments/Chambers (e.g. the Swedish *Riksdag*, the Polish *Senat*, the Estonian *Riigikogu*, the UK *House of Lords*) the Committees on European Affairs are composed of Members of specialised committees which allows them the possibility of joining their COSAC delegations. In other cases, according to the Danish *Folketing*, the participation of Members of specialised committees would probably require an amendment of Article 4.1 of the COSAC Rules of Procedure.<sup>68</sup> According to the *Folketing*, COSAC should not be an exclusive forum of Members of the Committees on European Affairs, but should also be open to Members of specialised committees. Similarly, the European Parliament in its 7 May 2009 Resolution on the development of the relations between the European Parliament and national Parliaments under the Lisbon Treaty states that "its specialised committees should be more strongly involved in the preparation of, and representation at, COSAC meetings".

Ten Parliaments/Chambers<sup>69</sup> consider that specialised committees could participate in COSAC meetings **on ad hoc basis**, depending on specific agenda items.

Contrary to the above-mentioned opinions, ten other Parliaments/Chambers<sup>70</sup> explicitly state that cooperation among specialised committees **should be strengthened independently, without a formal link to the framework of COSAC**. Some Parliaments/Chambers refer to the work done in the framework of the EU Speakers' Conference where this issue was also raised.

In this context, the Italian *Camera dei Deputati* highlights the importance of improving **direct contacts between specialised committees of the European Parliament and national Parliaments**, which is also underlined by the European Parliament<sup>71</sup>.

### 3.7. European Week

As concerns debating European issues in a coinciding European Week, Parliaments/Chambers **remain divided** with no clear preference for the initiative.

14 Parliaments/Chambers<sup>72</sup> **welcome the idea**. However, there is no clear answer on the methodology. This is reflected, for instance, by the opinion of the Hungarian *Országgyűlés* which points out that the topic needs to be further discussed in order to take forward a well

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<sup>68</sup> The Danish *Folketing* suggests the following amendment „Each national parliament shall be represented by a maximum of six members of its competent committees” instead of „Each national parliament shall be represented by a maximum of six members of its community and European Affairs Committee.”

<sup>69</sup> The Czech *Senát*, the Finnish *Eduskunta*, the Slovakian *Národná rada*, the Irish *Houses of the Oireachtas*, the German *Bundestag* and the *Bundesrat*, the French *Assemblée nationale*, the Maltese *Kamra tad-Deputati*, the Bulgarian *Narodno sabranie*.

<sup>70</sup> The Cypriot *Vouli ton Antiprosopon*, the Spanish *Cortes Generales*, the French *Sénat*, the Italian *Camera dei Deputati*, the Luxembourg *Chambre des Députés*, the Hungarian *Országgyűlés*, the Dutch *Eerste* and the *Tweede Kamer*, the Slovenian *Državni zbor*.

<sup>71</sup> The European Parliament refers to its practice of organising interparliamentary committee meetings to which Members of national Parliaments are invited.

<sup>72</sup> The Cypriot *Vouli ton Antiprosopon*, the Latvian *Saeima*, the Maltese *Kamra tad-Deputati*, the Polish *Senat*, the Romanian *Parlamentul*, the Austrian *Nationalrat* and the *Bundesrat*, the Danish *Folketing*, the Czech *Poslanecká snemovna*, the French *Assemblée nationale*, the Lithuanian *Seimas*, the German *Bundesrat*, the Bulgarian *Narodno sabranie*.

prepared initiative. Among the suggestions on the timing, **9 May, Europe Day**, seems to be favoured by many. The Polish *Sejm* considers that such a debate should be organised not only by the EU institutions but also by other European organisations (like the Council of Europe).

The Italian *Senato della Repubblica* and the *Camera dei Deputati*, just as the French *Sénat* and the Romanian *Parlamentul* point out that the organisation of such an event **might be difficult because of the coordination** of 40 Chambers EU-wide. Some Parliaments/Chambers (e.g. the Maltese *Kamra tad-Deputati*, the Portuguese *Assembleia da República*) recall that such an initiative was raised during the Convention on the Future of Europe and was rejected while the Greek *Vouli ton Ellinon* suggests that “there are more substantial means to bridge the gap between citizens and the European institutions, like improving transparency and public accountability.”

A significant number of Parliaments/Chambers **oppose the idea** of organising a European Week for various reasons. For instance, it would create separation of EU issues from day-to-day general politics which is not desirable (the Dutch *Tweede Kamer*, the Finnish *Eduskunta*); already busy agenda; existence of other means of discussing EU issues, etc. The opponents of the initiative underline that the matter should be decided autonomously by the Parliaments/Chambers themselves based upon their traditions.

There are, however, **existing practices** of national Parliaments organising a European Week. One of these examples is the Lithuanian *Seimas*, which has been holding such European Weeks since 2004 (its accession to the EU) under a special provision of the Statute<sup>73</sup> of the *Seimas*.

### 3.8. New technologies

Concerning the issue of employing and optimising new technologies, Parliaments/Chambers are **generally positive** and would welcome their use in the future. Most of them raise the possibility of **videoconferencing and web streaming**. The German *Bundestag* and the Portuguese *Assembleia da República* highlight that these means could be especially useful in the preparatory stage of the COSAC meetings. Some Parliaments/Chambers (e.g. the Dutch *Tweede Kamer*, the French *Assemblée nationale*, the European Parliament) give practical examples of real use of such instruments.

Only the Romanian *Parlamentul* considers that the videoconferences do not add much to the present communication instruments.

Others underline that the new technologies can only complement but not substitute parliamentary meetings themselves.

Some Parliaments/Chambers point out that either they do not possess the **necessary equipment for videoconferencing** or that they do not want to undertake an additional financial burden. Collecting of basic information on the requirements necessary for a minimum standard to run these types of events in Parliaments is also raised. It is suggested that this could be done by COSAC or by another party.

Apart from videoconferences, the Latvian *Saeima* suggests broadcasting the COSAC meetings online and providing the possibility for **comments and questions from the public** on the COSAC website. The Italian *Camera dei Deputati* and the Austrian *Nationalrat* and *Bundesrat*

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<sup>73</sup> I.e. Rules of Procedure.

point out the possibilities of the so-called social media, however, at the same time, warning that these channels of communication, although trendy, “have yet to prove their usefulness”.

A large number of Parliaments/Chambers underline the **importance of IPEX**, pointing out that promoting the use of IPEX among national Parliaments may create added value and help introducing new technologies into the interparliamentary cooperation.

### 3.9. Amendment of the COSAC Rules of Procedure

The Italian *Camera dei Deputati* and the *Senato della Repubblica* believe that any amendments should be thoroughly prepared once the role of COSAC becomes clearer as a consequence of the entry into force of the Treaty of Lisbon. Until then, all modifications, except those that have a lighter impact, should be put on hold.

14 other Parliament/Chambers consider that the Rules of Procedure **could be amended** on the following substantive and procedural grounds:

- to limit **speaking time** to no more than 3 minutes, unless the Presidency determines otherwise, in view of specific circumstances (the Dutch *Eerste Kamer*, the German *Bundestag*, the Maltese *Kamra tad-Deputati*, the Austrian Parliament and the European Parliament<sup>74</sup>). According to the Maltese *Kamra tad-Deputati* such an amendment would "ensure that all speakers wishing to participate in a debate have such an opportunity and also contribute to a more focussed debate";
- to **merge the COSAC Conclusions and Contribution** into one single document at the end of each meeting of COSAC in order to avoid a "rather artificial distinction" between the two documents (the Belgian *Chambre des représentants* and the *Sénat*);
- to adopt an **interpretation regime** similar to that of the EU Speakers' Conference, because "now the cost of interpretation is almost half the budget of organisation" (the Belgian *Chambre des représentants* and the *Sénat*);
- to amend Paragraph 4.1 of the Rules of Procedure in order to allow Members of **specialised committees** to attend COSAC meetings. The Danish *Folketing* suggests the following amendment: "Each national parliament shall be represented by a maximum of six members of its competent committees";
- to provide COSAC with the possibility of organising **interparliamentary conferences on specific topics**, *inter alia*, by introducing "provisions concerning the organisation (decision to organise, organiser, agenda, participants, resources)" (the Finnish *Eduskunta* and the Romanian *Parlamentul*);
- to set by the Presidency a deadline for submissions of proposals for additions or **changes to the draft Contribution**. Later, it should be possible to present compromise amendments to the draft Contribution (the French *Sénat*);
- to "reflect the reality of the need to embrace **new technologies**" (such as videoconferences) by COSAC which would offer considerable cost savings (the Maltese *Kamra tad-Deputati*);
- to amend Article 11bis of the Rules of Procedure to extend the term of office of the **permanent member of the COSAC Secretariat** from 2 to 4 years, which "would

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<sup>74</sup> The European Parliament has no official position on this point but considers that "one can estimate that it seems wise to impose limits on speaking time, so as to enable the largest possible number of representatives of national Parliaments and the European Parliament to express their opinions".

allow the staff to pursue an agreed agenda and to take a full responsibility for its effective implementation" (the Polish *Senat*);

- to introduce the following **technical changes**: references to the Treaty of Lisbon instead of the Treaty of Amsterdam and change of the title of the Conference. i.e. the Conference of Parliamentary Committees for European Affairs instead of the Conference of Community and European affairs Committees of Parliaments of the EU (the Czech *Senát*).

More than a half of Parliaments/Chambers consider that there is **no need to amend** the current Rules of Procedure of COSAC.