



**32<sup>nd</sup>**

Bi-annual Report

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

Prepared by the COSAC Secretariat and presented to:

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based on the replies to a questionnaire distributed to Parliaments/Chambers.

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

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# BACKGROUND

This is the Thirty-second 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/documents/bi-annual-reports-of-cosac/>

The three chapters of this Bi-annual Report are based on information provided by the national Parliaments of the European Union Member States and the European Parliament. The deadline for submitting replies to the questionnaire for the 32nd Bi-annual Report was 20 September 2019.

The outline of this Report was adopted by the meeting of the Chairpersons of COSAC, held on 21 July 2019 in Helsinki.

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

Note that, in some cases, respondents are able to provide more than one answer to multiple choice questions. Any perceived disparity in the total number of answers to a question and the total number of respondents can thus be accounted.

Complete replies, received from 40 out of 41 national Parliaments/Chambers of 28 Member States and the European Parliament, can be found in the Annex on the COSAC website.

## **Note on Numbers**

Of the 28 Member States of the European Union, 15 have a unicameral Parliament and 13 have a bicameral Parliament. Due to this combination of unicameral and bicameral systems, there are 41 national parliamentary Chambers in the 28 Member States of the European Union.

Although they have bicameral systems, the national Parliaments of Austria, Ireland and Spain each submitted a single set of replies to the questionnaire, therefore the maximum number of respondents per question is 39. There were 38 responses to the questionnaire.

# ABSTRACT

## CHAPTER 1: OVERVIEW OF PARLIAMENTARY ACTIVITIES

The first chapter of the 32<sup>nd</sup> Bi-annual Report of COSAC aims at taking stock of national Parliaments'/Chambers' activities in the field of European affairs, notably as to their nature, adequacy and efficiency, and gathers views on possible reforms aiming at increasing impact of their contributions on the European legislative process.

Most of the responding Parliaments/Chambers\* considered that their rights of participation and influence in EU policies, ten years after the Lisbon Treaty, were adequate, while only a thin majority acknowledged having assessed effectiveness of their scrutiny practices.

In addition, the majority of respondents stated that their Governments had been adequately informing them on EU policies and confirmed being indeed satisfied with their scrutiny role over executives' positions in the Council of the EU.

As to their other participation and influence instruments, most national Parliaments/Chambers said they regularly issued reasoned opinions or contributions in the context of political dialogue with the European Commission. However, only a fraction of these considered these tools had affected outcomes at EU level.

In order to increase impact of their work, the majority of respondents highlighted the need to improve or reform the way their contributions fed into the European legislative process within the current Treaty framework. In this respect, most Parliaments/Chambers declared that their contributions to the substance of proposed legislation should be primarily dealt with in relevant Council working groups, with a minority referring to the European Commission's services in charge with legislation, and to the European Parliament's relevant committees. However, a good number of Parliaments/Chambers said that such contributions should be dealt with by all three EU institutions.

\* The European Parliament explicitly mentioned that the first chapter did not apply to it.

## CHAPTER 2: INTER-PARLIAMENTARY COOPERATION IN THE 2020s

The second chapter of the 32<sup>nd</sup> Bi-annual Report of COSAC aims at examining and assessing the added value of interparliamentary cooperation, in order to identify the possibilities for strengthening it in the coming decade. Specifically, this chapter seeks to take stock of Parliaments'/Chambers' views about the existing forms of interparliamentary cooperation, and gathers their opinions on how the interparliamentary cooperation may be further developed in the future.

When expressing their views about the contribution of interparliamentary cooperation to the good functioning of the EU, Parliaments/Chambers predominantly pointed out the exchange of information, views, opinions and best practices, followed by the enabling of better coordination, mostly in view of influencing EU institutions and EU legislative and the enhancement of parliamentary oversight and scrutiny, including in the framework of the subsidiarity check.

In terms of the areas of interparliamentary cooperation that should be further developed as high priority in the future, respondents mostly focused on the monitoring principles of subsidiarity and proportionality, cooperation in scrutiny of legislative proposals and budgetary policies and holding governments to account, and the exchange of information and best practices.



The majority of respondents saw a need to improve or reform the current framework of interparliamentary cooperation. The respondents provided a variety of diverse suggestions on how to perform that task.

To evaluate the administrative level of interparliamentary cooperation, the questionnaire focussed on the role and tasks of the national Parliament representatives and liaison officers in Brussels, and on those of the COSAC Secretariat. A majority of respondents saw no need to further develop or modify the role of the national Parliament representatives and liaison officers in Brussels. Opinions were divided on whether the COSAC Secretariat could in future be deployed in support of other recurring interparliamentary conferences.

### **CHAPTER 3: EVALUATION OF BI-ANNUAL REPORT**

The third chapter of the 32<sup>nd</sup> Bi-annual Report of COSAC seeks to establish whether there is a need to reform or replace the format, frequency and content of the current Bi-annual Report.

The majority of responding Parliaments/Chambers thought that the Bi-annual Report was an essential part of COSAC's work, while less than half of the total respondents thought it was not. Most of those Parliaments/Chambers who responded positively, identified exchange of best practices and parliamentary opinions on EU policies as the main contribution of the Report to COSAC. Some Parliaments/Chambers pointed out that the Report had not been discussed in the COSAC plenary recently, and that efforts should be made to include political debate and conclusion to the Report in order to increase its added value.

The majority of Parliaments/Chambers also thought that the current Reports provided a sufficiently accurate description of the breadth of views represented in each Parliament/Chamber.

Opinions were split however when it came to the frequency of publication, with half of the respondents stating that the Report should continue to be published bi-annually, and the other half stating that each Presidency should decide whether or not to launch a Report.

The majority of Parliaments/Chambers considered it necessary to reform or replace the format and content of the Bi-annual Report, with a minority of Parliaments/Chambers expressing their satisfaction with the current format and content of the Report. Suggestions as to how to reform or replace the Report, however, varied considerably.

When it came to identifying the main contribution of the Bi-annual Reports to enhancing the interparliamentary cooperation in the EU and/or the ability of their respective Parliament/Chamber to influence EU policy, many respondents considered the provision of best practices as the main contribution of the Bi-annual Report, with some respondents highlighting the fact that it had provided benchmarks for parliamentary practice and served as a tool for comparative analysis. Some Parliaments/Chambers found the Report useful in reviewing their respective activities in the field of interparliamentary cooperation and scrutiny practices, allowing them to improve their own procedures.

Many Parliaments/Chambers also acknowledged the value of Bi-annual Report both as a historical and periodical overview into parliamentary opinions and views on specific questions, noting that a similar overview would be otherwise hard to obtain.

# CHAPTER 1

## OVERVIEW OF PARLIAMENTARY ACTIVITIES

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THE FIRST CHAPTER OF THE 32<sup>ND</sup> BI-ANNUAL REPORT takes stock of national Parliaments'/Chambers' activities in the field of European affairs, notably with regard to their nature, adequacy and efficiency.

In addition, this chapter explores national Parliaments'/Chambers' views on possible reforms aiming at increasing impact of their contributions on the European legislative process.

The European Parliament explicitly stated that this first chapter did not apply to it.

### **i. Overview of national Parliaments' participation and influence in European policies**

Twenty-one Parliaments/Chambers out of 32 considered that their rights of participation and influence in European policies, ten years after the Lisbon Treaty, were adequate, while 11 said they were not.

Many of those who responded positively referred to domestic constitutional arrangements (Finnish *Eduskunta*, German *Bundesrat*, Swedish *Riksdag*), or legislation and regulations (German *Bundesrat*, Italian *Senato della Repubblica*), pointing out scrutiny over Governments as an instrument to exercise influence on European policies and legislation (Dutch *Eerste Kamer*, Finnish *Eduskunta*, Italian *Senato della Repubblica*, Luxembourg *Chambre des Députés*, Swedish *Riksdag*). The Dutch *Eerste Kamer* further added that it remained difficult for them to scrutinise Council decision making, due to a lack of transparency in the legislative process. The Maltese *Kamra tad-Deputati* stressed it was important to implement the existing powers and roles conferred to the national Parliaments in the most effective way.

The Finnish *Eduskunta* and the Swedish *Riksdag* declared that their constitutional arrangements ensured appropriate and adequate parliamentary participation in the EU legislative process.

Some Parliaments/Chambers referred to the subsidiarity control mechanism (German *Bundesrat*, Italian *Senato della Repubblica*) and political dialogue (Italian *Senato della Repubblica*) as a way to participate at the EU level. The Hungarian *Országgyűlés* observed that possible rights of participation had been enlarged with the Treaty of Lisbon, noting however that the experience with the three yellow cards had shown that direct influence of the reasoned opinions was limited. The Portuguese *Assembleia da República* suggested that the growing involvement and influence of national Parliaments could be seen above all in the strengthening of interparliamentary cooperation in specific areas, such as Europol, Eurojust, Economic Governance or the CFSP/CSDP.

Those who responded negatively explained that a greater involvement by national, regional and local stakeholders was needed (Austrian *Nationalrat* and *Bundesrat*), or improvements should be made most notably regarding the subsidiarity control mechanism (Dutch *Tweede Kamer*, Cyprus *Vouli ton Antiprosopon*, Czech *Senát*, French *Sénat*), impact assessments (Dutch *Tweede Kamer*, Czech *Senát*) and transparency of EU decision-making (Czech *Senát*). The Austrian *Nationalrat* and *Bundesrat* further referred to the suggestions of the Task force on subsidiarity, proportionality and doing less more efficiently (the Task Force) as a way forward. Some Parliaments/Chambers called for the right to initiative/green card procedure to be developed (Austrian *Nationalrat* and *Bundesrat*, Danish *Folketing*, French *Assemblée nationale*, French *Sénat*), with the French *Assemblée nationale*, also

suggesting that the subsidiarity control mechanism was too complex to use, while political dialogue should be reinforced. The Greek *Vouli ton Ellinon* observed that the focus of interest had shifted from subsidiarity check to political dialogue, which however did not result in any specific commitments from the European Commission. The Cyprus *Vouli ton Antiprosopon* made a similar remark, noting that no mechanism was in place to ensure that the input of national Parliaments within the framework of the political dialogue was duly taken into consideration by the EU institutions. The Czech *Poslanecká sněmovna* also called for more impact on EU policies and better feedback from the European Commission.

The Danish *Folketing* stated that the role of national Parliaments in the EU should not be limited to “being the guardians of the subsidiarity principle”, adding that instead they should be involved more actively in the decision-making of the EU with the aim of taking back influence with regard to the development of EU policies at the various stages of the EU decision-making process.

Asked if their Parliament/Chamber had assessed effectiveness of their scrutiny practices since 2010, 20 out of the 37 responding Parliaments/Chambers replied positively, while 17 provided negative answers.

When detailing their answers, many Parliaments/Chambers referred to regular (Dutch *Tweede Kamer*, Finnish *Eduskunta*, German *Bundesrat*, Romanian *Senat*, UK *House of Lords*), annual (Czech *Senát*, Portuguese *Assembleia da República*) or bi-annual (Romanian *Camera Deputaţilor*) assessments, while the Dutch *Eerste Kamer* claimed that such assessments were difficult to carry out.

The French *Sénat* provided satisfactory figures as to the degree of consideration of its opinions by the European Commission, while the Finnish *Eduskunta* and the Swedish *Riksdag* declared that their scrutiny practices were effective and adequate, respectively. Others who had assessed their scrutiny practices further referred to the following points:

- Ensuring efficient coordination and control over their Governments (Dutch *Tweede Kamer*, Romanian *Camera Deputaţilor*, Romanian *Senat*, UK *House of Lords*);
- Ensuring impact at an early stage of the EU legislative process (Swedish *Riksdag*) and better and earlier information on matters in the Council of major significance (Danish *Folketing*);
- Increasing interparliamentary cooperation (Dutch *Tweede Kamer*) and improving the weight of the reasoned opinions through a better coordination with the other national Parliaments (German *Bundestag*, Swedish *Riksdag*);
- Ensuring a consistent scrutiny approach and the same level of intensity in the scrutiny checks among the various members and committees involved (German *Bundestag*, Luxembourg *Chambre des Députés*);
- Enhancing the subsidiarity control mechanism through an extension (Dutch *Tweede Kamer*) or better management of the eight-week time limit to perform subsidiarity checks (German *Bundestag*);
- Ensuring proper follow-up of the reasoned opinions (German *Bundestag*, Swedish *Riksdag*);
- Focussing scrutiny on proposals which are deemed of greater relevance (Portuguese *Assembleia da República*, Maltese *Kamra tad-Deputati*).

The Czech *Senát* stated that while various changes had been implemented based on their assessments, there were clear legal and political limits to the effectiveness of the scrutiny such as the lack of

accountability of the Government to the Chamber, the attitude of the Commission to political dialogue and the limited interest of the senators.

Other Parliaments/Chambers stated not having performed any assessments on the matter, but having nevertheless issued reports showing the possibility to play a more active role (Slovenian *Državni svet*), or changed internal regulations or methodologies in order to optimise scrutiny (Irish *Houses of the Oireachtas*, Lithuanian *Seimas*, Portuguese *Assembleia da República*). The Estonian *Riigikogu* declared having made an internal analysis, the findings of which were not available yet. The Irish *Houses of the Oireachtas* and the Portuguese *Assembleia da República* both noted that relevant initiatives according to the pertaining committee are selected, thus mainstreaming the workload.

In addition, the Italian *Senato della Repubblica* pointed out that the Lisbon Treaty had fostered familiarity with the EU affairs, increased the flow of information to national Parliaments and ensured better-informed transposition of the EU law. The UK *House of Lords* stated that its committee concentrated its scrutiny primarily on documents likely to be of importance or relevance to the UK in the post-Brexit context.

## ii. National Parliaments' rights to information and scrutiny over their Governments

Thirty Parliaments/Chambers out of 34 considered their Governments had adequately informed them on EU policies, while four of them considered that they had not.

Asked to elaborate, most of the respondents mentioned internal legal provisions, which enabled them to be mandatorily, actively, regularly or adequately informed by their Governments on EU policies and positions in the Council (Austrian *Nationalrat* and *Bundesrat*, Belgian *Chambre des représentants*, Croatian *Hrvatski sabor*, Czech *Senát*, Cyprus *Vouli ton Antiprosopon*, French *Sénat*, Danish *Folketing*, German *Bundestag*, German *Bundesrat*, Italian *Senato della Repubblica*, Lithuanian *Seimas*, Slovak *Národná rada*, Slovenian *Državni zbor*, Swedish *Riksdag*). In addition, some Parliaments/Chambers referred to debates with government officials and ministers during plenary sessions (Dutch *Eerste Kamer*, Austrian *Nationalrat* and *Bundesrat*) or committee sittings (Austrian *Nationalrat* and *Bundesrat*, Belgian *Chambre des représentants*, French *Sénat*, Portuguese *Assembleia da República*, Romanian *Camera Deputaților*, Romanian *Senat*).

The Czech *Poslanecká sněmovna* further specified that it had a direct access to several Government's databases, adding that all documents and Government's positions/opinions were accessible without a need for requesting them formally. Others stressed that their level of information depended on themes (Belgian *Chambre des représentants*, French *Assemblée nationale*) and on the level of coordination between the Parliament and the Government (French *Assemblée nationale*) or on the Governments' effectiveness (UK *House of Lords*). Three Parliaments/Chambers highlighted their possibility to access additional information and documents upon request (Czech *Senát*, Dutch *Eerste Kamer*, German *Bundestag*) and the Lithuanian *Seimas* referred to constitutional provisions enabling it to recommend positions to be followed by the Government. The Belgian *Chambre des représentants* and the Belgian *Sénat* stated that their Prime Minister provided *ex-ante* and *ex-post* information on all European Council's meetings.

Some respondents highlighted having taken steps to improve information flow from their Governments (Dutch *Tweede Kamer*, Maltese *Kamra tad-Deputati*, Greek *Vouli ton Ellinon*), or the need to increase transparency at the Council level (Dutch *Tweede Kamer*, Dutch *Eerste Kamer*). The Cyprus *Vouli ton Antiprosopon*, Danish *Folketing* and the German *Bundesrat* noted that there have

been calls for receiving more complete and better information from their Governments, at least by some political parties. Two respondents had not adopted an official position on the matter (Irish *Houses of the Oireachtas*, Spanish *Cortes Generales*), with the Irish *Houses of the Oireachtas* acknowledging however it received information notes from the Government on proposed EU legislation.

Twenty-seven Parliaments/Chambers out of 30 answered positively when asked if they were satisfied with their scrutiny role over Government's positions in the Council of EU, while three were not satisfied.

Invited to elaborate, 22 Parliaments/Chambers detailed their answers, with some of them highlighting regular discussions, meetings or updates from their own Governments (Austrian *Nationalrat* and *Bundesrat*, Hungarian *Országgyűlés*, Maltese *Kamra tad-Deputati*, Slovak *Národná rada*, Slovenian *Državni svet*), even though improvements in this cooperation process were still possible (Maltese *Kamra tad-Deputati*). In this respect, the Danish *Folketing* mentioned recurrent discussions about its powers *vis-a-vis* their Government and many procedural adjustments, the most recent one having occurred this year.

Three Parliaments/Chambers indicated the lack of mandating powers over their Governments, but declared themselves satisfied with the executives' support (Cyprus *Vouli ton Antiprosopon*, Czech *Senát*, UK *House of Lords*), while others pointed out the need to increase transparency at the Council level (Dutch *Eerste Kamer*, Dutch *Tweede Kamer*, UK *House of Lords*). In addition, the Dutch *Tweede Kamer* recalled its efforts, notably undertaken within the COSAC meetings and through its request for an opinion of the Venice Commission, which was expected to be presented on 10 October 2019, to increase transparency in the European decision-making process and strengthen the Dutch Parliament's democratic control in the EU and the Eurozone.

A number of Parliaments/Chambers explicitly mentioned the obligation of their Governments to report, explain and provide *ex-ante* and *ex-post* information (Austrian *Nationalrat* and *Bundesrat*, German *Bundestag*, Greek *Vouli ton Ellinon*, Italian *Senato della Repubblica*, Swedish *Riksdag*), as well as to consider their positions when negotiating in the Council (German *Bundesrat*, Italian *Senato della Repubblica*). Moreover, the German *Bundesrat* stressed that, on topics that fall under domestic law into exclusive competences of the *Länder*, the *Bundesrat* has the right to issue binding opinions. Similarly, the French *Sénat* indicated that most of its positions were defended by the Government, though it added that it would be desirable for the national Parliaments/Chambers to be more included in negotiations, whereas the Romanian *Camera Deputaților* stated that control over Government was a general practice, following constitutional provisions.

While some Parliaments/Chambers declared that control over their Government was effective (Finnish *Eduskunta*) or suitable (Dutch *Eerste Kamer*), three respondents refrained from indicating how satisfactory the system was (Croatian *Hrvatski sabor*, German *Bundestag*, Irish *Houses of the Oireachtas*), with the Croatian *Hrvatski sabor* referring to divergence of opinions between their members.

### **iii. National Parliaments' contributions in the EU framework**

Twenty-five out of the 37 responding Parliaments/Chambers regularly issued reasoned opinions or participated in political dialogue with the European Commission, whereas the rest did not.

Asked if they considered that their reasoned opinions or participation in political dialogue with the European Commission had affected outcomes at the EU level, 11 Parliaments/Chambers provided positive answers, 12 replied negatively and 12 expressed no opinion on the matter.

Those who responded positively found that both reasoned opinions and contributions in the context of the political dialogue were in general effective tools that had affected outcomes at the EU level (Slovak *Národná rada*), or were adequately discussed with the European Commission (German *Bundesrat*). The Danish *Folketing* recalled the Monti II proposal, which the European Commission decided to withdraw as a result of complaints from national Parliaments. The Romanian *Camera Deputaţilor* and the Romanian *Senat* referred to the replies of the European Commission noting that, to some extent, opinions could be seen as affecting outcomes. The UK *House of Lords* furthermore underlined its active engagement with the European Commission, but deplored the lack of engagement from the latter on non-Brexit issues since 2016. Cyprus *Vouli ton Antiprosopon* qualified their answer by recalling that only in a limited number of cases their concerns with regard to certain legislative proposals were addressed.

While noting that it was difficult to assess whether their position had any outcome, the Italian *Senato della Repubblica* stressed that its documents' impact depended on their content and on the ability of the Italian actors to negotiate.

The Hungarian *Országgyűlés* considered reasoned opinions an adequate tool for highlighting problems Member States were confronted with in connection with a draft legislative proposal.

From the 12 Parliaments/Chambers that responded negatively, the Dutch *Eerste Kamer* noted that reasoned opinions had not noticeably affected the position of the European Commission. The Finnish *Eduskunta* acknowledged never or rarely issuing reasoned opinions or engaging into political dialogue based on its assessment that these tools did not have any effect on legislative outcomes, adding that discussing files, which had already moved on to the Council, was less effective than instructing the executive what line to take.

The Czech *Senát* stated that, even though it seemed that political dialogue did not have any influence on the Commission itself, there were nevertheless rare exceptions, such as the food waste green card, while also pointing out that only collective actions through the subsidiarity check mechanism or actions *via* Governments' representatives could influence outcomes at the EU level.

A mixed position was put forward by the Maltese *Kamra tad-Deputati* as well, who highlighted that reasoned opinions did not have much impact on individual legislative proposals, but acknowledged the fact that national Parliaments had a powerful tool to resort to in case the European Commission acted beyond its competences. The Austrian *Nationalrat* and *Bundesrat* highlighted the need for the European Commission to take national Parliaments' input much more into account, and the Polish *Sejm* regretted that national Parliaments' tools did not have an effective impact on the EU decision-making process. The Slovenian *Državni svet* acknowledged not having issued any reasoned opinion yet.

The Portuguese *Assembleia da República* noted that the European Commission's replies were, in many cases, poorly substantiated and delayed.

The Luxembourg *Chambre des Députés* expressed no opinion on the matter specifying that analysis of the European Commission's responses to their contributions did not allow to conclude whether

their opinions had affected outcomes or not. The Irish *Houses of the Oireachtas* also noted having no position adopted by the Parliament but stated that its parliamentary committees had informally expressed mixed views on the matter.

When asked if they saw a need to improve or reform the way their contributions fed into the European legislative process within the current Treaty framework, the vast majority of Parliaments/Chambers (24 out of 31) provided positive answers, seven replied negatively.

Asked to detail their answers, respondents mainly referred to the possibility of:

- Developing and implementing the green card procedure (Cyprus *Vouli ton Antiprosopon*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Polish *Sejm*, Portuguese *Assembleia da República*, Slovenian *Državni svet*, UK *House of Lords*), and involving national Parliaments even from an early stage in the political cycle (German *Bundestag*, Portuguese *Assembleia da República*, Romanian *Camera Deputaților*);
- Providing, by the European Commission, more detailed and reliable information as to the planning of each proposal in order to facilitate national Parliaments' planning for subsidiarity checks (Swedish *Riksdag*), and extending the eight-week period for the subsidiarity check (Portuguese *Assembleia da República*), either by not taking into account the Christmas, Easter and summer holidays (Hungarian *Országgyűlés*, Luxembourg *Chambre des Députés*, Swedish *Riksdag*), or by fixing a new 12-week period (Polish *Sejm*, Swedish *Riksdag*);
- Reinforcing the subsidiarity control mechanism by “making it more efficient and introducing a real impact of national Parliaments on draft legislative acts” (Polish *Sejm*), enhancing the yellow and orange card procedures (Polish *Senat*), and introducing a red card procedure (Dutch *Tweede Kamer*);
- A commitment from the European Commission to consider not only matters of subsidiarity but also arguments regarding the proportionality, legality and substance of proposals (Portuguese *Assembleia da República*), and accepting proportionality argumentation in reasoned opinions (Cyprus *Vouli ton Antiprosopon*, Romanian *Camera Deputaților*);
- Enabling to carry out *ex-post* subsidiarity checks, as soon as the European Parliament and the Council reach a final agreement on each proposal (Romanian *Camera Deputaților*);
- Asking the European Commission to deal more seriously with the national Parliaments' reasoned opinions and contributions (Polish *Senat*), notably by providing quicker and more substantial answers (Czech *Poslanecká sněmovna*, Dutch *Eerste Kamer*, Estonian *Riigikogu*, Portuguese *Assembleia da República*, Romanian *Camera Deputaților*, Romanian *Senat*), by lowering the threshold at which substantive replies are given to the national Parliaments' reasoned opinions (German *Bundesrat*), and by indicating how subsidiarity concerns raised by the national Parliaments were accommodated (Cyprus *Vouli ton Antiprosopon*);
- Discussing all national Parliaments' contributions (Finnish *Eduskunta*), reasoned opinions that triggered an orange card (French *Sénat*), or national Parliament resolutions (French *Assemblée nationale*) in appropriate Council formations, preferably with an introduction of the representative of the country in question (Finnish *Eduskunta*);
- Creating a one-stop-website where all documents, from all involved institutions, be shown as well as the legislative procedure's progress (Dutch *Eerste Kamer*), and enhancing transparency at the Council level (Dutch *Eerste Kamer*, Luxembourg *Chambre des Députés*);
- Building on the results of the Task Force (Austrian *Nationalrat* and *Bundesrat*, Czech *Senát*);

- Ensuring the right of initiative to the European Parliament (Italian *Camera dei deputati*, Italian *Senato della Repubblica*), and making better use of the existing tools (Maltese *Kamra tad-Deputati*, Portuguese *Assembleia da República*), including through more intensive contacts with the European Parliament's rapporteurs (Greek *Vouli ton Ellinon*).

In addition, the Swedish *Riksdag* stressed that EU institutions should not start negotiating on proposals before the time limit for subsidiarity checks, and the Irish *Houses of the Oireachtas* indicated they would likely support improvements that did not require Treaty changes. The Portuguese *Assembleia da República* underlined that participation of national Parliaments should be conducted within the current Treaty framework.

Asked where should Parliaments'/Chambers' contributions to the substance of proposed legislation be primarily dealt with at the EU level, 13 respondents out of 37 mentioned the relevant Council working groups, five of them referred to the European Commission's services in charge with the legislation, and four to the European Parliament's relevant committees.

Ten Parliaments/Chambers (Austrian *Nationalrat* and *Bundesrat*, Danish *Folketing*, Dutch *Tweede Kamer*, Finnish *Eduskunta*, German *Bundestag*, Irish *Houses of the Oireachtas*, Italian *Camera dei deputati*, Latvian *Saeima*, Maltese *Kamra tad-Deputati*, Polish *Sejm*) said that such contributions should be dealt with by each of the three EU institutions, with the Finnish *Eduskunta* adding that currently parliamentary inputs were seldom dealt with in the Council and its working groups. The Czech *Poslanecká sněmovna* stated that these contributions should be analysed within the Council's working groups and within the European Commission's legislative services, while the Irish *Houses of the Oireachtas* added that responses to these contributions should be given by the European Commission's services. The Dutch *Eerste Kamer* pointed out that it all depended on the phase of the legislative procedure, adding that, if contributions dealt with policies, they should be analysed by the European Commission, whereas reasoned opinions should be considered by all three EU institutions.

Other Parliaments/Chambers expressed no opinion on the matter (Croatian *Hrvatski sabor*, Spanish *Cortes Generales*), while the UK *House of Lords* refrained from expressing any such opinion because of the UK's likely withdrawal from the EU.

On a general note, some Parliaments/Chambers highlighted the need to increase interactions between national Governments and the European Commission (Czech *Senát*), between national Parliaments and the European Parliament's rapporteurs (Greek *Vouli ton Ellinon*, Italian *Senato della Repubblica*), as well as between national Parliaments and the European Commissioners (Belgian *Chambre des représentants*). Finally, the Finnish *Eduskunta* pointed out that most parliamentary contributions "go beyond the narrow definition of subsidiarity" and that efforts should be made to allow debate on substance.



## CHAPTER 2

# INTERPARLIAMENTARY COOPERATION IN THE 2020s

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THE SECOND CHAPTER OF THE 32<sup>ND</sup> BI-ANNUAL REPORT aims to examine and assess the added value of interparliamentary cooperation in order to identify where it could be strengthened in the coming decade. Specifically, this chapter seeks to take stock of Parliaments'/Chambers' views about the existing forms of interparliamentary cooperation and gathers their opinions on how it may be further developed in the future.

### **i. The contribution of interparliamentary cooperation to the good functioning of the EU**

The vast majority of respondents (36 out of 38) replied to the question about the contribution of interparliamentary cooperation to the good functioning of the EU in accordance with Article 12 TEU. According to the replies, Parliaments/Chambers mainly thought of:

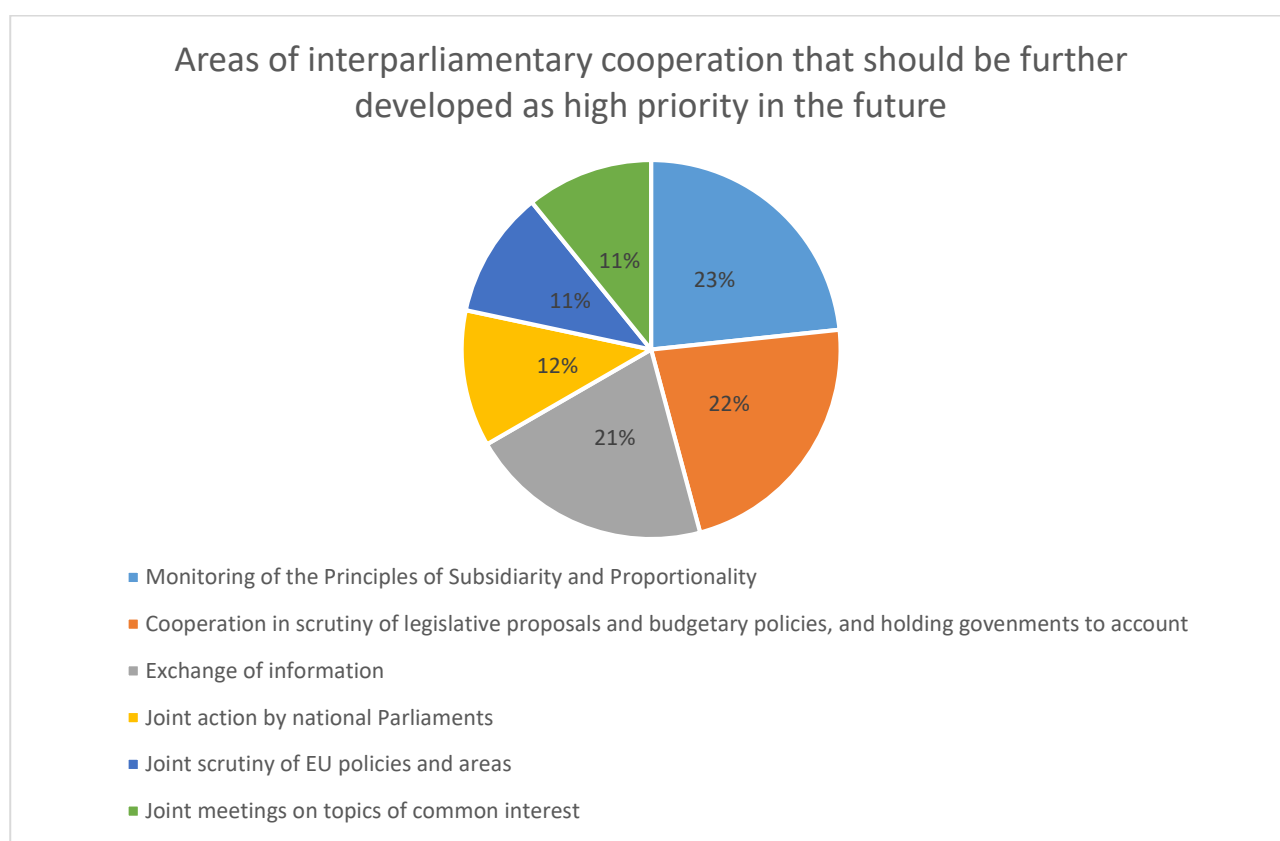
- Exchanging information, views, opinions and best practices (Austrian *Nationalrat* and *Bundesrat*, Belgian *Chambre des représentants*, Belgian *Sénat*, Cyprus *Vouli ton Antiprosopon*, Czech *Poslanecká sněmovna*, Czech *Senát*, Danish *Folketing*, Dutch *Eerste Kamer*, Dutch *Tweede Kamer*, Estonian *Riigikogu*, Finnish *Eduskunta*, French *Assemblée nationale*, French *Sénat*, German *Bundesrat*, German *Bundestag*, Greek *Vouli ton Ellinon*, Hungarian *Országgyűlés*, Irish *Houses of the Oireachtas*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*, Latvian *Saeima*, Luxembourg *Chambre des Députés*, Slovak *Národná rada*, Slovenian *Državni svet*, Slovenian *Državni zbor*, Swedish *Riksdag*, UK *House of Lords* and European Parliament);
- Enabling better coordination, mostly in view of influencing EU institutions and EU legislative process (Bulgarian *Narodno sabranie*, Czech *Senát*, Danish *Folketing*, Dutch *Eerste Kamer*, Dutch *Tweede Kamer*, French *Assemblée nationale*, French *Sénat*, Hungarian *Országgyűlés*, Italian *Senato della Repubblica*, Lithuanian *Seimas*, Slovenian *Državni svet*, Slovenian *Državni zbor*);
- Providing a forum for networking between national and European politicians (Belgian *Senát*, Czech *Senát*, Dutch *Eerste Kamer*, Dutch *Tweede Kamer*, Finnish *Eduskunta*, Greek *Vouli ton Ellinon*, Swedish *Riksdag*), and for informal dialogue (Irish *Houses of the Oireachtas*) and contacts that contributes to better mutual understanding of European politics and national interests (Austrian *Nationalrat* and *Bundesrat*);
- Enhancing parliamentary oversight and scrutiny (Polish *Senat*), including in the framework of the subsidiarity check (Belgian *Chambre des représentants*, Czech *Senát*, Dutch *Tweede Kamer*, Lithuanian *Seimas*, Maltese *Kamra tad-Deputati*);
- Bringing EU matters closer to citizens of the EU (Czech *Poslanecká sněmovna*, Cyprus *Vouli ton Antiprosopon*, Estonian *Riigikogu*, German *Bundestag*, Romanian *Camera Deputaţilor*, Romanian *Senat*), and helping promote national Parliaments' ownership of European policies and legislation (Finnish *Eduskunta*);
- Increasing the sensitivity of EU institutions to national reservations on legislative proposals (Maltese *Kamra tad-Deputati*);

- Increasing the capacity of national Parliaments in controlling the actions of their Governments in European institutions and increasing direct input of national Parliaments and Chambers to the EU legislative process (European Parliament).

## ii. Ways to improve or reform interparliamentary cooperation

Concerning the areas of interparliamentary cooperation that should be further developed as high priority in the future, 34 respondents replied:

- The monitoring principles of subsidiarity and proportionality (28 respondents);
- Cooperation in scrutiny of legislative proposals and budgetary policies, and holding governments to account (27 respondents);
- Exchange of information and best practices (25 respondents);
- Joint action of national Parliaments (14 respondents);
- Joint meetings on topics of common interest (13 respondents);
- Joint scrutiny of EU policies and areas (13 respondents).



The Finnish *Eduskunta* expressed the view that focus should be on quality, not on quantity, and that conferences offered participants useful support in their work in their home Parliament, but no parliamentary conference was in itself capable of providing democratic scrutiny or legitimacy.

The European Parliament expressed its support for:

- Better involvement of national Parliaments in the European Semester to improve national ownership;

- Increased cooperation between the European Parliament and national Parliaments in the area of Foreign Affairs and Security Policy, underlining the importance of appropriate democratic accountability of decisions taken in the field;
- Joint Scrutiny of EU Executive Agencies and actions.

The Slovenian *Državni zbor* thought that interparliamentary cooperation should be given more power for exercising influence upon the European legislative process in all its stages, and new rules for interparliamentary cooperation were needed.

The Czech *Senát* said that joint action in the form of contributions from interparliamentary conferences should be developed further. The contributions should be as concrete as possible.

The Swedish *Riksdag* saw a need to improve the exchange of information between the Parliaments within the framework of subsidiarity checks and expressed its belief that work on green cards and similar initiatives should not be given priority.

A majority of respondents (25 out of 35) saw a need to improve or reform the current framework of interparliamentary cooperation, whereas 10 Parliaments/Chambers did not. Suggestions proposed by the respondents varied considerably:

- Interparliamentary conferences to utilise the potential given by their Rules of Procedures (review them if necessary) to issue conclusions (Cyprus *Vouli ton Antiprosopon*, Czech *Senát*, Greek *Vouli ton Ellinon*, Polish *Senat*, European Parliament) with relevant outcome and on which the EU institutions would give proper feedback (Czech *Poslanecká sněmovna*);
- Interparliamentary committee meetings to be improved - more focussed and interactive, more time for interparliamentary exchange, use of videoconference tools, with national Parliaments' input in the organisation (German *Bundestag*, Hungarian *Országgyűlés*, Italian *Senato della Repubblica*);
- The continuing development and improvement of IPEX (French *Sénat*, Hungarian *Országgyűlés*, Swedish *Riksdag*), and making use of modern technology wherever possible (Swedish *Riksdag*);
- Better coordination concerning agenda-setting of Troika Presidencies (French *Assemblée nationale*), and of meetings including more follow-up (Swedish *Riksdag*);
- In general, fewer speeches and pre-written statements, and more room for exchange and discussion in better structured meetings (German *Bundesrat*) and reinforce interactive debates (European Parliament) with new working methods such as break-out sessions (Dutch *Tweede Kamer*), and keynote speakers to follow the discussions and reply to questions (Czech *Poslanecká sněmovna*);
- Ensuring that relevant Commissioners participate in person in permanent interparliamentary conferences such as COSAC, Interparliamentary Conference on Stability, Economic Coordination and Governance in the European Union and the Common Foreign Security Policy/Common Security and Defence Policy Conference (Polish *Sejm*);
- Faster and relevant communication and improvement of coordination and exchange of relevant information between different interparliamentary formats, namely by assessing the

potential of using the existing secretarial resources to foster that synergy (Portuguese *Assembleia da República*);

- Making interparliamentary bodies more efficient without increasing them in number and safeguarding the possibility of organizing supplementary sectorial interparliamentary meetings within the parliamentary dimension (Luxembourg *Chambre des Députés*);
- Enhancing discussion on European legislative proposals by inviting national Parliaments to attend one or more sessions of the European Parliament committees (Italian *Senato della Repubblica*);
- Making COSAC meetings more focussed on European public policy topics, and inviting Chairpersons of EU Affairs Committee to interparliamentary conferences to ensure a link between the latter and COSAC (French *Sénat*).
- Establishing smaller and more frequent interparliamentary working groups (Italian *Camera dei deputati*).

In addition some Parliaments/Chambers referred to the Working Group on updating the 2008 Lisbon guidelines (Danish *Folketing*, German *Bundestag*, Maltese *Kamra tad-Deputati*), with the Hungarian *Országgyűlés* stating it was the proper way for improving the frame for interparliamentary cooperation. The Swedish *Riksdag* was of the opinion that the Working Group could “clarify how the cooperation works today by giving an updated description of the cooperation”.

The Finnish *Eduskunta* noted that the current framework provided a useful structure for national Parliaments and the European Parliament to exchange views and best practices, adding that the added value of each conference depended on the work and ambition of each Presidency.

### iii. Administrative support to interparliamentary cooperation

A majority of respondents (26 out of 34) saw no need to further develop or modify the role of national Parliament representatives and liaison officers in Brussels. Eight Parliaments/Chambers deemed it necessary to develop or modify the role of the representatives and liaison officers.

Respondents emphasised the following points:

- Respecting the fact that each national Parliament/Chamber provided a specific mandate for its own representative in Brussels (Estonian *Riigikogu*, Finnish *Eduskunta*, Greek *Vouli ton Ellinon*, Maltese *Kamra tad-Deputati*, Polish *Sejm*, Swedish *Riksdag*);
- The value of the national Parliament representatives based in Brussels as a network for information exchange and coordination (German *Bundesrat*, Maltese *Kamra tad-Deputati*, Polish *Sejm*);
- A better coordination with IPEX correspondents, especially with regard to scrutiny of proposals (Belgian *Chambre des représentants*, Belgian *Sénat*, Swedish *Riksdag*) and ECPRD (Swedish *Riksdag*).

The German *Bundesrat* noted that the role of the national representatives should be strengthened in a way that enables and facilitates the sharing of information as early on as “logistically possible”, allowing others to benefit from scrutiny work that had already been done elsewhere. This sentiment was echoed by the Swedish *Riksdag*, who noted that official information on the parliaments’ consideration of EU documents and information on their work procedures should to a greater extent be made accessible without delay on IPEX. The French *Assemblée nationale* stressed the need to

enhance the value of the network these representatives created, while the Hungarian *Országgyűlés* suggested the network could be used in a more coordinated manner, in particular with regard to information requests from EU institutions and with regard to organizing meetings on topical interest. The Maltese *Kamra tad-Deputati*, while also emphasising the need to improve the sharing of information, added that, whilst acknowledging the different mandate provided by Parliaments/Chambers, there should nevertheless be a core set of functions to serve as a basis on which the representatives could operate.

Slovak *Národná rada* noted that it did not have a permanent representative in the European Parliament currently.

The European Parliament recalled its contribution to interparliamentary cooperation and to the support of national Parliaments by hosting their representatives in its Brussels and Strasbourg premises since 1991. Currently, the European Parliament hosts 52 persons working for 38 national Parliaments/Chambers.

With regard to the matter of whether the COSAC Secretariat could in future be deployed also in support of other recurring interparliamentary conferences, opinions were divided. Should there be a general review of tasks and resources of the COSAC Secretariat, a thin majority (19 out of 33 respondents) would support the view that the COSAC Secretariat could in future be deployed to support other recurring interparliamentary conferences, while 14 Parliaments/Chambers said they would not. The Czech *Senát* clarified their positive reply by stating that it would have replied with a “no opinion” had that been a possibility, but nevertheless deemed the idea “logical”.

According to the Finnish *Eduskunta*, a general review of the COSAC Secretariat’s structure, including tasks, resources and financing, was long overdue, and that the most effective and cost effective way to provide the same level of support to other interparliamentary conferences was to deploy the Secretariat. The Finnish *Eduskunta* suggested that a joint secretariat for all the conferences could be set up, which would call for “stronger personnel resources, a unified pay structure and fixed annual contributions, as well as cutting current non-essential functions such as the Bi-annual Report”.

The Slovak *Národná rada* and the Polish *Sejm* support the idea that the COSAC Secretariat should play a stronger and extended role in support of future interparliamentary conferences. For the Swedish *Riksdag*, using the COSAC Secretariat's permanent resources for other interparliamentary purposes would promote not only resource-efficiency but also coordination. While not committing itself with a direct answer, the Portuguese *Assembleia da República*, noted that this was a possibility worth analysing and assessing, especially in the light of the existing need for synergies between interparliamentary conferences and the fact the national Parliaments/Chambers had pooled resources into the COSAC Secretariat that could be enhanced. For the Maltese *Kamra tad-Deputati*, the structured administration of COSAC contributed in no small way to COSAC’s success, whose experience could benefit other interparliamentary conferences.

According to the Austrian *Nationalrat* and *Bundesrat* and the Irish *Houses of the Oireachtas*, this was a question for the Secretaries-General or Speakers of EU Parliaments to deal with.

From the 14 Parliaments/Chambers that did not support the view that the COSAC Secretariat could in future be deployed to support other recurring interparliamentary conferences, the Dutch *Eerste Kamer* noted that there was a need for a professional secretariat that could support other conferences

and provide continuity and coherence between consecutive Presidences, but stressed the importance of looking into the modalities first.

The Cyprus *Vouli ton Antiprosopon* noted that the COSAC Secretariat was established by the COSAC Rules of Procedure following discussion and compromise, and reflects the workings and procedures of COSAC and should therefore be dedicated to that task, adding that “too much complication and practical difficulties would arise if the same Secretariat was to support other conferences”.

The Latvian *Saeima* qualified their answer by noting that, if COSAC were to serve as an umbrella conference in case of a larger-scale reform of the interparliamentary corporation practice, then it would agree with the idea.

As final remarks, the Italian *Senato della Repubblica* expressed the view that COSAC should be given a central role linking the succession of rotating presidencies of the EU Council to the parliamentarians of all the Member States, in order to address the key issues concerning the EU. For the Swedish *Riksdag*, the format of COSAC's plenary meetings could be modernised, for example by alternating plenary sessions with parallel thematic workshops for suitable points on the agenda, and reviewing the format and function of the preparatory COSAC Chairpersons' meeting.

## CHAPTER 3

# EVALUATION OF BI-ANNUAL REPORT

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THE THIRD CHAPTER OF THE 32<sup>ND</sup> BI-ANNUAL REPORT seeks to evaluate the importance and current format of the Bi-annual Report.

### **i. Bi-annual Report as a tool to enhance parliamentary cooperation**

Asked whether they considered the Bi-annual Report an essential part of COSAC's work, the majority of Parliaments/Chambers (22 out of 35 respondents) thought it was, with less than half of the total respondents (13 Parliaments/Chambers) answering negatively.

Most Parliaments/Chambers identified exchange of best practices and parliamentary opinions on EU policies as the main contribution of the Report to COSAC (Belgian *Chambre des représentants*, Belgian *Sénat*, Bulgarian *Narodno sabranie*, Cyprus *Vouli ton Antiprosopon*, Danish *Folketing*, Dutch *Eerste Kamer*, German *Bundestag*, French *Sénat*, Italian *Senato della Repubblica*, Luxembourg *Chambre des Députés*, Slovenian *Državni svet*, Slovenian *Državni zbor*, UK *House of Lords*), with some Parliaments/Chambers noting the Report served as a record of best practices (Greek *Vouli ton Ellinon*) or a “pillar of COSAC's institutional memory” (Cyprus *Vouli ton Antiprosopon*). The Danish *Folketing* further specified that Reports had facilitated a better exchange of best practices between parliaments in highly relevant areas, adding that the Reports had, for instance, provided access to comparative information about which EU documents national Parliaments receive from their governments.

Some Parliaments/Chambers, however, pointed out that the Report had rarely led to discussion in the COSAC plenary (Austrian *Nationalrat* and *Bundesrat*, Dutch *Eerste Kamer*, Finnish *Eduskunta*), with the European Parliament suggesting that the Report could be followed up with a political debate and conclusion to increase its added value. Finally, it was pointed out that the Report could also serve as a useful point of reference for the parliamentary staff and the academia on issues related to national Parliaments' role in the EU (Cyprus *Vouli ton Antiprosopon*, Hungarian *Országgyűlés*, Maltese *Kamra tad-Deputati*). The Hungarian *Országgyűlés* further considered it as a supplementary document to the COSAC debate.

The Czech *Senát* said it was useful as long as it was used to gather information and positions for the purpose of drafting the COSAC conclusions and contributions.

Whereas the Slovenian *Državni zbor* did not consider the Report essential, it did consider it useful, mainly for the same reasons mentioned above, namely giving national Parliaments/Chambers an insight on the views of other parliaments. Similarly, the Estonian *Riigikogu* also saw the Report's usefulness despite not considering it essential.

Opinions were split, however, when it came to the frequency of publication, with half of the respondents (17 out of 38 Parliaments/Chambers) stating that the Report should continue to be published bi-annually, whereas the other half (17 Parliaments/Chambers) stating that each Presidency should decide whether or not to launch a Report. Four Parliaments/Chambers had no opinion to express on the matter.

The majority of Parliaments/Chambers (21 out of 35 respondents) thought that the current Reports provided a sufficiently accurate description of the breadth of views represented in each Parliament/Chamber, whereas 14 Parliaments/Chambers did not.

Twenty-three respondents elaborated their responses. Those who considered that the Report provided a sufficiently accurate description of the breadth of views said the Reports presented the views in a clear, accurate and concise manner (Slovenian *Državni svet*) or fairly well (Polish *Sejm*), and noted that the annex provided more information on the position of each Parliament/Chamber (French *Sénat*). The Greek *Vouli ton Ellinon* considered that even though the Bi-annual Reports were largely answered by the administration, it remained an important and direct source of information. Similarly, the Maltese *Kamra tad-Deputati* stated that the Report was a useful tool for small Parliaments to improve scrutiny procedures and make them more effective. Finally, the Romanian *Camera Deputaţilor* found it could be difficult for both “conceptual and administrative” reasons to account for all different views. The Austrian *Nationalrat* and *Bundesrat* added that the questionnaire could be adapted in a way that could better take into account dissenting opinions of political groups.

The European Parliament noted that the Report should be precise and concise and that political diversity was best reflected by the composition of the national Parliaments delegation in the meeting of COSAC.

Those who were of the view that the Report did not provide a sufficiently accurate description of the breadth of views, said the subjects were often too superficial (Luxembourg *Chambre des Députés*), questions asked were too vague or unclear (Czech *Senát*) or that it was difficult to give a nuanced answer to yes and no questions considering that the questions were often political (Dutch *Eerste Kamer*). The Swedish *Riksdag* underlined that due to different types of respondents in the Parliaments/Chambers, a fair comparison between them was difficult to accomplish. The Swedish *Riksdag* furthermore noted that all types of graded questions were almost impossible to answer and that a limited space for the answer did not allow much room for possible minority views in the Parliaments. The Latvian *Saeima* suggested that Parliaments/Chambers should be able to submit answers to the questions based on their own customs and practices, including dissenting minority opinions. The German *Bundestag* said it was difficult to answer unless a formal decision had been taken by the Parliament or committee.

The Danish *Folketing* said that many COSAC Presidencies had tried to use the Report to obtain knowledge about political views of Parliaments, which it noted might be relevant in some cases, but that had made it “a very burdensome task to draw up replies to the increasing number of often political questions”.

The Finnish *Eduskunta* found that the “necessarily simplified format of questionnaires leads to oversimplification of complex political views and arguments”, and noted that there was a “risk that the Reports are used as evidence in support of other research, although they lack the requisite methodological rigour”. Similarly, the Slovenian *Državni zbor* pointed out that the views presented in the Report could not be accurate since they did not represent the opinions of all the political parties in individual Parliaments.

The Hungarian *Országgyűlés* pointed out that the responses to the questionnaires were mostly provided by the staff and consequently the answers were mainly “formalised and schematic”. The Spanish *Cortes Generales* thought the aim of the Report should be to share best practices and the



work done by Parliaments, and as such should not inquire national Parliaments on the political views expressed by each Parliament/Chamber.

## ii. Way forward for the future Reports

When asked whether there was a need to reform or replace the format and content of the Bi-annual Report, the majority of Parliaments/Chambers (23 out of 34 respondents) responded positively. Eleven Parliaments/Chambers were satisfied with the current format of the Report.

Some Parliaments/Chambers suggested that the Reports could be made more focussed around specific subjects in order to provide a more in-depth outlook into the chosen area (Belgian *Sénat*, French *Assemblée nationale*, German *Bundesrat*, Luxembourg *Chambre des Députés*, Polish *Senat*), or more specific and better connected to the political debate of COSAC (Czech *Senát*, Dutch *Eerste Kamer*, Latvian *Saeima*, European Parliament). On the other hand, the Maltese *Kamra tad-Deputati* was of the opinion that topics should not necessarily reflect the items on the agenda of the COSAC plenary, adding that an effort should be made to avoid repetition of content from one questionnaire to another. The Belgian *Chambre des représentants* considered that the Report could be worked in cooperation with subsequent Presidencies, where appropriate, in order to provide an annual Report.

Recalling the issue of whether it should be left to each Presidency to decide whether to launch a Report, on which opinions were split, five Parliaments/Chambers proposed that launching the Report could be subjected to a decision of the incumbent Presidency (Danish *Folketing*, Dutch *Tweede Kamer*, Finnish *Eduskunta*, Lithuanian *Seimas*, European Parliament), with the Lithuanian *Seimas* adding that the format and content of the Report would then also be subjected to the Presidency decision. The European Parliament further stressed that when the Report was produced, it should be used politically in the work of COSAC.

The Danish *Folketing* suggested that in future Reports COSAC should concentrate on examining factual developments on procedures and practice relevant to parliamentary scrutiny of EU matters.

A number of respondents voiced their concern that the format of the Report did not always reflect the diversity of parliamentary systems and that the questionnaires ran the risk of oversimplifying complex topics, and that questions of political nature were often difficult to answer (Cyprus *Vouli ton Antiprosopon*, German *Bundestag*, Maltese *Kamra tad-Deputati*, Swedish *Riksdag*). The French *Sénat* suggested that the use of graphics could make the Report more accessible and the Romanian *Camera Deputaţilor* stated that the “structure and organisation shall be updated to reflect current digital nature of media”. Finally, the Austrian *Nationalrat* and *Bundesrat* noted that the Reports had turned out to be a “laborious task for the COSAC Secretariat, the rotating presidency and national Parliaments”, which was a view reflected also in the response of the Swedish *Riksdag*.

While noting that they did not see a need to reform or replace the format and content of the Report, the Cyprus *Vouli ton Antiprosopon* suggested less complicated and shorter questionnaires, topics that were chosen for their relevance to debates and procedures in national Parliaments, and shorter and more to the point Reports.

When it came to identifying the main contribution of the Bi-annual Reports to enhancing the interparliamentary cooperation in the EU and/or the ability of their respective Parliament/Chamber to influence EU policy, a number of respondents pointed out various areas where the Report provided them with added value.

Many Parliaments/Chambers considered the provision of best practices as the main contribution of the Report, with some respondents highlighting the fact that it provided benchmarks for parliamentary practice and served as a tool for comparative analysis (Austrian *Nationalrat* and *Bundesrat*, Bulgarian *Narodno sabranie*, Danish *Folketing*, Estonian *Riigikogu*, Finnish *Eduskunta*, Greek *Vouli ton Ellinon*, Portuguese *Assembleia da República*, Slovak *Národná rada*, Swedish *Riksdag*, European Parliament). Despite this, the Austrian *Nationalrat* and *Bundesrat* also noted that the report had rarely led to an in-depth discussion or analysis. The Polish *Senat* stated that the Report, while being informative for individuals and institutions, is of minor influence on the work of Parliaments.

The Maltese *Kamra tad-Deputati* noted that the Report could help determine the best practice with regard to a certain procedural issue, as well as serve as a basis for further bilateral cooperation on specific topics. The Lithuanian *Seimas* also noted that Reports on specific topics (such as economic governance and the monitoring of the principle of subsidiarity) had provided useful information on parliamentary scrutiny practices in the EU, thus helping them to improve their own procedures. The Slovenian *Državni svet* echoed this sentiment by saying that the Report had enabled their Parliament/Chamber to review its activities in the field of interparliamentary cooperation and scrutiny. The Dutch *Eerste Kamer* was more specific in its reply, referring to an instance where the Dutch Chamber had proposed the addition of a question to a past report, the replies to which then established that their Parliament/Chamber did not enjoy the same access to Council documents as other EU Parliaments, thereby prompting the Dutch government to grant access to the Delegates' Portal, with the report thus proving to be of "tremendous help for the Dutch Parliament to get better informed".

The Slovenian *Državni zbor* added that the Report enabled national Parliaments to find relevant partners for common action at the EU level, serving as a tool for identifying like-minded national Parliaments. The Swedish *Riksdag* also thought that the exchange of experience and best practices could help in strengthening interparliamentary forms of cooperation, citing the pilot project carried out prior to the introduction of Parliaments' system of subsidiarity checks as an example. Similarly, the Latvian *Saeima* said in their response that the Bi-annual Report enhanced inter-parliamentary cooperation.

The European Parliament found the Bi-annual Report to be "an excellent tool for exchanging and comparing best practices, as well as the width and depth of parliamentary activities related to EU affairs", and as a collection of positions adopted by national Parliaments with respect to specific questions. The UK *House of Lords* was more specific in its reply, recalling the recent Bi-annual Report which shed light on the prevalent attitudes among national Parliaments to a future UK-EU relationship post-Brexit, adding that this had "proved a very helpful resource to the Lords EU Committee".

Many Parliaments/Chambers acknowledged the value of Bi-annual Report as an overview into parliamentary opinions and views on specific questions (Czech *Poslanecká sněmovna*, French *Sénat*, Hungarian *Országgyűlés*, Romanian *Camera Deputaților*, Romanian *Senat*, Italian *Camera dei deputati*, Italian *Senato della Repubblica*). The French *Sénat* noted that the Bi-annual Reports provided a comprehensive overview of the positions and working methodologies adopted by the Parliaments of the EU, something which would otherwise be hard to obtain. The Hungarian *Országgyűlés* highlighted the fact that Bi-annual Reports provided a general overview of the Presidency's main priorities together with the opinions of the national Parliaments. The Czech

*Poslanecká sněmovna* also referred to the benefit of having access to a collection of positions and views adopted by national Parliaments, adding that this also served as an opportunity to provide feedback from national Parliaments to the EU institutions.

A number of Parliaments/Chambers noted that the Bi-annual Reports provide a basis on which to draw up national Parliament's positions on a number of issues (Cyprus *Vouli ton Antiprosopon*, Polish *Sejm*). The German *Bundestag* said the Report provided a starting point for further debates by using its findings, and the Czech *Senát* considered the information and ideas from other parliaments as valuable. The Polish *Sejm* also noted that the Report served as a basis when drawing up the COSAC contributions.

The Spanish *Cortes Generales* pointed out the archival value provided by the Bi-annual Reports, describing it as a “valuable tool that has allowed national Parliaments to keep a record of the vast range of topics dealt by COSAC”, adding that it “serves, and not only to the academic world, as an archive of best practices and experiences shared by national Parliaments within COSAC meetings on the topics selected by each Presidency”. Similarly, the Cyprus *Vouli ton Antiprosopon* noted that the information was useful for academics in their research on the role of national Parliaments and when proposing ways of influencing EU policies.

The reply by the Portuguese *Assembleia da República* constituted a synthesis of the above, stating that the Bi-annual Report provided the possibility to conduct a clear analysis of issues of common interests, enabled the mapping of the positions and institutional approaches adopted by national Parliaments and fostered the exchange of best practices and learning from the experience of peers.

Both the Belgian *Chambre des représentants* and the Belgian *Sénat* could not identify any contribution since the Bi-annual Reports were not discussed in their respective Chambers. The Dutch *Tweede Kamer* also noted that the reports were not discussed in the Chamber.



32<sup>nd</sup>

Bi-annual Report

COSAC