# Summary history of the COSAC Bi-annual Report

The Bi-annual Report dates back to the XXX COSAC meeting in Rome in October 2003 where the COSAC Secretariat was established. The Secretariat was created in the context of a reform of COSAC enabling it to become a more effective forum that would be more focussed on the role of the national Parliaments.[1] In accordance with the decision of the COSAC in Rome, the Secretariat received a mandate to "compile a factual report on developments in EU procedures and practices relevant to parliamentary scrutiny every six months in order to provide the basis for debate in COSAC". The guidelines for the preparation of the Bi-annual Report were provided later by the COSAC Chairpersons and Working Group meeting in Dublin in 2004 and the first Bi-annual Report was published during the Irish Presidency in 2004.[2] Since the second Report, issued under the Dutch Presidency in 2004, questionnaires have been used to gather information from EU Parliaments and Chambers as a source for the Report.

During 2004 and 2005, one of the main topics of the Reports was the Constitutional Treaty for the EU and its implications for the national Parliaments. The first two Reports published by the Irish and Dutch Presidencies in 2004 on the eve of the adaptation of the Constitutional Treaty provided an account of the provisions of the Treaty that had implications for national Parliaments and their role in the EU legislative process. The Luxembourgish Report in 2005 looked into the latest developments in the Constitutional Treaty in the area of freedom, security and justice. An overview of recent developments in certain EU policy areas was also provided in the UK (2005) and the Austrian (2006) Reports concerning transparency in the Council and better regulation.

While the first Reports provided an account of, *inter alia*, evolving EU legislative procedures, new EU provisions or new Commission initiatives relevant to parliamentary scrutiny, the Luxembourgish Report mainly focussed on the procedures set up in national Parliaments to examine European decision-making. Since 2005, Parliaments' procedures have remained a recurring approach in the Report. During the years 2005–2008, the Reports looked into Parliaments' procedures and actions taken by them in relation to, *inter alia*, subsidiarity and proportionality checks,[3] cooperation with the European Commission,[4] raising national European awareness,[5] comitology procedure,[6] EU Financial Programmes[7] as well as the Schengen process and accession negotiations[8]. Scrutiny procedures concerning Common Foreign and Security Policy (CFSP) and Common Security and Defence Policy (CSDP) was also addressed.[9]

The Lisbon Treaty and its implications for national Parliaments were addressed in four Reports over the years 2007–2011. The ratification of the Treaty of Lisbon was dealt with in Slovenian (2008) and French (2008) Reports. The French Report also represented the outcome of working group discussions between national Parliaments' representatives to the EU by analysing how

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[1] See Contribution adopted by the XXVI COSAC para 8. The tasks of the Secretariat were drafted in the Note on the establishment of a COSAC secretariat "Note on the conclusions" by COSAC Working Group 15–16 December under the Danish Presidency, p. 1–2.
[2] "Introductory note to the Biannual Report" Irish Presidency 2004, p. 1.
[3] Luxembourgish Bi-annual Report 2005, Austrian Bi-annual Report 2006, Finnish Bi-annual Report 2006 and German Bi-annual Report 2007.
[4] Finnish Bi-annual Report 2006 and German Bi-annual Report 2007.
[5] UK Bi-annual Report 2005.
[6] Finnish Bi-annual Report 2006.
[7] Portuguese Bi-annual Report 2007 and Slovenian Bi-annual Report 2008.
[8] Slovenian Bi-annual Report 2008.
[9] UK Bi-annual Report 2005, Austrian Bi-annual Report 2006 and Belgian Bi-annual Report 2010. The French Bi-annual Report 2008 only addressed the ESPD.

the opportunities provided by the Protocol 2 of the Lisbon Treaty could be best implemented by national Parliaments and whether any collective arrangements were needed. The Spanish (2010) and the Polish (2011) Reports looked into how Parliaments implemented Lisbon Treaty provisions. In 2014, five years after the entry into force of the Treaty, the impact of the integration process on the EU Parliaments was examined in the Italian Report.

Whereas COSAC procedures were evaluated in the Spanish Report in 2010 and again in the Greek Report in 2014 with the aim of improving its agenda and practices, the first evaluation of the Bi-annual Report itself was made in the Czech Report in 2009 that addressed the content and the form of the Report as well as practices of Parliaments in preparing their answers for the Report and usage of the finished Reports. The evaluation covered issues such as topics, their link with the agenda of the COSAC ordinary meetings, the organisation and length of the reports.

According to findings of the Czech Report, the Parliaments and Chambers considered the Report a useful tool for exchanging best practices and experiences because it provided an insight into procedures and practices of other Parliaments. As to the content of the Report, most respondents thought that there should be some kind of a link between the content of the Reports and the agenda of COSAC meetings which would help prepare and facilitate the debates at the meetings. On the other hand, some respondents considered such a link unnecessary. According to the Czech Report, opinions were expressed both in favour of and against the idea of incorporating political topics of the meetings' agendas in the Reports. According to the Czech Report's findings, the choice of the subjects for the Reports had so far been based, above all, on topicality to current debates in European Union or in COSAC, and the priorities of the EU Presidency.[10] Until 2009, eight out of the 11 Reports so far, the Czech one included, had addressed one or two topics on the agenda of the following COSAC plenary meeting.[11] After that, beginning with the Swedish Report in 2009, almost all Reports have included at least one topic that was also dealt with in the COSAC plenary meeting with the exceptions of the Danish (2012), Greek (2014) and Finnish (2019) Reports that did not establish such a connection. Eleven Reports since 2009 have consisted exclusively of topics that prepared the discussions of COSAC plenaries.[12]

After the entry into force of the Lisbon Treaty, parliamentary scrutiny and control has remained a central theme. The approach of Parliaments to the scrutiny process in general was addressed in the Lithuanian (2013), Latvian (2015), Dutch (2016) and Maltese (2017) Reports. The Maltese Report (2017) focussed on the scrutiny of governments and the Dutch Report (2016) on how EU scrutiny affected the work of Parliaments internally and externally. Numerous Reports have evaluated the Parliaments' scrutiny and involvement in relation to specific policy areas: Topic specific scrutiny evaluations were made concerning the EU Financial Programmes in 2007[13] and enlargement of the Schengen area and negotiations on accession to the EU in 2008.[14] Scrutiny of Europol and Eurojust was dealt with in 2009.[15] Scrutiny was approached

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[10] Czech Bi-annual Report 2009, p. 8 and 40–48.
[11] Luxembourgish Bi-annual Report 2005, UK Bi-annual Report 2006, Austrian Bi-annual Report 2006, Finnish Bi-annual Report 2006, German Bi-annual Report 2007, Portuguese Bi-annual Report 2007, Slovenian Bi-annual Report 2008 and Czech Bi-annual Report 2009.
[12] Swedish Bi-annual Report 2009, Belgian Bi-annual Report 2010, Polish Bi-annual Report 2011, Italian Bi-annual Report 2014, Latvian Bi-annual Report 2015, Dutch Bi-annual Report 2016, Slovakian Bi-annual Report 2016, Estonian Bi-annual Report 2017, Bulgarian Bi-annual Report 2018, Austrian Bi-annual Report 2018 and Romanian Bi-annual Report 2019.
[13] Portugal Bi-annual Report 2007.
[14] Slovenian Bi-annual Report 2008.
[15] Czech Bi-annual Report 2009.

from an economic angle when the Hungarian (2011), Irish (2013) and Greek (2014) Reports addressed the European Semester. The Greek Report also addressed the social dimension of the European Monetary Union (EMU). Scrutiny of Multiannual Financial Framework was looked into in Portuguese (2007), Polish (2011) and Bulgarian (2018) Reports. The Europe 2020 Strategy was dealt with in Hungarian (2011), Lithuanian (2013) and Italian (2014) Reports. During the first half of the 2010s Reports also dealt with Parliaments' views on different policy areas and European Commission's actions concerning e.g. the re-launching and better governance of the Single Market,[16] a genuine EMU[17] and the Treaty on Stability, Coordination and Governance in the EMU[18]. Parliaments' involvement in and views on the EU Enlargement Policy were looked at in the Irish Report in 2013 and the Luxembourgish Report in 2015.

From 2015 onwards, a recurrent thematic question of the Report has been the future of the EU. The Estonian Report in 2017 evaluated the Parliaments' views in the context of parliamentary control by analysing the Union's strategic documents concerning the future of the EU. The Task Force on Subsidiarity, Proportionality and Doing Less More Efficiently that sought to assess, *inter alia,* how to better apply the principles of subsidiarity and proportionality, was in the focus of the Bulgarian and Austrian Reports in 2018. The Maltese (2017), Austrian (2018) and Romanian (2019) Reports tied the analysis to the state of play of Brexit. The Lithuanian Report in 2013 had earlier addressed the future of the EU in the context of the 2014 European elections. In the recent Bi-annual Reports, the Parliaments' views were also explored, *inter alia*, as regards migration,[19] energy and climate,[20] Cohesion Policy and the Multiannual Financial Framework[21] as well as trade relations of the Union and the European Education Area as a driving factor for the Single Market[22]. Parliaments' procedures and practices were evaluated on such topics as bringing the EU closer to its citizens,[23] the Digital Single Market[24] and the European Neighbourhood Policy[25].

Fifteen years after the publication of the first Report and 10 years after the previous evaluation of the Report itself, the Finnish Report in 2019 sought to establish whether there was a need to reform or replace the format, frequency and content of the Bi-annual Report. According to the findings of the Report, the majority of Parliaments and Chambers considered it necessary to reform or replace the format and content. Half of the respondents stated that the Report should continue to be published bi-annually, while the other half stated that each Presidency should decide whether or not to launch a Report. The majority of Parliaments and Chambers considered the Report an essential part of COSAC's work, identifying exchange of best practices and parliamentary opinions on EU policies as the main contribution of the Report to COSAC.

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[16] Danish Bi-annual Report 2012 and Cypriot Bi-annual Report 2012.
[17] Irish Bi-annual Report 2013.
[18] Cypriot Bi-annual Report 2012.
[19] Italian Bi-annual Report 2014, Luxembourgish Bi-annual Report 2015 and Maltese Bi-annual Report 2017.
[20] The Latvian (2015) and Slovakian (2016) Bi-annual Reports addressed the Energy Union; the Austrian (2018) Bi-annual Report both the Energy Union and climate policy.
[21] Bulgarian Bi-annual Report 2018.
[22] Romanian Bi-annual Report 2019.
[23] Estonian Bi-annual Report 2017 and Austrian Bi-annual Report 2018.
[24] Estonian Bi-annual Report 2017 and Romanian Bi-annual Report 2019.
[25] Italian Bi-annual Report 2014 and Dutch Bi-annual Report 2016.

## ANNEX: MAIN TOPICS ADDRESSED IN THE BI-ANNUAL REPORTS IN 2004–2019

| Topic | 2004 | | 2005 | | 2006 | | 2007 | | 2008 | | 2009 | | 2010 | | 2011 | | 2012 | | 2013 | | 2014 | | 2015 | | 2016 | | 2017 | | 2018 | | 2019 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | IE | NL | LU | UK | AT | FI | DE | PT | SI | FR | CZ | SE | ES | BE | HU | PL | DK | CY | IE | LT | EL | IT | LV | LU | NL | SL | MT | EE | BG | AT | RO | FI |
| EU constitutional arrangements | x | x | | x | | | x | x | x | x | | | x | | | | | | | | | x | | | | | | | | | | |
| Future of the EU (incl. Brexit) and enlargement | | | | | x | | | | x | | | | | | | | | | | x | | | | x | | | x | x | x | x | | |
| Subsidiarity and proportionality principles | x | | x | | x | x | x | | | x | | | | | | x | | x | x | | | | x | x | x | | | | | | | |
| Scrutiny practices of EU matters (EAC) | x | | x | | | | | x | | | | x | | | | | | | | x | | | x | | x | | x | | | | | x |
| Scrutiny of JHA | | | x | | | | x | | | | x | x | | | | | | | | | | | | | | | | | | | | |
| Scrutiny of CFSP / CSDP | | | | x | x | | | | | x | | | | x | | | | | | | | | | | | | | | | | | |
| Scrutiny of MFF | | | | | | | | x | | | | | | | | x | | | | | | | | | | | | | | | | |
| Better lawmaking and transparency in the EU | x | x | | x | x | | | | | | | | | | | | x | | | | | | | | | | | | | | | |
| Cooperation with EU institutions | | | | | | x | x | | | | | | | | | x | | x | | | | | x | x | x | x | | | | | | x |
| Cooperation among national Parliaments (incl. COSAC) | | | | | | | | | | | x | | x | x | | | x | | | | | x | | | | | | | | | | x |
| Citizen outreach | | | | | | | | | | | | | | | | | | | x | | | | | | | | | x | x | x | | |
| Neighbourhood policy and parliamentary diplomacy | | | | | | | | | | | | | | | | | | | | | | x | | | | x | | | | | | |
| International agreements (incl. trade) | | | | | | | | | | x | | | | | | | | | | | | | x | | | x | | | | | x | |
| Fundamental rights and values | | | | | | | | | | | x | | | | | | | | | | | | | | | x | | | | | | |
| Growth agenda (incl. Europe 2020 strategy) | | | | | | | x | x | | | | | x | x | | | | | x | | x | | | | | | | | | | | |
| Economic governance | | | | | | | | | | | | | | | | x | | x | x | | x | | | | | | | | | | | |
| Single Market policies | | | | | | | | | | | | | | | | | x | x | | | | | | | | | | | | | | |
| Energy policy | | | | | | | | | | | | | | | | | | x | | | | | x | | | x | | | | x | | |
| Climate change | | | | | | | x | | | | | | | | | | | | | | | | | | | | | | | x | | |
| Social policies | | | | | | | | | | | | | | | | | | | | | | x | | | | | | | x | | x | |
| Migration policies | | | | | | | | | | | | | | | | | | | | | | | | x | | | x | | | | | |
| Digital Single Market | | | | | | | | | | | | | | | | | | | | | | | | | | | | | x | | x | |
| Regional matters | | | | | | x | | | x | | | | | | | | | | | | | | | | | | | | | | | |