

May 2009

Eleventh Bi-annual Report:
Developments in European Union
Procedures and Practices
Relevant to Parliamentary Scrutiny



Prepared by the COSAC Secretariat and presented to:

**XLI Conference of Community and European Affairs
Committees of Parliaments of the European Union**

11-12 May 2009
Prague

**Conference of Community and European Affairs Committees of Parliaments
of the European Union**

COSAC SECRETARIAT

RMD 02 J 032, 89 rue Belliard, B-1047 Brussels, Belgium
E-mail: secretariat@cosac.eu | Fax: +32 2 230 0234

Table of Contents

Background.....	5
Abstract.....	6
Chapter 1: Parliamentary control of Europol and evaluation of Eurojust	10
1.1 Current practices in parliamentary scrutiny of Europol and Eurojust	10
1.2 Plans for developing parliamentary scrutiny of Europol and evaluation of Eurojust	11
1.3 Forms of direct communication between parliaments and National Members of Eurojust and/or Europol Liaison Officers.....	12
1.4 Cooperation with regard to the evaluation of Eurojust and the scrutiny of Europol in the light of the Treaty of Lisbon.....	13
1.5 The role of COSAC with regard to the evaluation of Eurojust and the scrutiny of Europol's activities.....	14
Chapter 2: The role of the EU parliaments in the promotion of human rights and democracy in the world	16
2.1. Structures established by parliaments to handle the issues of promotion of human rights and democracy.....	16
2.1.1. Committees dealing with human rights issues	16
2.1.2. Debates on the state of human rights and democracy in the world	16
2.1.3. Resolutions and reports on critical human rights and democracy situations in the world.....	17
2.2. Parliamentary control in the field of human rights and democracy	17
2.2.1. Control of the Government.....	17
2.2.2. Monitoring of the current state of human rights and democracy before concluding an agreement	18
2.2.3. Human rights and democracy clauses in the EC agreements with third countries	19
2.3. Participation of Parliaments in promoting human rights and democracy.....	20
2.3.1. Projects and initiatives aimed at promoting human rights and democracy	20
2.3.2. Criteria applied by parliaments in selecting initiatives and projects promoting human rights.....	22
Chapter 3: Representatives of national parliaments to the EU	23
3.1. Introduction	23
3.2. Reasons for the decision to send a permanent representative to the EU	23
3.3. Titles of the representatives.....	24
3.4. Term in office.....	25
3.5. Coordination of activities of the representatives of bicameral parliaments.....	25
3.6 Main functions.....	26
3.7 Focus of attention	27
3.8 Reporting on developments in the EU and selection of topics	28
3.9. Administrative accountability	29
3.10. Reporting on representatives' activities	30
3.11. Attendance of the EU Speakers' Conferences, meetings of the Secretaries General and COSAC meetings.....	30
3.12. Assistants.....	31
3.13. Future developments.....	31
Table 1: History of the Representatives.....	32
Table 2: Information on the Representatives	34
Chapter 4: Evaluation of the COSAC Bi-annual Reports	40
4.1. Picture of the experience of five years of the COSAC Bi-annual Reports.....	40

4.1.1. Brief presentation of the first ten Bi-annual Reports (2004-2009).....	40
4.1.2. Added value of the Bi-annual Reports according to the EU parliaments	41
4.2. Prospects for the content of the Bi-annual Reports	42
4.2.1. Issue of the link between the content of the Bi-annual Reports and the agenda of the COSAC meetings.....	42
4.2.2. Selection of topics: experience of the past COSAC Presidencies	43
4.2.3 Proposals for topics for future Bi-annual Reports	44
4.3. Form of the Bi-annual Reports.....	45
4.4. Practises of parliaments with regard to the Bi-annual Reports	46

Background

This is the Eleventh 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 plenary 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 four chapters of this Bi-annual Report are based on information provided by national parliaments and the European Parliament.

As a general rule, the Report does not specify all parliaments or chambers whose case is relevant for each point. Rather 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 mixture 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, Ireland, Romania and Spain each sent a single set of replies to the questionnaire drafted by the COSAC Secretariat.

The COSAC Secretariat received replies from 40 national parliaments or 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

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

Currently neither national parliaments nor the European Parliament possess sufficient legal means to scrutinise directly the activities of Europol and Eurojust. That is why **national parliaments exercise their control via their governments or find *ad hoc* ways to be informed about the activities of Europol and Eurojust.** The **European Parliament will** as of 1 January 2010, **acquire oversight and influence** over the two bodies thanks to the Council Decisions agreed in the Justice and Home Affairs Council of 6 April 2009.¹

There is no systematic scrutiny of Europol and Eurojust at national level, nor is there regular communication with the National Member of Eurojust and/or Europol Liaison Officer. However, parliaments widely share the conviction that proper parliamentary control of Europol and Eurojust is necessary; the provisions of the Treaty of Lisbon could provide the means to do so. The Treaty of Lisbon (Art. 88 and Art. 85 of the Treaty on the Functioning of the European Union) foresees involving national parliaments and the European Parliament in the evaluation of Eurojust's activities, and scrutinising by the European Parliament, together with national parliaments, of Europol's activities. **Parliaments realise the need for changes in their procedures in the light of the possible entry into force of the Treaty of Lisbon, but at this stage are neither specific nor certain about the forms of such changes.**

There are two **parallel questions** which parliaments are addressing at present: (i) establishing or upgrading **control of Europol and Eurojust on national level**, and (ii) establishing **scrutiny on inter-parliamentary level**. The latter question is specifically linked to the provisions of the Treaty of Lisbon, which foresee cooperation between the European Parliament and the national parliaments in the scrutiny of Europol and evaluation of Eurojust. Given the initial stage of affairs in these matters, there seems to be a **need for further exchange of ideas and best practices**. In this respect, specific attention could be paid to the discussions of the **Annual Reports of Europol/Eurojust** in parliaments.

When and if the Treaty of Lisbon is ratified it will raise a series of issues. National parliaments request that the **European Commission consults** with them before presenting its proposals for regulations on Europol and Eurojust. Once the proposals are published, **the Council and the European Parliament** are encouraged in their turn to **consult with national parliaments** giving them sufficient time to discuss the proposals among themselves. Furthermore, it will be necessary to **define, *inter alia*, the form, functioning, periodicity, remit, content of work of the mechanisms for evaluating Eurojust and controlling Europol.** The discussion among parliaments on the best platform to implement these provisions is important and could be debated within COSAC.

¹ Council decision establishing the European police office and Council Decision on the strengthening of Eurojust amending Council Decision 2002/187/JHA of 28 February 2002, as amended by Council Decision 2003/659/JHA setting up Eurojust with a view to reinforcing the fight against serious crime

CHAPTER 2: The role of the EU parliaments in the promotion of human rights and democracy in the world

In most cases, promotion of human rights and democracy in the world are dealt with by the Committees on Foreign Affairs of EU parliaments.

The protection of human rights and democratic standards is a sensitive issue for Members of Parliaments. That is why evaluation of these issues is a regular part of parliamentary discussions. The resolutions coming from these debates do not legally bind governments. However, parliaments may, and usually do, pass resolutions or recommendations to **draw governments' attention to critical human rights and democracy situations** in third countries.

The majority of parliaments are informed about the state of human rights and democracy in third countries during their debates on international agreements. One of the possible ways to monitor respect of human rights and democratic principles once the agreement enters into force is to include in the agreement a so-called suspension clause conditioning the application of the agreement on respecting human rights and democracy. Most parliaments welcome and support the **insertion of suspension clauses** into agreements between the European Community (henceforth "the EC") and third countries.

In general parliaments cooperate with other parliaments, the EU Institutions and international organisations in order to share information on their activities and good practices. They also cooperate on joint projects, in particular, parliaments tend to cooperate with **the United Nations, the Council of Europe and the Organisation for Security and Cooperation in Europe**.

CHAPTER 3: Representatives of National Parliaments to the EU

Since **1991** when the **Danish Folketing sent the first representative to the EU**, there has been a fundamental shift in the approach of national parliaments towards EU matters. The growing number of national parliament representatives in Brussels reflects an increased interest in contacts with the EU Institutions, in particular the European Parliament, and cooperation between parliaments. Presently **33 representatives** of national parliaments or chambers **from 24 out of the 27 Member States are permanently based** on the premises of the European Parliament **in Brussels**. The tasks and competences of these representatives vary considerably.

National parliaments have a **broad spectrum of motives** for posting permanent representatives in Brussels. Among these are: the need to receive rapid, firsthand information on the EU developments, to enhance political influence over EU decision-making; and to assist official relationships and direct cooperation between national parliaments and the EU Institutions and between national parliaments.

Representatives carry out **many and diverse functions**. However, almost all parliaments expect their representatives to **report back on political developments in the EU** and to **assist Members of Parliament when they attend inter-parliamentary meetings**. The reporting function seems to stay at the top of the representatives' agenda. The time spent on inter-parliamentary cooperation is constantly increasing and, therefore, can divert attention of representatives from their principal function of reporting back to their parliaments.

Networking, exchange of early information and coordination with other representatives in Brussels are considered to be **increasingly important functions**, especially **in view of the enhanced role of national parliaments envisaged in the Treaty of Lisbon**.

In the vast majority of cases **priorities for representatives' work** are set in accordance with the needs of Committees on European Affairs. However, in a number of cases representatives' priorities are shaped by demands of a much broader group of recipients.

This chapter also presents an overview of the representatives' **terms in office, accountability and duty to report** to their nominating parliament.

The role of representatives in Brussels is constantly evolving and a number of national parliaments are **planning to reassess it when the Treaty of Lisbon enters into force**. Parliaments are considering different ideas, in particular associated with setting up mechanisms for monitoring the implementation of the principle of subsidiarity provided for in Protocol 2 to the Treaty of Lisbon.

CHAPTER 4: Evaluation of the COSAC Bi-annual Reports

Over five years **COSAC Bi-annual Reports have become well-established documents**, considered by national parliaments to be of a great value. Indeed, thanks to their insight into the procedures and practices of the EU parliaments, the Reports are appreciated as they provide **up to date and comparative information, allowing the exchange of best practices** on scrutiny of EU legislation and policy.

Since May 2004, the COSAC Secretariat has published **ten Bi-annual Reports**. The Reports have **covered many subjects**. The most often covered were subjects related to the Constitutional Treaty, the Treaty of Lisbon, the principles of subsidiarity and proportionality and scrutiny procedures and practices in national parliaments.

On **the current form** of the Reports, there seems to be a consensus among national parliaments that it is **“accurate” and “satisfactory”**. Although some consider that an effort should be made to make them **more compact and analytical** to improve their impact on the readership.

Parliaments' replies to the questions regarding the **content** of the Bi-annual Reports indicate **diverging opinions**, especially on the issue of whether there should be a link between the topics of the Report and the agenda of COSAC Ordinary meetings. Regardless of the nature of the topics, many parliaments are in favour of a link, indicating that the Bi-annual Reports are **a valuable preparatory document for debates** on the agenda. Other parliaments draw attention to the **nature of the Bi-annual Reports and the COSAC meetings**. In their opinion, Bi-annual Reports are first intended to be procedural reports whilst the COSAC meetings deal with topics of a political nature. Therefore, the rule should be that there is no such direct link.

The feedback from those national parliaments who have presided over COSAC in the last five years, indicates that **the choice of the subjects** for the Bi-annual Reports is, above all, **based on topicality** to current debates in European Union or in COSAC, and the priorities of the EU Presidency.

The major issues suggested by parliaments for debate in the coming years are the **implementation of the Treaty of Lisbon** with regard to the enhanced role of the national parliaments and, more particularly, the application of the principle of subsidiarity. These topics therefore should continue to be addressed in future Bi-annual Reports. This chapter also provides a list of various topics suggested by national parliaments.

The **procedures** in national parliaments for **preparing and approving replies** to COSAC questionnaires are quite similar. There are, however, a few exceptions. Usually the Secretariats of the Committees on European Affairs are in charge of the replies, often in cooperation with other bodies of the parliamentary administration. If the content of the replies requires, the staff inform the Members, and in a number of cases the replies are approved by the Chairperson.

In a number of parliaments **the Report is distributed to the Members** of the Committees on European Affairs or to the Members who are attending the COSAC meetings, sometimes to other Members. In a few parliaments there is an **opportunity to discuss** the content of the Bi-annual reports in the Committees on European Affairs.

Chapter 1: Parliamentary control of Europol and evaluation of Eurojust

From the moment of their creation, the effective democratic control of Europol and Eurojust and the evaluation of their activities has been a question for national parliaments and the European Parliament alike. They share the notion that current parliamentary control of these bodies is weak and needs substantial improvement. Against this background they have engaged in an ongoing inter-parliamentary debate.

The Treaty of Lisbon, once ratified and in force, will enhance parliamentary prerogatives both in the area of Europol (Art. 88 TFEU) and Eurojust (Art. 85 TFEU). The Treaty foresees that national parliaments and the European Parliament shall be involved in the evaluation of Eurojust's activities and that the European Parliament, together with national parliaments, shall scrutinise Europol's activities. Consequently the issue of defining this cooperation among national parliaments and between national parliaments and the European Parliament is raised.

That is why this chapter firstly takes stock of the current situation of parliamentary scrutiny of Europol and Eurojust by the EU parliaments and secondly looks at the future possibilities and necessities of cooperation in this field among national parliaments and between national parliaments and the European Parliament.

1.1 Current practices in parliamentary scrutiny of Europol and Eurojust

Currently there is no legislation setting out procedures for parliamentary scrutiny of Europol and Eurojust. The two EU bodies are accountable to the Council of the EU (Justice and Home Affairs (henceforth "the JHA Council")). Thus **national parliaments exercise their control via their respective governments**. The European Parliament scrutinises the activities of Europol and Eurojust informally through auditions, hearings and round tables attended by the Director of Europol and the President of the College of Eurojust.

Those national parliaments whose remits are confined to document-based scrutiny acquire a certain *ad hoc* oversight over Europol and/or Eurojust when they discuss acts changing the competences of the bodies² or agreements of Europol/Eurojust with third countries. Parliaments disposing of the right to hold their governments to account in EU matters use this right to obtain information regarding Europol/Eurojust at any given moment (the Belgian *Chambre des Représentants*, the French *Sénat*). Some national parliaments entertain relations with their country's national representatives in Europol/ Eurojust (see further in chapter 1.3.) and some discuss the reports of Europol annually (the Finnish *Eduskunta*, the Dutch *Tweede Kamer*; the Latvian *Saeima* and the Lithuanian *Seimas* are starting such procedure) or Eurojust (the Portuguese *Assembleia da República*).

Those national parliaments, which have a mandating scrutiny system, discuss Europol/Eurojust if it is on the agenda of a JHA Council meeting.

There are two national parliaments which can exercise **direct influence on decisions relating to Europol/Eurojust**: the Irish *Houses of the Oireachtas* and the Danish *Folketing*.

² A recent example: *Council decision establishing the European police office* (8706/3/08), which has been a matter for ex-ante scrutiny in national parliaments.

They have a specific role stemming from the fact that their respective governments need to seek parliamentary approval prior to agreeing in the Council to their countries' participation in measures under the area of Justice and Home Affairs.

Other specific cases are: the Finnish *Eduskunta* scrutinises regularly yet indirectly the activities of Europol/Eurojust through the government communication on the yearbooks of the two institutions. A German *Bundesrat* representative attends meetings of the Europol Management Board and reports on these to the Committee on European Union Questions. As for Eurojust, a *Bundesrat* representative in the Council Working Group on cooperation in Criminal Matters reports to the Committee on European Union Questions. The Italian Parliament's joint committee is charged with scrutinising the implementation of the Europol Convention.

When envisaging future developments and possibilities of inter-parliamentary cooperation, it is important to note the obvious: national parliaments currently scrutinise Europol/Eurojust within their system of general scrutiny of Justice and Home Affairs. This involves in some cases the Committees on EU Affairs, in other cases the specialised committees or a combination of both.

1.2 Plans for developing parliamentary scrutiny of Europol and evaluation of Eurojust

The latest developments in this field are in relation to the European Parliament (henceforth "the EP"). The **EP will acquire oversight powers** as defined in the Council Decision establishing the European police office³ and Council Decision on the strengthening of Eurojust amending Council Decision 2002/187/JHA of 28 February 2002, as amended by Council Decision 2003/659/JHA setting up Eurojust with a view to reinforcing the fight against serious crime⁴. Both Decisions were approved by the JHA Council on 6 April 2009 and will enter into force as of 1 January 2010. The EP will, *inter alia*, **adopt the budgets of Europol and Eurojust and will have the right to be informed of their activities** on request.

National parliaments envisage new developments in parliamentary scrutiny of Europol and Eurojust **almost exclusively in connection to the Treaty of Lisbon** (see chapter 1.4.). Most national parliaments **do not have ready-made scenarios** for the scrutiny following possible entry into force of the Treaty of Lisbon. This is partly due to the still ongoing ratification process and uncertainty over its end result.

Some parliaments (*e.g.* the Belgian *Chambre des Représentants*, the Estonian *Riigikogu*, the Romanian *Camara Deputatilor*, the Hungarian *Országgyűlés*) already define the modalities of their future involvement, *i.e.* establishing a specific administrative task force, evaluating the current scrutiny system, holding sittings of relevant committees together with government representatives and the national representatives in Europol/Eurojust. In general, many parliaments claim to be envisaging new modes of control without further detailed specification. In this respect it is recommended to consult the results of the inquiry carried

³ 8706/3/08

⁴ 14927/08

out by both Houses of the UK Parliament⁵, which provide a concise analysis of the current situation and outline a framework for possible future arrangements including questions to be considered.

1.3 Forms of direct communication between parliaments and National Members of Eurojust and/or Europol Liaison Officers

Unsurprisingly the extent to which parliaments in the European Union have established direct communication with the respective National Member of Eurojust and/or Europol Liaison Officer varies greatly in form, regularity, intensity and quality. In many cases **communication is scarce**, if established at all.

Where communication is established it is mainly *ad hoc*, *i.e.* it is established whenever deemed necessary (*e.g.* the Estonian *Rigikogu*, the German *Bundestag* with its relevant committees, the French *Sénat*, the Polish *Sejm*). Among other possibilities the *ad hoc* communication can take the form of hearings or expert meetings (*e.g.* the Hungarian *Országgyűlés* or the Finnish *Eduskunta*). Some parliaments had visits to the seats of Europol/Eurojust.

In a number of parliaments communication with Europol/Eurojust is rather indirect, **established through the national government, which is politically accountable** to the parliament for these two executive bodies (*e.g.* the Belgian *Sénat* and *Chambre des Représentants*, the Austrian *Nationalrat* and *Bundesrat*). In some national parliaments Members, *e.g.* of their specialised committees, might contact their respective National Members of Eurojust or Europol Liaison Officers on their own initiative, usually for particular inquiries.

However, a few parliaments have been able to develop **more regular and extensive contacts**. In the case of the Portuguese *Assembleia da República*, since 2007 its Committee on Constitutional Affairs, Rights, Freedoms and Guarantees has been assessing the annual reports of Eurojust. As of 2008, this committee has also organised jointly with the Committee on EU Affairs meetings with Mr José Luís Lopes da MOTA, the Portuguese National Member of Eurojust and the current President of the College of Eurojust, on the activities of Eurojust and on the European Space of Freedom, Security and Justice.

The European Parliament has developed a line of direct communication with both organisations. The heads of both Europol and Eurojust have been invited to attend committee meetings or hearings. They also present reports recently adopted by their organisations to the Committee on Civil Liberties, Justice and Home Affairs, such as the Annual Report of Eurojust or the EU Terrorism Situation and Trend Report (TE-SAT) of Europol. In addition, the organisations have been visited by Members' delegations and contacts at administrative level have been established.

⁵ See chapter 5 of the House of Commons' report: *Subsidiarity, National Parliaments and the Lisbon Treaty* (33rd Report of 2007-08, HC 563) and the House of Lords report: *EUROPOL: coordinating the fight against serious and organised crime* (29th Report, Session 2007-08, HL Paper 183, published 12 November 2008).

1.4 Cooperation with regard to the evaluation of Eurojust and the scrutiny of Europol in the light of the Treaty of Lisbon

The Treaty of Lisbon⁶ foresees that national parliaments and the European Parliament shall be involved in the evaluation of Eurojust's activities and that the European Parliament together with national parliaments shall scrutinize Europol's activities.

In its consolidated version the Treaty on the Functioning of the European Union (henceforth “the TFEU”) stipulates that on the basis of a proposal by the European Commission and in the framework of the ordinary legislative procedure the European Parliament and the Council shall adopt a regulation which, *inter alia*, shall “determine arrangements for involving the European Parliament and national parliaments in the **evaluation of Eurojust’s activities**” (Article 85 TFEU) and “lay down the procedures for **scrutiny of Europol’s activities** by the European Parliament, together with national parliaments” (Article 88 TFEU).

The answer to the question on how national parliaments could cooperate together and with the European Parliament in this area is determined by the fact that the ratification of the Treaty of Lisbon is still pending. It is therefore unsurprising that many parliaments **have put this question aside for the moment** (e.g. the Austrian *Nationalrat and Bundesrat*, the Belgium *Sénat*, the Danish *Folketing*, the German *Bundestag*), intending to raise it again once the ratification is completed. Others are currently examining the implications of the provisions for their parliaments.

Nevertheless, many of the answers to the questionnaire, on which this report is based, reveal ideas and suggestions or – equally important – points of substantial concerns and potential difficulties, which should be addressed in the framework of any future solution.

With a view to the elaboration and adoption of the regulations envisaged in Articles 85 and 88 of the TFEU, a number of national parliaments made it clear that they **expect to be consulted by the involved EU Institutions** about the drafts of the regulations and during the process of their adoption. According to the UK *House of Commons*, reasonable time should be given to national parliaments in which to consult each other in COSAC and prepare comments. Equally, the *House of Commons* has raised a number of questions which are of relevance to all parliaments, e.g. concerning potential constitutional implications of the regulations, the purpose of the evaluation or scrutiny and its follow-up or the matters of practicality and organisation.

Regarding the actual **form of cooperation** in these areas, a number of suggestions have been made. They range from the **use of existing inter-parliamentary meetings** (e.g. the Finnish *Eduskunta*), the creation of a specific **mixed committee composed of Members of national parliaments and the European Parliament** (e.g. the French *Sénat*) to **enhancing the role of COSAC** (see further in chapter 1.5.) or the combination of all above.

Currently **most of the specific proposals build on already existing forms of cooperation**. In this context, a considerable number (e.g. the Belgian *Chambre des Représentants*, the Finnish *Eduskunta*, the French *Assemblée nationale*, the Greek *Vouli Ton Ellinon*, the Irish *Houses of the Oireachtais*, the Latvian *Saeima*, the Slovenian *Državni svet*) of parliaments

⁶ See Art. 85 TFEU (ex-Art. 31 TEU) and 88 TFEU (ex-Art. 30 TEU), Official Journal of the European Union, C 115/81 from 09.05.2008.

have mentioned that either **Joint Committee Meetings (JCM)** or **Joint Parliamentary Meetings (JPM)** could be considered as possible instruments to achieve an efficient cooperation among parliaments. This position is also explained by the intention to avoid yet another new form of inter-parliamentary cooperation. In this context, it appears that a number of national parliaments (*i.e.* the French *Assemblée nationale*, the Lithuanian *Seimas*, the UK *House of Lords*) are looking to the European Parliament to put forward ideas on the specific forms of cooperation with national parliaments, including using already existing fora.

Whatever the form of inter-parliamentary cooperation, in general parliaments agree that meetings should have a **clearly defined periodicity**. The most frequent suggestion was to meet at least **once a year** to discuss matters of Europol and Eurojust.

The European Parliament in its resolution of 25 September 2009 considered that a **permanent monitoring mechanism** should be built up, associating the European Parliament and national parliaments not only as far as Europol and Eurojust activities are concerned, but also with regard to issues related to Schengen, migration and asylum. Moreover, the Committee for Civil Liberties, Justice and Home Affairs has proposed to maintain the practice of an annual debate with national parliaments on issues related to the Area of Freedom, Security and Justice, which should be prepared by previous consultations with national parliaments and should be accompanied by the direct involvement of national parliaments' *rapporteurs* on specific legislative proposals.

In addition to specific forms of cooperation, where Members of national parliaments and the European Parliament meet directly, a considerable number of parliaments stressed the importance of intensifying the exchange of information in this area. Many parliaments mentioned that IPEX could be instrumental in this context, provided that information is accessible to all parliaments⁷. Furthermore the Irish *Houses of the Oireachtas* suggested that the European Parliament and its responsible committees "should be encouraged to systematically share" relevant reports with national parliaments.

The EU Speakers' Conference in June 2008 in Lisbon encouraged national parliaments to also post on the IPEX website summaries in English or French and other languages of important decisions, as well as the relevant internal scrutiny procedures, which were followed.

1.5 The role of COSAC with regard to the evaluation of Eurojust and the scrutiny of Europol's activities

There is a **considerable diversity of views** on the potential role which COSAC could play in relation to the future evaluation of Eurojust and the scrutiny of Europol activities. It exposes varying understanding among parliaments about the general character of COSAC and the scope and intensity of its activities as well as it reflecting the current difficulties for dealing with Eurojust and Europol matters.

⁷ The accessibility of information is directly linked to the availability of scrutiny information from national parliaments in more than one language. The EU Speakers at their meeting on 20-21 June 2008 in Lisbon encouraged "national parliaments to include summaries in English or French and other languages of important decisions and in relation with the relevant internal scrutiny procedures which were followed". This request of the Speakers is currently far from being implemented and poses considerable limitations to the accessibility of information on IPEX.

A number of parliaments (e.g. the Austrian *Nationalrat* and *Bundesrat*, the Czech *Poslanecká Sněmovna*, the Cypriot *Vouli Antiprosopon*, the German *Bundesrat*, the Polish *Sejm*, the Dutch *Eerste* and *Tweede Kamer*, the Hungarian *Országgyűlés*, the Luxembourgish *Chambre des Députés*) stated that **COSAC could serve as a forum** for discussing, sharing ideas and exchanging information as well as the best practices related to both issues. According to the Cypriot *Vouli Antiprosopon*, meetings of COSAC could focus on **formulation of guidelines, recommendations and common standards on how to perform the parliamentary scrutiny** of the two organisations' activities.

Some parliaments expressed the opinion that such debates (including the analysis of annual reports of Europol and Eurojust) should take place **once a year** in COSAC (e.g. the Danish *Folketing*, the Irish *Houses of the Oireachtas*, the Lithuanian *Seimas*, the Latvian *Saeima*). Others (e.g. the Czech *Senát* and the Cypriot *Vouli Antiprosopon*) suggested in addition that the Director of Europol as well as the President of the College of Eurojust should be invited to participate in these deliberations to provide information on the activities of their respective organisations during the current year and those planned for the following year. According to the Bulgarian *Narodno Sabranie* the heads of both organisations should be invited to COSAC hearings every two years.

Furthermore, some parliaments considered that **evaluation of Eurojust and the scrutiny of Europol's activities should be a regular point on the agenda of COSAC meetings** (e.g. both chambers of the Italian Parliament, the French *Assemblée Nationale*, the Luxemburg *Chambre des Députés*, the Estonian *Riigikogu*, the Slovakian *Národná Rada*). According to the Belgian *Chambre des Représentants* COSAC meetings could also play an alerting function of drawing attention to possibly problematic aspects of activities of Europol and Eurojust. In addition the French *Sénat* recalled that the Treaty of Lisbon, in Protocol 1 on the Role of national Parliaments in the European Union, foresees the possibility that COSAC "may also organise interparliamentary conferences on specific topics".

Notwithstanding the above, some parliaments revealed **doubts over a role for COSAC in the evaluation of Eurojust and the control of Europol activities** (e.g. the Belgian *Sénat*, the Finnish *Eduskunta*, the Greek *Vouli Ton Ellinon*). Some of the concerns are linked to the **potential impact on COSAC's current agenda and organisation** and the suitability of COSAC to deal with items which are actually a **matter for specialised committees** (e.g. French *Assemblée Nationale*). In the same sense the *European Parliament* believes that scrutiny and evaluation of Europol/Eurojust should rather be left to the competent specialised committees. Eurojust and Europol's activities in the European Parliament's view should be **discussed within COSAC** whenever a substantial debate is possible and necessary **without pre-empting the scrutiny and evaluation** of the activities of the two organisations by each individual parliament.

Chapter 2: The role of the EU parliaments in the promotion of human rights and democracy in the world

Whether in the EU or in the world parliaments are important guardians and promoters of human rights and democracy standards. Since the EU is a system of reference for many countries, its role as the guardian and promoter of human rights has been strengthened.

This chapter firstly presents an overview of the structures and systems, established and used in EU parliaments for handling promotion of human rights and democracy; and, secondly, highlights examples of best practices, instruments and selection criteria used to promote human rights and democracy in the world.

Article 6/1 of the TEU states that:

"The Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States."

2.1. Structures established by parliaments to handle the issues of promotion of human rights and democracy

2.1.1. Committees dealing with human rights issues

In the majority of parliaments human rights are dealt with by more than one committee, depending on the specific issue. Thus, Committees on Constitutional Affairs (in 9 cases), Committees on Legal Affairs (in 8 cases) and/or Committees on Justice Affairs (in 5 cases), are mostly competent for domestic human rights questions, whereas Committees on Foreign Affairs (in 23 cases) mostly deal with the international aspect of the issue. Some parliaments have established **specialised Committees on Human Rights** (in 17 cases) or **specialised sub-committees on Human Rights** (in 3 cases, all of them created under Committees on Foreign Affairs). Committees on EU Affairs (in 7 cases), Committees on Equal Opportunities (in 2 cases), or Delegations for Parliamentary Cooperation (in 3 cases), were also mentioned by parliaments.

The role of these committees in the framework of human rights matters is usually exercised through organisation of debates and/or publication of reports (see below 2.1.2 and 2.1.3).

2.1.2. Debates on the state of human rights and democracy in the world

Most parliaments report having debates on the actual state of human rights and democracy in the world, either **regularly** (in 16 cases) or on an *ad hoc* basis (in 17 cases).

Among the replies, the **EU Annual Report on Human Rights**⁸ appeared four times as a basis of the parliamentary discussion (in the European Parliament, the Italian *Camera dei*

⁸ <http://ue.eu.int/showPage.aspx?id=970&lang=en>

Deputati and the *Senato della Repubblica* and the German *Bundestag*) and the **reports on the activities of the Council of Europe** were quoted three times (in the German *Bundesrat*, the Portuguese *Assembleia de República* and the Dutch *Tweede Kamer*). The Czech *Senát* and the Dutch *Tweede Kamer* also mentioned a discussion taking place before the General Affairs and External Relations Council (GAERC).

In the Finnish *Eduskunta* human right issues are considered to be cross cutting. That is why these questions as well as questions concerning the democracy in the world are often discussed in the framework of the overall discussions, mostly on the ratification of multilateral or bilateral agreements.

Debates are held either in plenary sessions (e.g. the European Parliament or the Estonian *Riigikogu*) or, **more often, within the relevant committees**. The frequency of debates mostly depends on current international events (e.g. the situation in on the Eastern Balkans, in Belarus, Georgia, Gaza, Tibet, etc.) and/or the will of the parliaments.

2.1.3. Resolutions and reports on critical human rights and democracy situations in the world

No example of legally binding a government by resolutions passed by a parliament in this field was given. However, parliaments may pass and usually do pass resolutions or recommendations to **draw the government's attention to critical human rights and democracy situations** and may **take positions** towards the states where human rights and democracy are endangered. For example, the Portuguese *Assembleia de República*, the Lithuanian *Seimas*, both Chambers of the Italian Parliament or the Czech *Senát* gave a number of examples of such resolutions.

As far as the publication of reports is concerned only a few examples were given. The European Parliament publishes its Annual Report on Human Rights in the World⁹, while the Foreign Affairs Committee of the UK *House of Commons* publishes an annual report on human rights issues, to which the Government is obliged to respond. The Foreign Affairs Committee of the Swedish *Riksdag* annually presents committee reports on the subject of human rights and democracy in the world where the recommendations to the Government can be included.

In addition to parliamentary reports, reports issued outside parliaments are also basis for discussions. Such reports are published mostly by the governments (e.g. the Finnish Government presents to the *Eduskunta* once in its term a White Paper on Human Right Issues, the Slovakian *Národná rada* discusses the Government's report on the foreign policy of the previous year and the report on the priorities for the next year, including the human rights issues or the Czech *Poslanecká sněmovna* reports that the Government is responsible for presenting an annual report on the human rights and democracy to the Committee on Petitions) or other international organisation (see 2.1.2.).

2.2. Parliamentary control in the field of human rights and democracy

2.2.1. Control of the Government

⁹ http://www.europarl.europa.eu/comparl/afet/droi/annual_reports.htm

Following the principle of **separation of powers** the government negotiates and concludes international agreements and the **parliament exercises its control**. To make this control effective parliaments have established structures and procedures in accordance with their constitution.

Most parliaments do not have any special procedures for controlling government on human rights and democracy, but they can use all the available instruments under their rules of procedure: such as oral and written questions, hearings with ministers, *ad hoc* debates, requests for information, etc. These measures can be used as a source of information for the parliament and they enable a closer exchange of views with the government that is in principle accountable to the parliament. The weight of these measures naturally rises in cases where a parliamentary ratification procedure is foreseen.

The institutionalised and continuous communication between the government and the parliament (*e.g.* the German *Bundestag's* Committee on Human Rights and Humanitarian Aid, is not a legislative committee but it is in continuous contact with the Government and exercises its parliamentary control by, for example, inviting members of the Government regularly to its sittings), close control of financing (*e.g.* the UK *House of Commons* decides the overall funding for the Foreign and Commonwealth Office and the Department for International Development) or *ad hoc* inquiries (*e.g.* the Committees dealing with Human Rights within the Romanian *Camera Deputaţilor* and *the Senatul* may initiate a parliamentary inquiry regarding any ministry activity or other public authority) could be seen as measures to a more effective control of governments.

The Belgian *Chambre des Représentants* drew attention to the possibility of controlling the policy of its government **via broader parliamentary platforms** such as the Parliamentary Assembly of the Council of Europe, the Parliamentary Assembly of the Organisation for Security and Co-operation in Europe (OSCE) or the Euro-Mediterranean Parliamentary Assembly (EMPA).

2.2.2. Monitoring of the current state of human rights and democracy before concluding an agreement

The evaluation of human rights and democracy standards is regularly a part of overall parliamentary discussion before concluding an agreement with a third country as these topics are sensitive for Members of Parliament. Therefore the governments can anticipate their interest and submit this information together with a background paper or an explanatory memorandum on the bill of ratification. This is often the way parliaments get this information even if governments are not under an explicit obligation to do so. An exception is, for example, the Belgian Government which has a special obligation to submit to the *Chambre des Représentants* a report on the state of human rights in the case of 18 countries with which Belgium has direct bilateral cooperation (development aid).

If the information is not available this way there are still regular procedures of the parliamentary control of government that can be used in order to get the information needed (see above 2.2.1.).

Because the government is expected to know the situation in the given country best, it is naturally the principal source of information. Nevertheless, parliaments are susceptible to any other information.

Such additional sources of information are, for example, parliamentary debates on human rights and democracy (see 2.1.2.), reports published or discussed within the parliament (see 2.1.3.), fact-finding missions (e.g. the French *Sénat* can initiate a fact-finding mission that serves as a basis for a background document), visits or preliminary assessment of specialised committees on a request of the lead committee (e.g. the Italian *Senato della Repubblica* states that before an agreement with a third country is ratified its Committee on Human Rights is called to give an opinion; also, the Joint Committee on Human Rights of the UK *House of Commons* and the *House of Lords* reports on the human rights implications of every government bill passing through the Parliament).

2.2.3. Human rights and democracy clauses in the EC agreements with third countries

Many EU parliaments consider respect for human rights standards or at least willingness to improve in this respect in the third countries to be a prerequisite for further cooperation with these countries.

One of the possible ways to influence respect of human rights and democratic principles once an agreement enters into force is to include a **suspension clause on human rights and democracy**, conditioning the application of the agreement on respect of human rights in the country in question. Such suspension clauses may be activated whenever their provisions are breached. So, when the clause is breached the agreement could be suspended or even terminated.

The so-called **human rights and democracy suspension clauses on human rights and democracy** could be an effective instrument of promoting the respect of human rights and democracy. Initially these clauses were seen as a non-binding declaration rather than an effective instrument. That is why progress was made by gradual reformulation of these clauses.

The suspension clauses conditioning the application of agreements between the EC and third countries by respecting the human rights are being used since the Lomé Convention with ACP countries¹⁰ and have become **standard parts of agreements between the EC and third countries**. The specificity of this approach consists in the importance accorded to social and political considerations, for example, by **encouraging democratisation and respect for human rights**.

The human rights and democracy clauses are, in compliance with Art. 177/2 and 181a TEC¹¹, progressively incorporated into the EC association, business or partnership agreements.

¹⁰ The ACP countries (Group of African, Caribbean and Pacific countries) are the countries that are signatories of the Lomé Convention with the European Commission. The first Lomé Convention was signed in Lomé (Togo) in 1975.

¹¹ Article 177

"2. Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to that of respecting human rights and fundamental freedoms."

Article 181a

"2. Without prejudice to the other provisions of this Treaty, and in particular those of Title XX, the Community shall carry out, within its spheres of competence, economic, financial and technical cooperation measures with third countries. Such measures shall be complementary to those carried out by the Member States and consistent with the development policy of the Community.

The majority of parliaments explicitly welcome and support the insertion of the human rights and democracy clauses into the agreements between the EC and third countries. The Italian *Camera dei Deputati* and the *Senato della Repubblica* indicates a tendency of inserting the suspension clauses in their own international agreements. On the other hand, the French *Assemblée nationale* supports the clause in principle, but states that the implementation of these clauses is far from being ideal. The Dutch *Eerste Kamer* supports the suspension clauses too but thinks that the EU should use more the knowledge, experiences and instruments of the Council of Europe regarding human rights, democracy and the rule of law.

There is no parliament with a negative position on the use of the suspension clauses. On the other hand, some parliaments (in 12 cases) declare that they have not discussed this specific issue or that they do not have any formal position on it yet.

2.3. Participation of Parliaments in promoting human rights and democracy

It is not only the EU Institutions and the governments of the EU Member States that have a role in projects aimed at promoting human rights and democracy. The outcome of the Strategy Paper 2007-2010 on European Instrument for Democracy and Human Rights (EIDHR)¹², for example, underlines that there is general acceptance of the need for the so-called **“local ownership” of the development and democratisation process** that should engage public institutions of the relevant third countries. It would be difficult to achieve it if relations with partner countries remained limited to government-to-government contacts.

2.3.1. Projects and initiatives aimed at promoting human rights and democracy

Discussions, hearings, conferences on human rights and democracy are the means that are often used by parliaments to promote human rights and democracy. Other possible forms are study visits or seminars for the representatives of EU parliaments and/or those from the third countries which provide more interaction among the participants.

A majority of parliaments express their support for projects aimed at promoting human rights and democracy in the third countries. Even if some parliaments do not have any such experience yet, they refer to the individual initiatives of their Members. The activities of parliaments in this area are naturally influenced by their geographic preferences¹³ and differ with regards to type of activity or partners they cooperate with.

A few interesting examples of the projects and initiatives are: the German *Bundestag's* initiative called “Parliamentarians protect Parliamentarians”¹⁴; the Czech *Senát's* creation of its new Standing Commission on Assistance to Worldwide Democracy aimed at direct support of democracy outside the EU; the Italian *Camera dei Deputati's* “a Centre for the training of the parliamentarians of the South-Eastern Europe” that was launched by the President of the *Camera dei Deputati*, the President of the Albanian Assembly and the Chancellor of the Tirana’s University; the Danish *Folketing's* standing agreement with its

Community policy in this area shall contribute to the general objective of developing and consolidating democracy and the rule of law, and to the objective of respecting human rights and fundamental freedoms.”

¹² http://ec.europa.eu/europeaid/where/worldwide/eidhr/documents/eidhr-strategy-paper-2007_en.pdf

¹³ E.g. through its Overseas Office the UK *House of Lords* and the *House of Commons* contribute to a range of programmes and initiatives throughout the world, with a strong focus on Commonwealth countries.

¹⁴ http://www.bundestag.de/htdocs_e/committees/a17/flyer.pdf

Ministry of Foreign Affairs on providing parliamentary assistance to new and emerging democracies; the Finish *Eduskunta's* special human rights group that acts very actively in bridging the activities of the *Eduskunta* and the Council of Europe as well as the United Nations; and the Greek *Vouli ton Ellinon's* Institution for the Democracy and Parliamentarism, whose main objective is to promote the values of parliamentary democracy, by organising conferences, exhibitions, publishing books.

For more concrete examples please look at the annex to this rapport with the replies of parliaments. The parliaments had also the possibility to present their projects and initiatives via the **IPEX survey** that is available on its website¹⁵.

2.3.1.1. Cooperation with the Council of Europe

A number of parliaments have emphasised their cooperation with the Council of Europe¹⁶ (henceforth "the CoE") (in 14 cases) referring to the initiatives and projects connected to the activities of the CoE. The reason for that is, firstly, the membership of all the EU Member States in the CoE with its geographic coverage of the nearest region, and, secondly, the CoE, which advocates protection of human rights, pluralist democracy, rule of law and development of the principles of democracy based on the European Convention on Human Rights. More specifically, the active participation in the Campaign of the CoE to Combat Violence against Women¹⁷ was mentioned repeatedly in the answers of parliaments. The Forum of the CoE on the Future of Democracy¹⁸ was also mentioned (the Polish *Sejm*).

To reconfirm the enhancement of the cooperation within the CoE to promote human rights and democracy, the delegation of the Dutch *Eerste Kamer*, for example, proposed to use the occasion of the anniversary of the 60th anniversary of the CoE¹⁹ and the 50th anniversary of the European Court of Human Rights in Strasbourg²⁰. In addition, the German *Bundesrat* has already repeatedly argued that improvements are needed to ensure that the work of the European Court of Human Rights is more efficient.

2.3.1.2. Inter-parliamentary cooperation and cooperation with other organisations

First of all, undoubtedly the EU plays an important role in the area because of its coordination role, its investments into information campaigns and support to the inter-parliamentary cooperation.

Besides, within the inter-parliamentary cooperation, the EU Speakers' Conference has launched a project on the assistance to Parliaments of new and emerging democracies aimed at promoting cooperation among the EU parliaments and the EU Institutions, notably the European Commission²¹.

¹⁵ http://www.ipex.eu/ipex/webdav/site/myjahiasite/groups/CentralSupport/public/NEDs/survey_latestversion_3_09.pdf

¹⁶ http://www.coe.int/T/e/Com/about_coe/

¹⁷ http://www.coe.int/t/dg2/equality/domesticviolencecampaign/Closingconference_en.asp

¹⁸ http://www.coe.int/T/E/Integrated_Projects/Democracy/

¹⁹ The Council of Europe was established on **5 May 1949** by Treaty of London.

²⁰ The European Court of Human Rights was established by the Council in Strasbourg on **18 September 1959**.

²¹ Cf. Conclusions of the Conference of the Speakers of the EU Parliaments, Bratislava, 27 May 2007: <http://www.eu-speakers.org/upload/application/pdf/c92ab674/EUSC%20Conclusions%2026.5.07.pdf>

Some parliaments also invest in institutionalisation of that cooperation (e.g. the Greek *Vouli ton Ellnion* set up an Institution for Democracy and Parliamentarism in order to promote the values of parliamentary democracy and the Lithuanian *Seimas* established the Centre for Parliamentary Cooperation in order to share the Lithuanian experience of the EU integration and democratic reforms to the staff and Members of Parliaments of the countries aspiring to democratic reforms).

Some national parliaments also underlined their participation in programmes arranged, e.g. by the United Nations²², the Organisation for Security and Cooperation in Europe²³ or the Inter-Parliamentary Union²⁴. Some parliaments also reported that they or their Members cooperate with relevant non-governmental organisations or other institutions depending in principle on their preferences, either geographical²⁵ or concerning the activity²⁶.

In cooperation with these organisations many parliaments also participate, either regularly or on an *ad hoc* basis, in **election observation missions** in third countries. Apart from the activities and the cooperation within the parliamentary assemblies of several international organisations, there are the so-called **friendship groups** established in parliaments in order to create parliamentary fora aimed at promoting international relations. The friendship groups, which fit into the concept of parliamentary diplomacy, enable Members of Parliament to share information of mutual interest.

2.3.2. Criteria applied by parliaments in selecting initiatives and projects promoting human rights

Naturally, the procedures and criteria for selecting the initiatives and projects aimed at promoting human rights and democracy differ from one parliament to another. Some criteria could be deduced from the answers given, such as effectiveness, impact on democracy and human rights standards, as well as the regional orientation depending on the external priorities. On the other hand, most of the parliaments either have not set formal criteria or were not able to provide specific information. The enumerated criteria, however, indicate the tendency of certain flexible application to satisfy actual needs.

²² E.g., the UNDP (UN Development Programme) currently supports one in every three parliaments in the world in order to seek a “solid parliamentary institutions that are critical to the establishment and consolidation of democracy since they empower ordinary people to participate in the policies that shape their lives“. <http://www.undp.org/publications/annualreport2008/downloads.shtml> The Italian *Camera dei Deputati* mentioned its partnership with the United Nations Department of Economic and Social Affairs (UNDESA) with the denomination “Strengthening Parliaments’ Information Systems in Africa”, targeted at some African countries (www.ictparliament.org).

²³ <http://www.osce.org/activities/>

²⁴ <http://www.ipu.org/english/home.htm>

²⁵ The Eastern Balkans, Ukraine or Moldavia was mentioned most often.

²⁶ E.g., the Italian *Senato della Repubblica* involves itself fully into the support of programmes against the Death Penalty and there where the execution of this penalty is likely, the Senators intervene even actively in place.

Chapter 3: Representatives of national parliaments to the EU

Presently national parliaments of 24 out of the 27 Member States have one or more officials based permanently in Brussels. Their tasks and competences vary considerably.

This chapter aims to examine the expectations national parliaments have of their representatives (focusing on the content of their work and their role) and their future plans in this regard.

The chapter also presents an overview of the broad-ranging practices of national parliaments in appointing their representatives in Brussels. The chapter compares the practices of the representatives' term in office, main functions, accountability, duty to report to the nominating parliament, relations with the Member State's Permanent Representation to the EU, and other related aspects. The chapter also looks at the specific reasons behind the different practices of national parliaments.

Based on the information supplied by national parliaments, this chapter attempts to give an overview of the best practices and procedures of national parliaments in this area.

3.1. Introduction

In 1991, the official of the Danish *Folketing* Mr Peter Juul LARSEN became the first national parliament representative to the EU in Brussels. In 1995, the Finnish *Eduskunta* was the second to send a representative to Brussels, in 1998 - the Italian *Camera dei Deputati*, in 1999 – the French *Sénat*, and the United Kingdom *House of Commons*. Since the mid 1990s, the representatives have been hosted by the European Parliament. With the enlargements of the EU in 2004 and 2007 the number of national parliament representatives to the EU soared.

Presently, national parliaments of 24 out of 27 Member States have one or more officials permanently based in the European Parliament in Brussels²⁷. Five bicameral parliaments: the Belgian, the Czech, the French, the Polish and the UK, have two representatives, representing each of their chambers, three bicameral parliaments: the Austrian, the Irish and the Dutch, designated only one representative, while in three other cases of bicameral parliaments only their lower chambers have representatives. These are the German *Bundestag*, the Romanian *Camera Deputatilor* and the Slovenian *Državni zbor*. The Italian *Camera dei Deputati* has 5 officials performing the function of the representative. They alternate on a weekly basis. Thus, currently, 33 national parliaments or chambers out of 40 have the total of 33 representatives in Brussels. The rapid growth of the number of national parliaments' representatives to the EU illustrates the increased attention of national parliaments to EU matters.

3.2. Reasons for the decision to send a permanent representative to the EU

National parliaments quote a number of reasons for their decision to send their representatives to Brussels. For instance, in 1995 the main reason for the Finnish *Eduskunta*

²⁷ Currently, the Maltese Parliament, the Slovakian Parliament, the Spanish Parliament as well as the German *Bundsrat*, the Romanian *Senatul* and the Slovenian *Državni svet* do not have representatives in Brussels.

was a recurrent problem of access to EU documents. Subsequently, the reporting function of the *Eduskunta* representative and the general political significance of the parliamentary representative's physical presence in Brussels were the main justifications for continuing the post.

In 1998 the UK *House of Commons* saw "great potential value" in the establishment of an Office in Brussels, which in its opinion "should not simply be a post-box nor again just a glorified protocol office. It is in no way a replication of UKREP²⁸: its prime purpose must be to act as a forward observation post for the House, and to act as the eyes and ears of the European Legislation Committee acting on the House's behalf."²⁹

In 1999, the French *Sénat* decided to create a permanent administrative office in Brussels so as to get access to "a rapid and complete information at all stages about issues discussed in Brussels" and "to be able to intervene "upstream" into the EU decision-making process so that the position of the French *Sénat* can be expressed as soon as possible, before the decision-making process is completely set in motion" as well as "to alert the authorities of the EU about the concerns of the French citizens".

Among **the objectives** for posting a permanent representative in Brussels national parliaments singled out the following:

- **to follow and report back** at an early stage **on the EU decision-making process** and other developments in Brussels in order to enhance democratic control and political influence on the EU decision making process;
- **to provide rapid**, diversified and **up-to-date information** on EU matters, thus facilitating the work of national parliaments on EU issues with special regard to the scrutiny procedure;
- to communicate **information about national parliaments' dealings** with EU issues;
- to assist in **preparing for the EU Presidency**, especially in view of the membership in the COSAC Secretariat during 18 months;
- to assist official relationships and **direct cooperation** between national parliaments and the **EU Institutions**, including the European Parliament;
- to organise **visits of Members of Parliament** and parliamentary officials to the EU Institutions and to provide additional support for those participating in inter-parliamentary events;
- to develop working relations between national parliaments through **networking and exchanging of information** through their permanent representatives in Brussels, especially in view of the enhanced role of national parliaments envisaged in the Treaty of Lisbon;
- to provide a valuable **part of career development** for parliamentary officials.

3.3. Titles of the representatives

Titles of the national parliaments' representatives in Brussels **vary considerably**. The titles can be divided into three groups in accordance to the attribution of the representatives to the European Union, to the European Union Institutions or to the European Parliament.

²⁸ The Permanent Representation of the United Kingdom to the EU.

²⁹ HC 791, 1997-1998, Para 42.

The largest part of the parliaments and chambers (13 out of 33) chose the title "The (Permanent) Representative/Officer to the European Union"³⁰, seven parliaments or chambers chose the title "(Permanent) Representative to the European Parliament"³¹ and two parliaments chose the title of "The (Permanent) Representative to the EU Institutions"³². The rest of parliaments and chambers either chose not to use any specific title or to use such unique titles as: "The Representative in Brussels", "The Head of the Permanent Office to the EU" or the "Liaison Officer".

It is worthwhile noticing that in almost half of the cases (15 out of 33) parliaments and chambers chose to use the word "**permanent**" in the title of their representatives to reflect the fact that they have representatives posted in Brussels on a permanent basis in contrast to a *ad hoc*, short-term visits to the EU Institutions.

3.4. Term in office

The practice of national parliaments and chambers to appoint their representatives in Brussels for a certain term in office also varies. The replies of parliaments indicate that a larger part of the representatives (18 out of 33) are nominated for a fixed term in office which varies from two to eight years. **On average**, the term in office of the representatives is **three years**, either renewable or non-renewable. Regardless of the fact that the fixed-term-in-office nominations may or may not be renewed, they offer the permanent representatives a degree of certainty as to their future.

On the other hand, almost half of the representatives (15 out of 33) are appointed to the post without a predetermined term in office, i.e. on a case-by-case basis, depending on the terms of the "contract" between the official and the nominating parliament or chamber. This may leave a certain degree of uncertainty as to the representative's future.

3.5. Coordination of activities of the representatives of bicameral parliaments

Presently five bicameral parliaments: the Belgian, the Czech, the French, the Polish and the UK Parliaments have two representatives in Brussels, representing each of their chambers.

Judging from the replies of the chambers, the general rule is that the representatives of the chambers of the bicameral parliaments do not engage in any formal coordination of their activities and work to the needs and demands of their respective chambers. Without doubt this practice is predetermined by the internal constitutional order of the Member States in question.

However, there are exceptions. For instance, during the Presidency of the EU a high degree of coordination of the activities of both representatives is necessitated by an increased workload. For instance, administrative coordination both in Paris and in Brussels (between

³⁰ The Austrian Parliament, the Danish *Folketing*, the French *Assemblée nationale*, the German *Bundestag*, the Irish *Houses of the Oireachtas*, the Italian *Senato della Repubblica*, the Latvian *Saeima*, the Lithuanian *Seimas*, the Dutch *States-General*, the Polish *Sejm*, the Polish *Senat*, the Portuguese *Assembleia da República*, and the UK *House of Commons*.

³¹ The Belgian *Chambre des Représentants*, the Belgian *Sénat*, the Bulgarian *Narodno Sabranie*, the *Vouli Ton Antiprosopon* of Cyprus, the Czech *Poslanecká Sněmovna*, the Estonian *Riigikogu*, and the Slovenian *Državni zbor*.

³² The Luxembourg *Chambre des Députés*, the Swedish *Riksdag*.

the representatives of the French *Assemblée nationale* and the *Sénat*) during the French Presidency of the EU in the second half of 2008 was achieved through a regular dialogue between the political authorities of the two Chambers. Following the Presidency, the two representatives maintained the practice of informal daily exchange of information, especially in case of events involving both Chambers.

Similar coordination of activities, even if *ad hoc*, is evident in the case of the current Czech Presidency of the EU. In addition to the representative of the Czech *Senát* in Brussels, the Czech *Poslanecká sněmovna* sent its own representative to Brussels primarily to serve as a member of the COSAC Secretariat. However, during the Presidency the tasks of the representative of the *Poslanecká sněmovna* were broadened to include some of the "traditional" functions of the national parliament representative to the EU.

Also, replies indicate that in cases of inter-parliamentary activities, visits of the Members of Parliament to Brussels or study visits of parliamentary officials, permanent representatives of bicameral parliaments tend to closely cooperate on an informal basis. This is true in case of the Polish *Sejm* and the *Senat*, the Czech *Poslanecká sněmovna* and the *Senát* as well as the UK *House of Commons* and the *House of Lords*.

3.6 Main functions

The responses to the questionnaire verify that the representatives of national parliaments perform a **large variety of "main" functions**. This goes for the representatives **individually, but also in a comparison between them**. It can be assumed, that had the respondents been asked to enumerate all functions of their representatives, the variation would have been even larger.

However, two fields of work are mentioned by almost everyone as being (part of) the main functions of their respective representatives. One is **reporting on political events and developments in the EU**, the other is **to assist Members of Parliament** when they attend **inter-parliamentary meetings** organised in Brussels.

Although reporting is indicated as a core function for all representatives, it is clear from the answers that the mode and frequency of reporting, choice of topics, etc. differs considerably (see under 3.8 below).

The variation in what parliamentary representatives do in relation to different types of **inter-parliamentary** meetings is smaller. However, in addition to being present at the meeting itself, being on hand with **information on the topic(s)** discussed and/or providing **practical assistance** to the Members of Parliament attending, representatives are sometimes involved in **drafting of background documents**. They often **write reports** of the inter-parliamentary meetings, either on their own, or in cooperation with officials accompanying the Members of Parliament.

Organising visits by Members or officials of "their" parliament to EU Institutions in Brussels or Strasbourg is also frequently mentioned. These visits are of different characters. On the level of Members of Parliament they may be ranging from visits of a full parliamentary committee, to those of a single Member of Parliament, perhaps a *rapporteur* in the national parliament concerned. Similarly, programmes may range from several meetings,

over a few days and with a large number of politicians and high-level officials, down to one single meeting on a particular issue or otherwise for one specific purpose.

In about half the responses "**contacts**", "**exchange of information**", or "**co-ordination**" with representatives in Brussels of **other national parliaments** are mentioned among the "main functions". In many of these cases, the answers indicate that the importance of this function is **expected to increase**, in view of the enhanced role of national parliaments envisaged in the Treaty of Lisbon. For instance, the *House of Representatives* of Cyprus mentions "the need to have a stronger link between the House of Representatives, the European Parliament and the group of the representatives of the national parliaments already in Brussels, especially in view of the role of national parliaments envisaged in the Treaty of Lisbon."

A few national parliaments, among them the French *Senát*, the Swedish *Riksdag* and the UK *House of Lords*, mention that one of the main tasks of its representative is to **disseminate information concerning the activities and positions** taken by those parliaments. Generally, it is not specified to whom such information should be given. One interpretation of this would be that, by and large, it is left to the representative to decide, based on his/her knowledge of persons and institutions in Brussels, who might be the appropriate recipient(s). In any case, such information concerning national parliaments' position seems to be given on a case-by-case basis.

Also, in a number of cases, **liaising with the respective country's Members of the European Parliament** is mentioned among the main tasks. Presumably, passing information to them concerning developments in national parliament is one element. More important, however, seems to be for the representative to facilitate a flow of information between Members of the European Parliament and Members (or Committees) of the national parliament dealing with the same issue.

Organising and contributing to **training courses for staff** of the respective national parliament is another function of the representative that is mentioned by a few of the respondents. For instance, the representative of the Irish *Houses of Oireachtas* provides logistical support as well as input to EU related training.

The Parliaments of Austria and of the Netherlands also mention the more general function of **networking**. Some representatives, such as those of the French *Assemblée nationale*, the German *Bundestag*, and the Italian *Senato della Repubblica*, are specifically charged with upholding contacts outside the EU Institutions as such - with think tanks, academics, lobby groups, etc. In some cases, such as the Bulgarian *Narodno Sabranie*, the Latvian *Saeima* and the Slovakian *Národná Rada*, representatives are working in cooperation with the Permanent Representation of the country to the EU.

3.7 Focus of attention

Many respondents have found it **difficult to indicate** on which type(s) of work their representative focuses his/her attention (apart from referring to the "main functions"), or to **quantify**, even in rough terms, the **amount of time used for different functions**. Many, such as the Czech *Senát*, state that although reporting and channelling information is generally the main task, other matters may dominate and become the main task during a certain period. Another factor might be that for many parliaments the experience of having a

representative in Brussels is still relatively new, sometimes in combination with the representative having arrived shortly before the parliament in question entered the "COSAC troika". Regardless of previous experience the Presidency role seems to shift the focus of representatives: the Slovenian *Državni zbor* says that "however, during the preparations for and in the course of the Slovenian Presidency of the Council, the emphasis was put on inter-parliamentary cooperation". Therefore, as is pointed out by the Czech *Poslanecká Sněmovna*, any answer based (mainly) on experience of that particular situation, would be misleading.

All those who did give a quantitative indication of how time is allocated to different types of activities put **"reporting" (or related/similar tasks) in the forefront** - figures ranging from 95 % to 25 %. This is not surprising, given the fact that almost all parliaments/chambers consider this to be a "main function" of their representative.

What might be worth noting is also the rather substantial proportion of time allocated to **activities having to do with inter-parliamentary co-operation** (even outside the "Presidency periods"): meetings of parliamentarians, but also exchange of information related to such meetings, to issues related to subsidiarity control, and to questions from other parliaments generally. According to the answer of the Italian *Senato della Repubblica* "the time spent ... on inter-parliamentary cooperation at political and administrative level is constantly increasing, following the new perspectives developed by the Treaty of Lisbon". The figures given cannot be used for judging developments (relative increase or decrease) over time, but this observation corresponds to a general impression among the representatives of national parliaments.

3.8 Reporting on developments in the EU and selection of topics

As has been highlighted, reporting on developments in the EU stands at the forefront of activities of practically all representatives. This is particularly evident if one considers "observing" or "following" decision-making processes or debates as part of reporting on the issues debated or decided upon. It is more evident, also, if one **understands "reporting" in a broad sense**, including answers to specific questions on EU matters put forward by Members or officials, and **including oral as well as written** reporting.

About **one third** of the respondents answer that their representative is expected to **report on a regular basis**. Such reporting often takes the form of a weekly bulletin or newsletter (the *House of Representatives of Cyprus*, the Dutch *States-General*, the Finnish *Eduskunta*, the Polish *Sejm*, and the UK *House of Commons* mention that reports are sent on a weekly basis.) In addition to regular reports, representatives are free to - or supposed to - **complement this by reporting ad hoc**. Such additional *ad hoc* reporting may concern matters considered urgent, matters of interest to only a few Members or officials, or otherwise not fit to be dealt with in the framework of the regular reports.

It is obvious that for regular reports intended to cover the main issues that have been dealt with by the EU Institutions during, say, the past week, the content is dependent on the agendas of the EU Institutions during that week. This does not exclude, as is clear from for instance the answer of the Dutch *States-General*, that issues of interest to the particular parliament can be identified beforehand, based on various planning documents of the EU Institutions. Furthermore, a selection among those issues that are dealt with during a particular week has to be made. Usually, this is done via more or less informal consultations with staff in the parliament concerned.

Most representatives, who report on a weekly basis, have an assistant or trainee who assists with reporting and/or other tasks.

Most representatives - about two thirds - report on *ad hoc* basis only. In many cases, **topics are determined by the expressed needs or wishes of the Committees on EU Affairs**, other parliamentary committees, or individual Members or officials of parliament. These are most often brought to the attention of the representative by the **Head of the EU Affairs Department** (or Head of International Department, or similar title). This is the case for the Austrian *Bundestag*, the Latvian *Saeima*, and others. This has to do with the fact that many of the representatives work (mainly) for the Committees on EU Affairs of their parliament. If so, the Head of Secretariat of that committee is often the immediate superior of the representative, at least as far as setting priorities for their reporting is concerned. A few representatives - those of the *House of Representatives of Cyprus*, the Portuguese *Assembleia da República*, the Swedish *Riksdag* - are responsible directly to the secretary general or deputy secretary general of their parliament.

At the same time, answers, for instance from the Austrian Parliament, the Danish *Folketing*, the Finnish *Eduskunta*, the Polish *Sejm* and the Luxemburg *Chambre des Députés*, indicate that topics are often selected, at least in part, by the representative himself or herself, against the background of a general knowledge of which issues might be of most interest to his/her parliament. In some cases, most topics to be reported on are chosen in this way, meaning, that requests from committees and the like are less frequent. In other cases it seems that many demands or questions are put forward, and given priority, so that in practice the representative is able to select topics only rarely, if and when time allows. Regardless of whether emphasis lies on initiatives of the representative or from committees or services of his or her parliament, there is in practice of a **dialogue between the representative and his or her superior - or colleagues - concerning which topics** to give priority. For instance, for the Czech *Senát*, the representative proposes topics to be agreed by the head of EU Affairs Unit. Another model is that of the UK *House of Lords*, where the representative decides in full consultation with the London-based staff.

3.9. Administrative accountability

A large number of representatives (12 out of 33) are administratively accountable to their **Secretaries General**. In case of the Bulgarian *Narodno Sabranie* the permanent representative is accountable to both the Speaker and to the Secretary General. While in the case of the Romanian *Camera Deputatilor*, the representative is accountable to the Speaker and the Standing Bureau of the *Camera Deputatilor*.

In the vast majority of the remaining cases the administrative accountability and accountability in terms of setting of the priorities of the representative's work is to the **Heads of the EU and/or International Departments** or to the Directors of the Committees/Heads of the Secretariat of the Chamber. In a few cases, e.g. the Latvian *Saeima* or the Polish *Sejm*, the accountability in terms of priorities is to a **political body**, i.e. the Committee on European Affairs or its Chairperson.

3.10. Reporting on representatives' activities

In addition to their day-to-day reporting on the developments in the EU, a number of representatives have a **duty to regularly report on their activities**. A number of representatives, those of the Bulgarian *Narodno Sabranie*, the French *Assemblée nationale* and the *Sénat*, the Hungarian *Országgyűlés*, the Italian *Camera Dei Deputati* and the *Senato della Repubblica*, the Latvian *Saeima*, the Lithuanian *Seimas*, the Polish *Sejm* and *Senat*, the Portuguese *Assembleia da República*, and the Slovenian *Državni zbor*, produce annual, bi-annual or trimestral reports addressed, for instance, to the Speakers, Secretaries General, parliamentary groups, heads of the EU/International Departments, Committees on European Affairs, specialised committees or in some instances to the Ministry of Foreign Affairs or the Head of the Permanent Representation to the EU.

A number of representatives report on their activities to their immediate administrative superiors or to the Committees on European Affairs even if there is no formal requirement to do so. The permanent representative of the Cypriot *Vouli ton Antiprosopon* provides a report of her work at the end of each parliamentary session. Other representatives report on an *ad hoc* basis several times a year. Such parliaments include the Belgian *Sénat*, the Czech *Senát* and the Danish *Folketing*.

The rest of the representatives do not produce any activity reports since their regular and *ad hoc* reports on EU developments are sufficient evidence of their activities.

3.11. Attendance of the EU Speakers' Conferences, meetings of the Secretaries General and COSAC meetings

Several parliaments and chambers consider it important that their representatives regularly attend major EU parliamentary conferences: **the EU Speakers' Conferences, meetings of the Secretaries General and the COSAC meetings**. This gives them first hand knowledge of the debates and the conclusions of meetings. These are: the Belgian *Chambre des Représentants*, the Danish *Folketing*, the Irish *Houses of the Oireachtas*, the Lithuanian *Seimas* (explicit provision in the Law on the Permanent Representative of the Seimas of the Republic of Lithuania to the European Union) and the Portuguese *Assembleia da República*.

The COSAC meetings are regularly attended by the representatives of the Polish *Senat*, the Slovenian *Državni zbor*, the Swedish *Riksdag* the UK *House of Lords*, the Latvian *Saeima* (Ordinary meetings) the French *Sénat* (Ordinary meetings), and the UK *House of Commons* (Ordinary meetings). While the representatives of the Czech *Senát* and the French *Assemblée nationale* only attend the COSAC meetings as a function of their Presidency of the EU.

The EU Speakers' Conferences and meetings of Secretaries General are attended by the Romanian representative, but seldom the COSAC meetings. The UK *House of Lords* Liaison Officer, where he has time and the agenda is relevant, attends the EU Speakers' Conferences.

Other parliaments and chambers take decisions on whether their representatives in Brussels would attend those conferences on a case-by-case basis.

3.12. Assistants

A number of representatives in Brussels (8 out of 33) have assistants, who perform a whole spectrum of tasks, including technical ones. These are the representatives of the Austrian Parliament (until recently), the Belgian *Sénat*, the Danish *Folketing*, the Finnish *Eduskunta*, the French *Assemblée nationale*, the German *Bundestag*, the Greek *Vouli Ton Ellinon*, the Hungarian *Országgyűlés*, the Lithuanian *Seimas* and the Dutch *States-General*. The UK *House of Commons* is the only chamber to have a deputy representative.

Two parliaments: the Latvian *Saeima* and the Polish *Senat* are considering introducing the post of an assistant in the near future. For the duration of the EU Presidency, the representative of the Czech *Senát* is assisted by a trainee student.

Of particular note are the German *Bundestag* and the Lithuanian *Seimas*. Apart from the permanent representative, an additional four members of staff of the German *Bundestag* work in its Liaison Office in Brussels. Conversely, the Lithuanian *Seimas* has developed a system of alternating members of staff. Three or four officials a year assist the permanent representative in month-long rotations. This system, introduced in 2006, enables training over a dozen advisors to specialised committees, the Committee on European Affairs and officials from other structural units of the Office of the *Seimas*.

3.13. Future developments

The role of the representatives in Brussels is constantly evolving, and a number of parliaments and chambers are planning to reassess it when the Treaty of Lisbon enters into force. The French *Assemblée nationale*, for instance, is planning to broaden the representative's tasks by including monitoring and coordination with the counterparts within the framework of the new powers granted by the Treaty of Lisbon to national parliaments. The Italian *Senato della Repubblica* and the UK *House of Commons* have similar plans, especially with regard to the monitoring of the application of the principle of subsidiarity.

The Czech *Senát* is of the opinion that the position of its representative in Brussels should be adapted to the new forms of inter-parliamentary cooperation. It foresees, for example, that visits of *Senát* Committees to the EU Institutions will become standard and their frequency will increase due to the increased attention to EU affairs in the *Senát*.

In the opinion of the Finnish *Eduskunta* "the role of the representative's office may grow, if the network of representatives acquires some sort of facilitating or clearing-house role in terms of the subsidiarity procedure". On the other hand, the *Eduskunta* feels strongly that the job of the representatives should primarily concern "the facilitation of the communication and fact-finding".

Some parliaments are thinking about strengthening their representations in Brussels by introducing a post of an assistant (the Polish *Senat* and the Latvian *Saeima*) or establishing a joint office of both chambers of the parliament (the Romanian Parliament). As in the case of the Lithuanian *Seimas*, the post of an assistant of the representative of the Latvian *Saeima* will be offered to the advisors of the specialised committees for a specific time periods. This practice is expected to facilitate greater involvement of specialised committees of the *Saeima* in EU matters.

Table 1: History of the Representatives

Country, Chamber	Start of the term in office	End of the term in office	Name of the representative
Austria: <i>Nationalrat and Bundesrat</i>	May 2005	to present	Ms Heike MALICEK
Belgium: <i>Chambre des Représentants</i>	2006 2006	to present to present	Mr Hugo D'HOLLANDER Mr Daniel LUCION
Belgium: <i>Sénat</i>	March 2006 October 2006	October 2006 to present	Mr Michel VANDEBORNE Ms Marie-Aline STACANOV
Bulgaria: <i>Narodno Sabranie</i>	March 2008	to present	Mr Dencho GEORGIEV
Cyprus: <i>Vouli Ton Antiprosopon</i>	Mid-April 2007 Mid-April 2007	December 2008 to present	Ms Natia KARAYIANNI Ms Christiana FRYDA
Czech Republic: <i>Poslanecká Sněmovna</i>	1 July 2008	31 December 2009	Mr. František ČAKRT, Also a Member of the COSAC Secretariat
Czech Republic: <i>Senát</i>	November 2004 November 2006	October 2006 to present	Ms Hana DAŇKOVÁ Ms Hana SEDLÁČKOVÁ
Denmark: <i>Folketing</i>	<u>1991</u> 1994 1999 2004 2007	<u>1994</u> 1999 2004 2007 to present	Mr Peter Juul LARSEN Mr Finn Skriver FRANDSEN Mr Morten KNUDSEN Mr Richard Mongin FORREST Mr Peter Juul LARSEN
Estonia: <i>Riigikogu</i>	2005 2008	2008 to present	Mr Arvi KAROTAM Ms Malle KUULER
Finland: <i>Eduskunta</i>	1995 1997 2000 2006 February 2008	1997 2000 2006 2008 November 2008	Mr Mikko VALTASAARI Mr Ilkka SALMI Ms Sarita KAUKAOJA Ms Carita OLLIKAINEN Ms Sarita KAUKAOJA
France: <i>Assemblée nationale</i>	1 March 2003 1 December 2004 1 October 2007	30 November 2004 30 September 2007 to present	Mr Jean-Pierre MEVELLEC Mr François DULUC Mr Frank BARON
France: <i>Sénat</i>	May 1999 November 2005	October 2005 to present	Mr Marc THOUMÉLOU Ms Anne MARQUANT
Germany: <i>Bundestag</i>	November 2005	to present	Ms Vesna POPOVIC
Germany: <i>Bundesrat</i>	-	-	-
Greece: <i>Vouli Ton Ellinon</i>	May 2005 September 2006	September 2006 to present	Mr Harris KARABARBOUNIS Mr George PAPAKOSTAS
Hungary: <i>Országgyűlés</i>	August 2004	to present	Mr László SINKA
Ireland: <i>Houses of the Oireachtas</i>	1 September 2003 1 July 2007	1 July 2007 to present	Mr Kevin LEYDEN Mr John HAMILTON
Italy: <i>Camera dei Deputati</i>	March 1998 2000 2004 2004 November 2008 November 2008	to present to present 2007 to present to present	Mr Gianfranco NERI Mr Sebastian FIUME GARELLI Ms Maria Giovanna CAPPELLINO Mr Antonio ESPOSITO Ms Debora CICCOTTI Mr Massimiliano ELEONORI
Italy: <i>Senato della Repubblica</i>	31 August 2006	to present	Ms Beatrice GIANNANI

Country, Chamber	Start of the term in office	End of the term in office	Name of the representative
Latvia: <i>Saeima</i>	November 2001 November 2002 May 2003 February 2003 March 2007 October 2008	November 2002 January 2003 March 2007 March 2007 October 2008 to present	Ms Inese KRISKANE Mr Ilmars SOLIMS Ms Inese KRISKANE Mr Gundars OSTROVSKIS Ms Simona MEGNE Ms Inese KRISKANE
Lithuania: <i>Seimas</i>	January 2003 February 2006 April 2008	January 2006 April 2008 to present	Ms Rūta BUNEVIČIŪTĖ Ms Loreta RAULINAITYĖ Ms Živilė PAVILONYTĖ
Luxemburg: <i>Chambre des Députés</i>	1 January 2006	to present	Mr Yves CARL
The Netherlands: <i>States-General</i>	September 2004	to present	Mr Jan Nico VAN OVERBEEKE
Malta: <i>Kamra tad-Deputati</i>	-	-	-
Poland: <i>Sejm</i>	August 2003 September 2005 July 2006 March 2008	September 2005 August 2006 March 2008 to present	Ms Kaja KRAWCZYK Ms Agnieszka KRAWCZYK Mr Tomasz KAPERA Ms Magdalena SKRZYŃSKA
Poland: <i>Senat</i>	1 April 2008	to present	Ms Magdalena SKULIMOWSKA
Portugal: <i>Assembleia da República</i>	1 January 2007 17 September 2008	31 June 2008 to present	Mr Bruno DIAS PINHEIRO, Member of the COSAC Secretariat Ms Maria Teresa PAULO
Romania: <i>Camera Deputatilor</i>	May 2007	to present	Ms Daniela Costela FILIPESCU
Romania: <i>Senatul</i>	-	-	-
Slovakia: <i>Narodná rada</i>	1 January 2006	31 October 2008	Ms Miriam LEXMANN
Slovenia: <i>Državni zbor</i>	March 2004 June 2007 January 2009	June 2007 January 2009 to present	Ms Radica NUSDORFER Ms Jerica ZUPAN VAN EIJK Mr Rok KRŽIŠNIK
Slovenia: <i>Državni svet</i>	-	-	-
Spain: <i>Cortes Generales</i>	-	-	-
Sweden: <i>Riksdag</i>	January 2005	to present	Mr Bengt OHLSSON
United Kingdom: <i>House of Commons</i>	October 1999 October 2001 October 2004 October 2007	October 2001 October 2004 October 2007 to present	Mr Christopher STANTON Mr Nick WALKER Mr Martyn ATKINS Ms Libby DAVIDSON
United Kingdom: <i>House of Lords</i>	January 2005 September 2007	September 2007 to present	Mr Richard MCLEAN Mr Ed LOCK

Table 2: Information on the Representatives

Country, Chamber	Title	Term in office	Frequency of Reporting	Accountability	Assistant
Austria: <i>Nationalrat and Bundesrat</i>	Permanent Representative of the Austrian Parliament to the EU	No fixed term	Reports on an <i>ad hoc</i> basis	To the Head of the EU and International Affairs Department.	Yes, an assistant who also served as a secretary to the Austrian delegation to the EMPA.
Belgium: <i>Chambre des Représentants</i>	Representative of the Belgian House of Representatives to the European Parliament	Decision taken on a case-by-case basis	Reports on an <i>ad hoc</i> basis	To the Secretary General and, in terms of setting priorities, to the Head of the Department on European Affairs.	No
Belgium: <i>Sénat</i>	Representative of the Belgian Senate to the European Parliament	No fixed term	Prepares a weekly report. On specific points of information reports on an <i>ad hoc</i> basis. Also, reports on request.	To the Director of the Department of European affairs and Inter-Parliamentary Relations. For practical and daily work - to the team leader for European Affairs. Priorities are set through a consensus between the Director, the team leader and the representative.	Since the beginning of 2009, an administrator of the section for European Affairs serves as an assistant to the representative.
Bulgaria: <i>Narodno Sabranie</i>	Permanent Representative of the National Assembly of the Republic of Bulgaria to the European Parliament	No fixed term in office. Decision taken on a case-by-case basis.	Drafts reports on specific topics formulated by the Speaker of the <i>Narodno Sabranie</i> .	To the Speaker and the Secretary General of the <i>Narodno Sabranie</i> .	No
Cyprus: <i>Vouli Ton Antiprosopon</i>	Permanent Representative of the House of Representatives of the Republic of Cyprus to the European Parliament	The term in office is governed by Article 47 of the Law on Public Service 1990 according to which it is 3 years. It cannot be renewed without the consent of the civil servant.	Weekly reports every Friday and additional relevant and/or urgent information provided on an <i>ad hoc</i> basis	To the Secretary General of the House of Representatives	No

Country, Chamber	Title	Term in office	Frequency of Reporting	Accountability	Assistant
Czech Republic: <i>Poslanecká Sněmovna</i>	Representative of the Czech Chamber of Deputies to the COSAC Secretariat and to the European Parliament. The Chamber does not have a representative in Brussels, but the Member of the COSAC Secretariat also performs tasks linked to the Czech Presidency	18 months, non-renewable	-	-	-
Czech Republic: <i>Senát</i>	Representative of the Senate Chancellery in Brussels	In principle, 2 years, renewable upon agreement	<i>Ad hoc</i> reporting to the Members of <i>Senát</i> and regular reporting to the civil servants of the <i>Senát</i> .	Primarily to the Head of EU Affairs Unit, then to the Director of the Foreign Relations Department and eventually to the Secretary General	No, but currently assisted by a student stagiare to help with tasks during the Czech Presidency of the EU.
Denmark: <i>Folketing</i>	Permanent Representative of the Danish Parliament to the EU	There is no fixed term, but 3-4 years is normal. The term in office is renewable.	The reporting is on an <i>ad hoc</i> basis taking into consideration the actual political priorities of the MPs and the EU administration.	To the Head of the EU Department and the Secretary General of the <i>Folketing</i>	Yes. The assistant helps with the tasks of the <i>Folketing's</i> office in Brussels.
Estonia: <i>Riigikogu</i>	Counsellor of the EU Affairs Committee of the <i>Riigikogu</i> , Representative of the <i>Riigikogu</i> to the EP	3 years, renewable	Regular reporting supplemented with an <i>ad hoc</i> reporting	To the Head of the secretariat of the EU Affairs Committee	No
Finland: <i>Eduskunta</i>	Representative/Special Expert/Counsellor	Usually 4 years, renewable under certain circumstances	Weekly analytical report. In addition <i>ad hoc</i> reports on high profile developments	The Director of the EU Secretariat	Assisted by a trainee, recent or imminent graduate recruited for 6-month periods

Country, Chamber	Title	Term in office	Frequency of Reporting	Accountability	Assistant
France: <i>Assemblée nationale</i>	Representative of the French National assembly to the European Union	No fixed term in office. The maximum - 8 years	The Committee on European Affairs drafts information reports on European affairs. The Permanent Representative is not preparing such documents.	To the Director General for the European, International and Defence Affairs.	Yes, one assistant who is a staff member of the <i>Assemblée nationale</i>
France: <i>Sénat</i>	The representative is an official of the European Affairs Service, "responsible for the administrative section of the <i>Sénat</i> in Brussels".	No fixed term in office	The Representative is not obliged to report on the developments in European affairs	To the Director of the European Affairs Service, who is accountable to the Secretary General of the <i>Sénat</i>	No
Germany: <i>Bundestag</i>	Permanent Officer of the German Bundestag to the EU	No fixed term in office	Reports on both regular and <i>ad hoc</i> basis	To the Division P1 - Europe of the administration of the <i>Bundestag</i>	Additional 4 members of staff of the <i>Bundestag</i> work in the Liaison Office of the <i>Bundestag</i> to the EU
Greece: <i>Vouli Ton Ellinon</i>	Head of the Hellenic Parliament's Liaison Office in the European Parliament.	There is no fixed term in office.	Expected to report on a regular basis	To the Diplomatic Advisors Office which will soon be placed under the Directorate for European Affairs	Yes
Hungary: <i>Országgyűlés</i>	Head of the Permanent Office to the EU of the Hungarian National Assembly.	The term of office is subject to the agreement between the Ministry of Foreign Affairs and the National Assembly.	The Representative is expected to report on a regular basis.	Accountable to the Head of the Office for Foreign Relations	Yes. An assistant performs activities assigned to him/her by the Representative.

Country, Chamber	Title	Term in office	Frequency of Reporting	Accountability	Assistant
Ireland: <i>Houses of the Oireachtas</i>	Permanent Representative of the <i>Houses of the Oireachtas</i> to the EU.	3 years, currently non-renewable	Regular "digest" of EU developments every 2-3 weeks. Also, reports on emerging developments -on <i>ad hoc</i> basis	To the Director of the Committees, who sets overall priorities. Specific priorities are agreed with the secretariats of the European Affairs and European Scrutiny Committees	No
Italy: <i>Camera dei Deputati</i>	The representative is an official of the Department of EU Affairs of the Chamber	No fixed term, as long as the officials acting as representatives alternate	Report on an <i>ad hoc</i> basis, depending on the political and administrative priorities.	To the Head of the Department of EU Affairs	No
Italy: <i>Senato della Repubblica</i>	Permanent Representative of the Italian Senate to the European Union	Appointed by a Decree of the President of the Senate with no fixed term of office	Oral reporting is regular and written reporting is on an <i>ad hoc</i> basis.	To the Head of the Office for Relations with EU Institutions and to the Head of the Senate International Affairs Service	No
Latvia: <i>Saeima</i>	Special Attaché of the <i>Saeima</i> of the Republic of Latvia in the Permanent Representation of the Republic of Latvia to the European Union (<i>Saeima's</i> Representative to the EU)	Decisions have been taken on a case-by-case basis. The term should not exceed 3 years, renewable once	Reports on an as- needed basis	To the Chairperson and the Senior Advisor to the European Affairs Committee of the <i>Saeima</i>	No
Lithuania: <i>Seimas</i>	From January 2003 to January 2006 - the Representative of the Seimas to the European Parliament. From February 2006 to present - the Permanent Representative of the Seimas of the Republic of Lithuania to the European Union.	3-year term, which may be extended for up to one year	There is a regular flow of information, supplemented on an <i>ad hoc</i> basis.	Directly accountable to the Secretary General of the Seimas of the Republic of Lithuania	Yes. Until February 2006 had a permanent assistant. Currently, 3-4 officials of the Office of the <i>Seimas</i> a year are assisting the permanent representative in one-month long rotations for an average of 3 months

Country, Chamber	Title	Term in office	Frequency of Reporting	Accountability	Assistant
Luxemburg: <i>Chambre des Députés</i>	Permanent Representative of the Chamber of Deputies to the European Institutions	No fixed term in office	Regular reports called "Brussels Bulletins" and reports on a case-by-case basis on subjects of special importance	To the Secretary General of the Chamber and the Head of the International Relations Service	No
The Netherlands: <i>States-General</i>	Permanent Representative of the <i>States-General</i> to the EU	No fixed term	Regular and <i>ad hoc</i> reports	Administrative: to the Head of the Department for Committee Support of the House of Representatives. Work priorities are a shared responsibility with clerk and staff of the Committees of EU Affairs of both Chambers.	One assistant/trainee, who changes every 6 months. Sometimes an intern.
Poland: <i>Sejm</i>	Polish <i>Sejm</i> Chancellery Representative to the EU	Decided on a case-by-case basis. The term in office is renewable.	Prepares weekly reports on the developments in the EP. Additionally, when requested, the Representative sends reports on specific issues.	Administrative: to the Head of the EU Division. Setting of the work priorities: to the Chairman of the EU Affairs Committee.	No. But from time to time the Representative employs trainees who assist in her day-to-day work.
Poland: <i>Senat</i>	Permanent Representative of the Chancellery of the Senate of the Republic of Poland to the European Union	No fixed term	Reports regularly on a weekly basis and is expected to report on important issues on an <i>ad hoc</i> basis	Directly - to the Director of the Bureau of International and EU Affairs. Indirectly - to the Secretary General of the Chancellery of the Senate.	No
Portugal: <i>Assembleia da República</i>	Permanent Representative of the Assembly of the Republic to the EU	2 years, renewable once	Reports on the activities the Permanent Representative takes part in, whenever he/she sees fit or when specifically requested	Directly and solely to the Secretary General of the Assembly of the Republic. For logistical and functional purposes - to the director of the office for European Affairs.	No

Country, Chamber	Title	Term in office	Frequency of Reporting	Accountability	Assistant
Romania: <i>Camera Deputatilor</i>	Head of the Representation Office of the Chamber of Deputies to the European Parliament	The Standing Bureau of the <i>Camera Deputatilor</i> is entitled to decide upon the term in office and its possible renewal	The Representative is expected to report on developments in the EU on a regular basis	To the Speaker of the <i>Camera Deputatilor</i> and to the Standing Bureau	No
Slovakia: <i>Narodná rada</i>	Special Permanent Representative of the National Council of the Slovak Republic to the EP and other EU Institutions.	Fixed term of 3 years, non-renewable	On an <i>ad hoc</i> basis. No obligation for regular reporting	First directly to the Secretary General of the Chancellery of the <i>Narodná rada</i> . Later - to the Director of the Foreign Relations and Protocol Department and ultimately to the Secretary General	No
Slovenia: <i>Državni zbor</i>	Representative of the National Assembly of the Republic of Slovenia to the European Parliament	2 years, renewable. In practice, finally decided by the Secretary General	Regular reporting is expected. In addition <i>ad hoc</i> reports on specific topics	To the Secretary General of the <i>Državni zbor</i> . Priorities set in cooperation with the staff of the EU Affairs and specialised committees	No
Sweden: <i>Riksdag</i>	Permanent Representative of the Swedish Parliament to the EU Institutions	2 years, renewable more than once, subject to contract terms	Flexible system of reporting with no strict requirement for regular reporting	To the Head of the Secretariat of the Chamber	No
United Kingdom: <i>House of Commons</i>	UK National Parliament Representative to the EU (House of Commons)	Fixed term of 2 years, renewable for 1 more year. Total maximum is 3 years	Regular reporting developed by the working practice of the representatives and the demands/ expectations of the European Scrutiny Committee	To the Principal Clerk of delegated Legislation. Also works closely with the Clerk of the European Scrutiny Committee	There is a Deputy Representative who assists and deputises the Representative in a number of activities
United Kingdom: <i>House of Lords</i>	EU Liaison Officer	Fixed term of 2 years, renewable for 1 more year.	Reporting when relevant and useful issues come up	To the Clerk of the EU Committee	No.

Chapter 4: Evaluation of the COSAC Bi-annual Reports

In accordance with the document on the Establishment of a Secretariat of the COSAC adopted by the XXX COSAC in Rome on 7 October 2003, the COSAC Secretariat is required to “compile a factual report on developments in EU procedures and practices relevant to the parliamentary scrutiny every six months in order to provide the basis for debates in COSAC”. Since May 2004, the COSAC Secretariat has published ten such Bi-annual Reports³³.

This chapter provides the basis for an evaluation of the COSAC Bi-annual Reports (henceforth alternatively “the Reports”) in the light of five years of experience, aiming at benefiting the COSAC Secretariat and the future Presidencies.

With the help of the feedback given by parliaments, this chapter focuses on the following: the content and the form of the Bi-annual Report, and the practice of parliaments with regard to the Bi-annual Reports. Issues like topics, their link with the agenda of the COSAC Ordinary meetings and the organisation and length of reports are therefore addressed. Attention is also paid to the procedural arrangements under which parliaments prepare the replies to the questionnaires which precede each Report and to the use of the Reports within parliaments. However this chapter begins by providing a picture of the ten COSAC Bi-annual Reports with a view to assessing their added value.

4.1. Picture of the experience of five years of the COSAC Bi-annual Reports

4.1.1. Brief presentation of the first ten Bi-annual Reports (2004-2009)

Since May 2004, the COSAC Secretariat has published ten Reports endorsed by the COSAC Ordinary meetings during each Presidency. The first Report was published in May 2004, in association with the XXXI COSAC in Dublin. This was the first COSAC meeting after the new Rules of Procedure, which were agreed at the XXIX COSAC in Athens in May 2003. The purpose of the procedural reform was to focus COSAC's activities more on the work of national parliaments within the EU and to strengthen COSAC as a platform for exchanging information and best practices between parliaments, in particular on the practical aspects of parliamentary scrutiny.

As a result, the first Bi-annual Report covered such topics as: recent developments in EU procedures and practices, the principles of subsidiarity and proportionality, legislative procedures of the EU, and proposals on the draft Treaty Establishing a Constitution for Europe.

During the past five years the Bi-annual Reports covered numerous subjects. The issues that received the widest coverage related to the Constitutional Treaty and the Treaty of Lisbon. Several chapters of the Reports dealt with issues like ratification of the Constitutional Treaty, state of the debate on the Future of Europe, national parliaments' expectations of the Intergovernmental Conference, involvement of national parliaments in the ratification

³³ The table of contents of the ten Bi-annual Reports is published on the COSAC Website: <http://www.cosac.eu/en/documents/biannual/>. Each Report may be consulted from this page of the Website.

process of the Treaty of Lisbon, the principle of subsidiarity, etc. In that respect, it is worth mentioning the 10th Bi-annual Report of November 2008, which includes a chapter on the results of the working group of national parliaments' representatives to the EU on the implementation of Protocol 2 on the application of the principles of subsidiarity and proportionality as attached to the Treaty of Lisbon.

Another popular subject for the Reports is scrutiny procedures and practices in the EU national parliaments. For instance, the Reports analysed recent developments in EU procedures and practices twice as well as scrutiny of EU matters by Committees on European Affairs and specialised committees.

The Reports also covered, although less frequently, such subjects as: Justice and Home Affairs, national parliaments' cooperation with the EU Institutions, transparency matters, budgetary and financial matters and so on. While such subjects as the role of Members of the European Parliament in national parliaments, Northern and Mediterranean Dimensions of the EU and climate change were covered once.

4.1.2. Added value of the Bi-annual Reports according to the EU parliaments

When asked about the added value of the Bi-annual Reports, the overwhelming majority of parliaments underline the **usefulness** of their **insight into the procedures and practices of other parliaments** regarding the legislation and policies of the EU. The knowledge provided on the different scrutiny systems is much appreciated³⁴, given that otherwise such information is “not available or very difficult to find”, as emphasised by the German *Bundesrat* in its reply. For many respondents, the presentation of up to date information is also a valuable aspect as well as the comparative dimension of the Reports.

Bi-annual Reports therefore are considered to be an **important tool for exchanging best practices and experiences**. Many parliaments or chambers specify that the Reports provide examples for them as they review or seek to improve their own procedures and practices. This function of the Reports is, for example, expected to be helpful in the context of the possible implementation of the provisions of the Treaty of Lisbon³⁵. At the same time, some parliaments already pay tribute to the contribution of the Reports in the exchange of information on developments in procedures and practices relating to the principles of subsidiarity and proportionality³⁶.

A few parliaments explain in more details how Bi-annual Reports are or were beneficial to them. The Romanian Parliament reports that the Bi-annual Reports “are being extensively used, in various forms and for various projects, by the staff and the members of both chambers”. It also acknowledges the fact that Bi-annual Reports were an “excellent instrument” for building a new Member State’s systems “. The Slovenian *Državni zbor* reports that it was particularly interested in learning in the 3rd Bi-annual Report about the respective functions and roles of the Committees on European Affairs and specialised committees in the scrutiny process and more specifically “the division of competencies

³⁴ The most recent analysis of the different systems for scrutiny of European affairs in the EU parliaments can be found in the 8th Bi-annual Report (Chapter 1).

³⁵ As a matter of fact, first overviews on this question have already been provided in the 9th and 10th Bi-annual Reports (in Chapter 2 and Chapter 1 respectively).

³⁶ See 5th Bi-annual Report (Chapter 2), 6th Bi-annual Report (Chapter 1) and 7th Bi-annual Report (Chapter 1).

between working bodies responsible for European affairs (Committee on EU Affairs, Committee on Foreign Policy)”.

From a general point of view, the Irish *Houses of the Oireachtas* consider that Bi-annual Reports remain a vital **catalyst to “help focus the discussion on issues within national parliaments”**. In the same way, the Committees on European Affairs of the Latvian *Saeima* and the Polish *Sejm* state that the Bi-annual Reports can serve as an additional tool to structure their work priorities: whilst the preparation of the Reports for the *Saeima* is an opportunity to set priorities in its working programme, the *Sejm* indicates that topics of the Reports can be added to the agenda of the committee when they are deemed valuable; a recent example is the committee meeting dedicated to the scrutiny of the activities of Europol and Eurojust.

Among the replies, it is also worth mentioning that for the Czech *Poslanecká Sněmovna* Bi-annual Reports can be useful for **identifying possibilities of cooperation and/or for coordination** between parliaments or chambers on the basis of the positions expressed on European issues or similar procedural ways of dealing with them.

4.2. Prospects for the content of the Bi-annual Reports

4.2.1. Issue of the link between the content of the Bi-annual Reports and the agenda of the COSAC meetings

Many parliaments are of the opinion that **there should be a link between the content of the Bi-annual Report and the agenda of the corresponding COSAC Ordinary meeting**. Most of them think that the Report and the agenda should be linked “partially” (the Polish *Sejm*), “to some extent” (the Austrian Parliament), with regard to “the main topics” (the Hungarian *Országgyűlés*) or “a majority of the topics” (the Czech *Senát*). Among them, the Belgian *Sénat*, the Finnish *Eduskunta*, the Lithuanian *Seimas* and the Maltese *Kamra tad-Deputati* even advocate that the topics of the Report should be closely linked to the agenda of the COSAC meeting. The reasons for the justification are similar: it “helps to prepare the debates at the COSAC meeting”; it “facilitates in-depth discussion” during the meeting; it “can serve as background for the debate”. Moreover, for the Irish *Houses of the Oireachtas*, this question of a link is a matter of respecting the original purpose of the Bi-annual Reports, which is “to provide the basis for debates in COSAC”, as written in the document on the Establishment of a Secretariat of the COSAC (7 October 2003).

On the other hand, **a number of parliaments/chambers** (the Czech *Poslanecká Sněmovna*, the Dutch *Eerste Kamer*, the German *Bundesrat*, the Slovakian *Národná Rada*, the Slovenian *Državni zbor* and *Državni svet* and the European Parliament) declare that the **link** between the Bi-annual Report and the agenda of the COSAC Ordinary meeting is **not necessary and should certainly not be seen as a rule**.

Some parliaments base their opinions on more in-depth analysis. For instance, the Danish *Folketing* and the French *Sénat* draw a clear distinction between the topics of the Bi-annual Reports which they consider to be a matter of exchanging best practices on parliamentary scrutiny of European issues, and items on the agenda of the COSAC ordinary meeting which are of a far more political nature. This distinction leads both chambers to conclude that **the absence of a link should be the regular rule; the Bi-annual Reports are intended to be procedural reports and not to prepare the political debates of the meetings**; substantial

political issues should be dealt with in separate reports or background papers prepared by the COSAC Presidency, if deemed necessary. The French *Sénat* nonetheless considers that the content of the Bi-annual Reports should continue to be discussed as currently in the framework of the ordinary meetings through a separate point of the agenda.

Other parliaments refer also to the existence of two different categories of topics in COSAC matters, but do not consider that a strict differentiation between what is the essence of the Reports and the essence of the COSAC meetings should be inferred from that. Among them, the Romanian Parliament considers that political and procedural topics can be either framed within the Bi-annual Reports or during the COSAC meetings. Also advocating closer links, the Finnish *Eduskunta*, the German *Bundestag* and the Polish *Senat* are, nonetheless of the opinion that during COSAC meetings it is difficult to discuss procedural issues in detail. In addition, the Finnish *Eduskunta* considers that discussions at COSAC meetings “should be reserved for more important and current topics”. Thus, the three parliaments/chambers urge, on the one hand, to **incorporate in the Reports the political topics of the agenda** and, on the other hand, to **confine issues on parliamentary procedures in the Reports, as “additional” information** not worth debate by parliamentarians.

On the question of the correlation between the Bi-annual Reports and the COSAC meetings, the Italian Parliament holds an opinion that could finally be seen as a **compromise solution**. Taking into account the procedural nature of the Reports, as established by the Rome Decision on the Secretariat of the COSAC, it considers that a **connection** between Reports and the agenda of COSAC meetings is **acceptable, in so far as the Report aims at providing all the relevant factual information about the EU scrutiny procedures and practices in the EU Parliaments concerning the topics included in the COSAC agenda**, whatever their nature is.

4.2.2. Selection of topics: experience of the past COSAC Presidencies

From the replies of all the relevant presidencies to this question, it can be inferred that **topicality is the main criterion** for determining the subjects of the Reports. Indeed, in most cases, the choice was made on the basis of:

- the issues at the centre of the debates in the EU at the time of the Presidency;
- the priorities defined by the government in charge of the Presidency of the EU Council;
- the decisions taken during the previous COSAC meetings.

According to the former Presidencies, the **choice of the topics for the Bi-annual Reports seems thus to have been made under the influence of the following three topical categories: EU affairs, priorities of the Presidency and topics for COSAC discussions**. The UK *House of Lords* and both German chambers chose topics to inform the debates planned for the COSAC Ordinary meeting.

Among the respondents, the French *Sénat* on behalf of the former French Presidency reports that it chose a subject (“scrutiny of the agreements negotiated by the European Community”) not because of its topicality, but because the scrutiny procedures of national parliaments in that field had never been dealt with by COSAC before. That way the *Sénat* suggests that an important range of topics has already been covered by the Reports. The question of possible new subjects for the future Bi-annual Reports seems under these circumstances to be vital.

4.2.3 Proposals for topics for future Bi-annual Reports

Parliaments were asked to suggest topics for the future Bi-annual Reports to give a picture of their primary concerns and to help create guidelines for future COSAC Presidencies.

Among the numerous proposals, a distinction needs to be made between those, which are made by two or more parliaments or chambers of different Member States **(a)** and those, which are suggested by only one parliament or chamber **(b)**.

(a) A great number of parliaments show interest for two topics: the **implementation of the Treaty of Lisbon** with regard to the activities of the EU parliaments, in general, and the **application of the principle of subsidiarity**, in particular.

The first proposal is made by a group of parliaments/chambers which do not go into great detail in their replies: the Austrian Parliament, the Slovenian *Državni zbor*, the French *Assemblée nationale*, the German *Bundestag*, the Italian Parliament, the Maltese *Kamra tad-Deputati*, the Romanian Parliament and the Slovakian *Národná Rada*. As for the topic of the application of the principle of subsidiarity, parliaments have various proposals for how to deal with it. Some parliaments consider this issue through the **implementation of the Protocol 2 on the application of the principles of subsidiarity and proportionality** as attached to the Treaty of Lisbon. Among them, the Irish *Houses of the Oireachtas* is in favour of an **evaluation of the COSAC subsidiarity checks**, whilst the French *Assemblée nationale* advocates a general evaluation of the use by national parliaments of the possibility, in the framework of the “Barroso initiative”, to scrutinise informally the draft legislation with regard to its compliance with the principle of subsidiarity, by compiling information on the number of adopted reasoned opinions and presenting their motives. Finally, the Irish *Houses of the Oireachtas* and the Slovenian *Državni zbor* and *Državni svet* ask for a **study of the concept of subsidiarity** with a view to developing a common understanding of the principle.

In connection with this topic, the Polish *Sejm* and the Slovenian *Državni zbor* propose an **assessment of the IPEX system**, aiming at giving a state of play of the effectiveness of the inter-parliamentary cooperation provided by IPEX.

Besides these major topics, there is also a need for a few parliaments (the Bulgarian *Narodno Sabranie*, the Czech *Poslanecká Sněmovna*, and the French *Sénat*) to tackle the question of **comitology** and the possible ways for national parliaments to influence the decisions taken by the comitology committees. Another issue that needs to be addressed according to the Czech *Senát* and the Irish *Houses of the Oireachtas* is the examination of the **co-decision procedures for adopting EU legislation** in order to ensure effective national parliamentary scrutiny during co-decision.

(b) As a matter of interest, the following list includes the proposals made by a single parliament or chamber:

- The practices of national parliaments in examining the preparation for, and outcomes of, the meetings of the Council of Ministers, including the typology of agreements reached in the Council (“general approach”, “political agreement” etc.) (the Czech *Senát*);
- The significance of draft Conclusions of the European Council and the Council of Ministers, and the scope for parliamentary scrutiny of these documents (the Czech *Senát*);

- The implication of the widening deployment of information and communication technologies in the work of EU and national institutions for the parliamentary procedures (the Czech *Poslanecká Sněmovna*);
- The democratic control of the (national) management of the EU-budget (the Dutch *Eerste Kamer*);
- The democratic control of European agencies (the Dutch *Eerste Kamer*);
- The cooperation between the EU and the Council of Europe (the Dutch *Eerste Kamer*);
- Better Lawmaking (the German *Bundesrat*);
- Evaluation of the role and influence of the various bodies of the inter-parliamentary cooperation (Conference of the Speakers of the EU Parliaments, COSAC, joint committee meetings, etc) and the practical methods implemented for ensuring cooperation between them (the French *Assemblée nationale*);
- The scrutiny of European Union legislation concluded in trialogues through first or early second reading agreements (the Danish *Folketing*);
- Monitoring and control of the transposition and implementation of Community Law in EU Member States (the Italian Parliament);
- The parliamentary administration of the EU affairs (the Bulgarian *Narodno Sabranie*).

4.3. Form of the Bi-annual Reports

There seems to be a rather **broad agreement** between national parliaments which find the current **structure** of the Bi-annual Reports “**accurate**” and “**satisfactory**”.

However, a number of parliaments state that **Bi-annual Reports tend to be “too extensive” or “too voluminous”**. According to the Italian Parliament, this situation has a major drawback: “the length and detail of the Bi-annual Report can make sometimes the document very difficult to be read by the Members who should be the main target of this document”. In the opinion of some parliaments, Bi-annual Reports therefore should not become any longer, but instead be **more “compact” and “analytical”**, “as concise as possible” or, to put it differently, should comply with the motto “shorter is better”, as the UK *House of Lords* recommends.

As **solutions with a view to reducing the size of the Reports**, the Bulgarian *Narodno Sabrani* suggests publishing only a summary and the corresponding conclusions, whilst the Italian Parliament and the Swedish *Riksdag* propose including all the detailed information in the annexes of the Report and publish it on the COSAC website. In addition, even if parliaments are reluctant to set strict limits on the number of chapters considering the Presidency’s prerogatives, there is a tendency to think that it should not exceed the four.

Besides strictly formal concerns, a number of parliaments took the opportunity to propose modifications with regard to the drafting of the Reports. The following list includes their proposals:

- A brief presentation of the activities of the presiding Parliament concerning EU/Presidency issues might be added (the Hungarian *Országgyűlés*);
- The analysis of the replies should be improved. The Report should be a true analysis of the opinions of national parliaments, including dissenting opinions and tendencies in the replies (the Belgian *Sénat*);
- National parliaments should be given a formal opportunity to propose amendments to the Bi-annual Report before it is finalised (the Irish *Houses of the Oireachtas*);
- The incorporation by the authors of the Report of positions as firm as possible in the conclusions would be helpful (the Romanian Parliament).

Some comments focus also on the questionnaires. They are in line with the wish expressed by some parliaments to shorten and simplify the Reports. The questions therefore should be “as limited as possible in the questionnaires” (the Dutch *Eerste Kamer*), and “yes/no” questions (with a possibility to add comments) should be favoured so that the comparison of the answers would be easier (the Polish *Sejm* and *Senat*).

4.4. Practises of parliaments with regard to the Bi-annual Reports

When asked about the procedure in each parliament/chamber for preparing and approving the replies to the questionnaires, the answers are quite similar with a few exceptions. In most parliaments the administrative service responsible or coordinating the drafting of the replies is the staff of the Committees on European Affairs (or EU-Committee/European Scrutiny Committee/Department of European Affairs etc.). Several parliaments/chambers answered that the replies to the questionnaire are drafted by the staff of the Committees on European Affairs in cooperation with other bodies of the parliamentary administration, if the content of the questions requires so.

In the Luxemburg *Chambre des Députés*, the Secretariat of the COSAC delegation is in charge of the replies. The Secretariat sends a draft of the replies for approval to the President of the delegation and to the Chairman of the Committee. Several other parliaments/chambers usually send a draft of the replies for approval to the Committee on European Affairs (or its equivalent) or to the Chairperson of the Committee, *e.g.* the Bulgarian *Narodna Sabranie*, the Cypriot *Vouli ton Antiprosopon*, the Belgian *Sénat*, the Lithuanian *Seimas*, the Portuguese *Assembleia da República*, and the Maltese *Kamra tad-Deputati*.

In the UK *House of Commons*, the answers are approved by the European Scrutiny Committee after the staff drafts them in consultation with the National Parliaments Office in Brussels. The Latvian *Saeima* has a similar procedure. Its advisor in the secretariat of the Committee on European Affairs, who is responsible for COSAC matters, is also responsible for drafting the replies. The advisor consults other clerks in the secretariat of the Committee, or the Permanent Representation in Brussels, or others. The replies are finally approved by the Chairwoman of the Committee on European Affairs.

The Irish *Houses of the Oireachtas* answered that their replies are drafted by the Joint Committee on European Affairs and the Joint Committee on EU Scrutiny and considered by the Committees when the Members have an opportunity to make amendments. The replies are finally approved by the Committees.

Some national parliaments answered that their Members are not involved in the approval of the replies. Others said that Members or Chairpersons were involved if the content of the questionnaire had a political interest. The Romanian Parliament answered that, if the questionnaire has some political interest, the board of the Committee on European Affairs nominates one or two Members who are responsible for the replies.

To sum up, the staff of the Committees (or their equivalents) in charge of the replies either draft the replies themselves or in consultation with other Committees or structural units of national parliaments (e.g., research bureaus). Several answers indicate that the staff of the secretariats of the Committees on European Affairs approves the replies, sometimes informing Members, while in a number of cases the approval is done by the Chairperson.

As to the translation of the Reports into national languages, only the Polish *Sejm* replied that it translates the whole Report and publishes it on the website of the *Sejm*. It also publishes a paper version of the Reports in Polish. The Czech *Senát* answered that in case the Members are interested, a translation would be prepared on demand. Similarly, in the Romanian Parliament a translation would be made if Members considered it important. In the Greek *Vouli ton Ellinon*, some parts of the Reports are translated and distributed to the Members when a similar subject is debated in the Committee on European Affairs.

When it comes to the circulation of the Reports, a number of parliaments/chambers answered that the Reports are distributed to the Members of the Committees on European Affairs, e.g. the Lithuanian *Seimas*, the Maltese *Kamra tad-Deputati*, the Greek *Vouli ton Ellinon* (some parts), the Cypriot *Vouli ton Antiprosopon*, the Czech *Senát*, the Danish *Folketing*, the Romanian Parliament, the Slovenian *Državni zbor*, and the Slovakian *Národná rada* (most of the times). Furthermore, a lot of parliaments/chambers hand out the Reports to the Members attending the COSAC meetings. That is the case with the Austrian Parliament, the French *Assemblée nationale* and the *Sénat*, the UK *House of Commons* and the *House of Lords*, the Swedish *Riksdag*, the Dutch *Tweede Kamer*, and the Finnish *Eduskunta*. In both chambers of the Italian Parliament the main findings of the Reports are summarised and included in the notes or fact sheets drafted before the COSAC meetings, sometimes these documents are also distributed to the Members who are not attending the COSAC meetings. In both the German *Bundestag* and the *Bundesrat* the Reports including summaries are sent to the Members attending the COSAC meetings.

The Bulgarian *Narodno Sabranie* answered that, given that the Reports are available on the COSAC website, they do not distribute the Reports. The Luxembourg *Chambre des Députés* does not distributed the Reports either, while in the Latvian *Saeima* the decision depends on the subjects, i.e. if they are relevant, the Report is sent to the Chairwoman of the Committee on European Affairs, who in turn informs the other Members. In the Dutch *Eerste Kamer*, the Report is put on the agenda of the Committee on European Affairs, and a summary is distributed to the Members of the Committee, and occasionally to other Members.

When the Irish *Houses of the Oireachtas* distribute the Report to the Joint Committee on European Affairs, and the Joint Committee on EU Scrutiny, there is an opportunity to debate the content of the Report. In the French *Assemblée nationale* a meeting of the Committee in charge of the European Affairs is usually held to discuss the outcome of COSAC meetings on the basis of a report made by the Chairman. The Bi-annual Report is distributed to the Members of the Committee. In the Cypriot *Vouli ton Antiprosopon*, subjects of the Report may be discussed in the Committee on European Affairs. In the Portuguese *Assembleia da*

República, the content of the Report is discussed after the COSAC meetings, when the Chairman of the Committee on European Affairs presents the outcome of the meetings to the other Members of the Committee.

In the Slovenian *Državni zbor*, the content of the Bi-annual Report is presented at a Committee meeting preceding an Ordinary COSAC meeting, and a written report is made available to the Members. In the Slovenian *Državni svet*, the Members of the International Relations and European Affairs Commission are informed about the Report at a meeting on preparations for a COSAC meeting. The Members receive a paper version of the Report, if they request it.