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Draft contributions of the LV COSAC

The Hague, 12 – 14 June 2016

## **1. Modes of parliamentary scrutiny**

1.1 COSAC welcomes that, as presented in the 25th Bi-annual Report of COSAC, national Parliaments have the ambition to play an active role at EU level within the spirit of the Lisbon Treaty. Moreover, COSAC notes that the most important EU parliamentary scrutiny activities for national Parliaments are government oversight, being a policy shaper, as well as being a public forum, and engaging in active exchange with other national Parliaments.

Therefore, COSAC invites national governments, as well as the relevant EU institutions to facilitate and contribute as much as possible, and where appropriate, to the fulfilment of Parliaments' ambitions at EU level.

1.2 COSAC points out that most national Parliaments exchange information on political dialogue and subsidiarity contributions regarding EU proposals. COSAC encourages Parliaments to make use of all available channels to exchange information, also on the implementation of EU-legislation, with each other to decide on positions on EU dossiers. COSAC invites Parliaments to continue exploring new ways to improve co-operation in this field.

1.3 COSAC invites the future Presidency Parliaments in every first half of the year, assisted by the COSAC Secretariat, to compile an annual overview of Parliaments' priorities from the Commission Work Programme based on the data received from each national Parliament, to share this overview amongst all Parliaments/Chambers and send it to the EU Institutions.

1.4 COSAC notes that the annual overview of parliamentary priorities could be useful to strengthen cooperation between national Parliaments and the European Parliament on a selection of legislative dossiers. COSAC expresses the ambition that Parliaments, who are willing to do so, could cooperate during the preparation of parliamentary scrutiny of EU-legislation. To this end these willing Parliaments could experiment with new modes of co-operation and exchange regarding the parliamentary scrutiny of one or two selected EU proposals or policies, facilitated within the framework of COSAC as much as possible.

1.5 COSAC welcomes the ambition of the European Parliament, the Council and the European Commission related to annual programming as agreed in the interinstitutional agreement on Better Law-Making. COSAC invites all EU-institutions to share and discuss the work on annual programming actively with national Parliaments.

1.6 COSAC notes that the Commission has diminished the number of proposals announced in its Work Programme, but also notes that much higher number of proposals is effectively presented. COSAC calls on the three institutions to formulate their annual programmes as realistically as possible, in order to manage expectations and enable national Parliaments and the European Parliament to optimally fulfil their role and responsibilities.

## **2. Rapporteurs**

2.1 COSAC notes, as presented in the 25th Bi-annual Report of COSAC, that not all Parliaments appoint rapporteurs on EU related dossiers and acknowledges that Parliaments adopted different rules and practices when using rapporteurs.

2.2 The active exchange between parliamentary rapporteurs on EU dossiers is welcomed by COSAC and it therefore encourages on Parliaments to further develop the active exchange in order to improve parliamentary scrutiny within Parliaments.

## **3. The "yellow card" and the "green card" (enhanced political dialogue)**

3.1 COSAC reiterates the contribution of the LIV COSAC in Luxembourg on the "yellow card" procedure (paragraph 4) and the need for improvement without Treaty change. COSAC also reiterates the invitation to the European Commission to consider excluding certain periods from the 8-week deadline. COSAC welcomes the current exclusion of the August period and encourages the European Commission to follow up on the aforementioned invitation in the same way.

3.2 COSAC supports the European Commission's endeavour to ensure better quality and more timely responses to reasoned opinions and contributions submitted by national Parliaments.

3.3 On the introduction of the "green card" (enhanced political dialogue), COSAC reiterates the contribution of the LIV COSAC in Luxembourg (paragraph 5). COSAC notes that Parliaments have different views on defining the minimum threshold for introducing a "green card" (enhanced political dialogue), the deadline to participate in the "green card" (enhanced political dialogue) and the timeframe for concluding a "green card" (enhanced political dialogue).

3.4 COSAC would welcome further "green card" initiatives by parliaments wishing to do so, in order to further shape and explore the use of this instrument. It invites future Presidencies of COSAC to follow up on previous initiatives in this respect and, once more insights into the potential of the enhanced political dialogue are gathered, to strive to present conclusions to COSAC on, inter alia, the threshold, deadline and timeframe for a "green card".

#### **4. Trilogues**

4.1 COSAC encourages Parliaments to exchange information on trilogues, for example during interparliamentary meetings or between rapporteurs, as this exchange is considered a useful tool to improve parliamentary scrutiny on EU affairs.

4.2 COSAC welcomes the interinstitutional agreement on Better Law-making of the European Parliament, the Council and the Commission in which they agree to ensure the transparency of legislative procedures, on the basis of relevant legislation and case-law, including an appropriate handling of trilateral negotiations.

4.3 COSAC furthermore welcomes the agreement of these three institutions that the provision of information to national Parliaments must allow the latter to exercise fully their prerogatives under the Treaties. COSAC therefore calls on these three institutions, within their respective roles, to provide information on trilogues to national Parliaments and to the public.

#### **5. Interaction at COSAC**

5.1 COSAC notes that the Plenary sessions of COSAC offer a unique platform for exchanges between Parliaments. COSAC also notes, as presented in the 25th Bi-annual Report of COSAC, that most Parliaments support further improvements of the Plenary sessions to allow sufficient room for informal networking. Therefore, COSAC invites future Troikas of COSAC to further provide sufficient time for debates and discussion in the Plenary sessions, while allowing sufficient time for informal exchange among delegates.

#### **6. Parliaments and the Rule of Law**

6.1 COSAC notes that the institutional responsibility for securing human rights and incorporating them into domestic laws, as well as for upholding and fostering the rule of law, is a shared responsibility of the national Parliament, the executive and the judiciary, and is embedded in national constitutional traditions.

6.2 COSAC notes that the EU is based on shared values such as the rule of law and human rights, as laid down in the Treaties and the Charter of Fundamental Rights of the European Union, and that this entails responsibilities for each EU Member State, while at the same time threats to and violations of these values are of common concern to those sharing these values and adhering to the agreed obligations and standards.

6.3 COSAC underlines respect for the rule of law within the Union is a precondition for mutual recognition and mutual trust among the Member States and between Member States and the Union, essential for a well-functioning Union in all policy areas.

6.4 COSAC supports initiatives to establish permanent dialogue mechanisms in relevant fora on these matters. Once in place these mechanisms can be helpful in discussing politically sensitive human right violations and threats to the rule of law.

6.5 COSAC can serve as a platform for such inter-parliamentary dialogue, to underline the importance of human rights and the rule of law and to promote a culture of respect for human rights and the rule of law, without prejudice to the work of other platforms/assemblies such as the Parliamentary Assembly of the Council of Europe (PACE).

6.6 COSAC welcomes the rule of law dialogue among the Member States in the Council of the European Union aimed at strengthening the rule of law in the EU and its Member States. COSAC takes note of the legislative own-initiative report on the establishment of an EU mechanism on democracy, the rule of law and fundamental rights that is being drafted in the European Parliament.

6.7 COSAC underlines the vital and increasing role of Parliaments in the protection and realisation of the rule of law, including human rights. Parliaments have a pronounced role owing to their primary role of law-making, in holding the executive to account over the implementation and compliance onto the national level of internationally agreed rule of law and human rights standards and obligations, and in strengthening democratic legitimacy and ownership of the rule of law and human rights standards.

6.8 COSAC stresses the importance of national Parliaments' engagement with society in monitoring and safeguarding these rule of law and human rights values, standards and obligations e.g. by following up on the recommendations of both international human rights mechanisms, and the reports and recommendations by, amongst others national human rights institutes, NGOs and civil society.

6.9 While the rule of law and human rights deserve ongoing attention, COSAC encourages national Parliaments to continuously devote attention to the rule of law and human rights in their work and engage in and promote the national and international dialogue on these values. Best practices, check lists from other Parliaments, as well as common standards and guidelines developed by bodies such as the Council of Europe should provide guidance and be further developed.

## **7. Parliamentary diplomacy in the framework of the European Neighbourhood Policy**

7.1 COSAC notes that, as presented in the 25th Bi-annual Report of COSAC, all Parliaments engage in parliamentary diplomacy, in most cases to promote fundamental values (democracy, the Rule of Law and human rights), to increase mutual understanding between countries and to exchange information and know-how.

7.2 COSAC welcomes activities as part of parliamentary diplomacy contributing to the European Neighbourhood Policy with a view to deepening relations, enhancing cooperation and strengthening the EU's partnerships with neighbouring countries, to support and foster peace, security and prosperity.

7.3 COSAC considers that, by deploying their parliamentary contacts, Parliaments as institutes and parliamentarians are able to support Parliaments of neighbouring countries in transition processes, to build bridges between conflicting parties and to voice concerns or promote the universal values in a way traditional diplomacy might not be able to do. COSAC therefore encourages Parliaments to continue to engage in parliamentary diplomacy as a complementary form of diplomacy to traditional diplomacy in the field of the European Neighbourhood Policy.

7.4 To improve the effect of parliamentary diplomacy and to better understand differences in Parliaments' working practices, COSAC encourages all Parliaments to share best practices in this field, such as in establishing a set of rules, in using general principles guiding their activities as well as in establishing regular exchange of visits to and from countries of the European Neighbourhood Policy.

7.5 COSAC furthermore encourages Parliaments to cooperate and exchange information among them, as well as with the European Parliament and the executive in order to develop more coherence in the field of parliamentary diplomacy particularly in the framework of European Neighbourhood Policy.