

Information Note in relation to the COSAC Working group

30 October 2015, Luxembourg

“Green card” (enhanced political dialogue)

A.) Context:

According to the Contribution adopted at the LIII COSAC in Riga, COSAC believes that the “green card” (enhanced political dialogue)¹, in addition to the existing forms of parliamentary scrutiny and involvement, “would constitute a valuable opportunity for willing national Parliaments to play a proactive role in the EU agenda-setting process with a view to contribute further to the good functioning of the EU.”

COSAC further emphasised “that the “green card” would enhance the existing political dialogue and would further encourage national Parliaments interested in proactive involvement to make constructive non-binding suggestions regarding policy or legislative proposals to the European Commission, without undermining the Commission’s right of legislative initiative under the EU Treaties or its competences in dealing with reasoned opinions, as laid down in Protocol 2 of the Treaty of Lisbon. In view of the support expressed by the vast majority of the responding Parliaments to the introduction of the “green card”, as reflected in the 23rd Bi-Annual Report, COSAC invites the Luxembourg Presidency to continue the work on identifying its scope and procedural framework of the “green card” while ensuring its compliance with the existing Treaty provisions and with the inter-institutional balance of powers”, and to set up a working group on strengthening the political dialogue by introducing a “green card”.

B.) Findings based on the answers given by the Parliaments/Chambers to the questionnaire preparing the 24th Bi-annual Report of COSAC²

In the context presented above, the questionnaire to the 24th Bi-Annual Report addressed the issue of strengthening the political dialogue by introducing a “green card”³.

i. Official position on the “green card” (enhanced political dialogue)

Official position:

Since the publication of the 23rd Bi-annual Report of COSAC, in which six Parliaments/Chambers, indicated that they had adopted an official position, another six

¹ For a better readability, “green card”(enhanced political dialogue) will be abbreviated as “green card” throughout the following pages.

² The following numbers reflect the answers given by Parliaments/Chambers by 15 October 2015. Complete replies were received by that date from 37 out of 41 Parliaments/Chambers of 28 Member States and the European Parliament.

³ The 24th Bi-Annual Report is currently under preparation.

Parliaments/Chambers communicated they had adopted an official position concerning their participation in the "green card".

Some Parliaments/Chambers indicated that they would like to wait either for the results of the Working Group established under the Luxembourg Presidency or the details of the "green card" being more clearly defined.

Official position to be adopted in the near future:

Official position to be adopted in the near future	No. of respondents
Yes	4 out of 17
No	13 out of 17

General remarks:

The following general remarks were made concerning the "green card":

- The "green card" initiative was a major step forward for a more positive and stronger role of national Parliaments in the EU.
- The "green card" provided for a capacity to take positive proposals instead of giving priority to a blocking capacity.
- The "green card" should not be excessively formalised.
- The "green card", in the general framework of the political dialogue, constituted a useful tool for a constructive involvement of national Parliaments in the EU integration process.
- One Parliament underlined that it was supportive of the concept of a "green card", as long as it did not purport to be a right of initiative without having adopted an official position.
- Some Parliaments/Chambers stated that they were going to follow the discussion on the introduction of a "green card" closely and that they would take a formal decision as to their participation at a later stage.
- Some Parliaments/Chambers indicated that they participated in the food waste initiative without having adopted an official position.
- One Parliament recalled the principle, that "throughout the process, the general objective remains to ensure democratic legitimacy and accountability at the level at which decisions are taken and implemented".

Two Parliaments/Chambers expressed their doubts concerning the introduction of a "green card". One questioned whether the proposal could be lawfully adopted without Treaty change, the second stated that the political dialogue should continue to take place following the now well established practice of bilateral exchanges between the European Commission and individual Parliaments, without entering into any kind of collective dialogue between the European Commission and groups of national Parliaments.

ii. Scope

Scope of the "green card"	No. of responses
Suggestions for new legislation	22 out of 22
Suggestions to amend existing legislation	20 out of 22
Suggestions to repeal existing legislation	18 out of 22
Suggestions to amend or repeal delegated or implementing acts	11 out of 20

Other proposals made by Parliaments/Chambers included:

- Suggestions for non-legislative initiatives to the European Commission.
- Suggestions for measures relating to legislative initiatives included in the European Commission Work Programme.
- Suggestions for new legislation should not amount to the right of initiative to propose EU legislation.

iii. Rules of procedure

Necessity to change the Rules of Procedure	No. of respondents
Yes	3 out of 24
No	21 out of 24

Intention to change the Rules of Procedure	No. of respondents
Yes	0 out of 5
No	5 out of 5

iv. Threshold

Setting of a minimum threshold	No. of respondents
Yes	17 out of 21
No	4 out of 21

What threshold?	No. of responses
$\frac{1}{4}$	5 out of 23
$\frac{1}{3}$	6 out of 23
Less than $\frac{1}{4}$	0 out of 23
More than $\frac{1}{3}$	0 out of 23

A few Parliaments/Chambers responded that it was not necessary to formalise a fixed number.

A vast majority of respondents underlined that the threshold for launching a "green card" should always be the same:

Who should set the threshold?	No. of responses
Threshold should always be the same	15 out of 20
Threshold should be left to the initiating Parliament	5 out of 20

In case a minimum threshold was introduced but not reached, Parliaments/Chambers suggested proceeding as follows:

No minimum threshold reached	No. of responses
The text can be sent to the European Commission by participating Parliaments/Chambers as a joint text without considering it as a "green card"	16 out of 23
The text can be sent to the European Commission by each participating Parliament/Chamber as a political opinion	7 out of 23
The initiating Parliament/Chamber should announce the consequences if the threshold was not reached in its initial communication to Parliaments / Chambers.	5 out of 23
The text should not be sent to the European Commission	0 out of 23

v. Deadline and timeframe

Deadline

A vast majority of Parliaments/Chambers supported the introduction of a deadline to participate in a "green card";

Setting a deadline	No. of respondents
Yes	20 out of 22
No	2 out of 22

The respondents were almost evenly divided over the question on how the deadline should be set.

How to set the deadline?	No. of respondents
It should be the same deadline for every "green card"	10 of 19
It should be left to the discretion of the initiating Parliament / Chamber, while informing Parliaments	9 of 19

Timeframe

A majority of Parliaments/Chambers indicated that a specific timeframe should be introduced for concluding the process of a "green card".

Setting a timeframe	No. of respondents
Yes	17 out of 21
No	4 out of 21

There is a split in the number of views expressed on how the timeframe should be set.

How to set the timeframe?	No. of respondents
Should be the same for every "green card" and should be between 16 weeks and 6 months.	12 out of 24
Should be left to the discretion of the initiating Parliament / Chamber, while informing Parliaments / Chambers on its choice.	4 out of 24

Other suggestions included:

- The same for every "green card" and should be between two and three months.
- Six months unless the initiating Chamber had important reasons to set a shorter deadline.

vi. Amendments

Almost all the respondents were of the opinion that it should be possible to suggest amendments to the initial text prepared by the initiating Parliament/Chamber.

Introducing amendments	No. of respondents
Yes	21 out of 22
No	1 out of 22

Almost all the respondents agreed that that these amendments should be introduced within a deadline decided by the initiating Parliament/Chamber.

Who should set the timeframe	No. of respondents
Amendments should be introduced within a deadline decided by the initiating Parliament (In any case prior to the sending out of the "green card" (enhanced political dialogue) to allow information of other Parliaments/Chambers)	19 out of 20
Amendments could be introduced at any stage	2 out of 15
The initiating Parliament/ Chamber alone should decide whether to accept the amendments (and circulate an amended text)	9 out of 18

vii. Withdrawal

A vast majority of respondents pointed out that Parliaments/Chambers should be allowed to withdraw from a "green card" at any stage.

Withdrawal from the "green card" at any stage	No. of respondents
Yes	20 out of 22
No	2 out of 22

Some more suggestions were submitted by the respondents:

- Setting a clear timeframe should for the withdrawal.
- Being flexible in order to allow the Parliaments/Chambers first to consider the amended text and then to decide whether they wanted to join the "green card".
- Ensuring that a participating Parliament/Chamber could only revoke its decision if it disagreed with the proposed amendments.
- No withdrawal from a "green card" after its transmission to the European Commission.

viii. Specific form

About half of the respondents wanted to see a specific form adopted.

Setting a specific form	No. of respondents
Yes	12 out of 21
No	9 out of 21

If there was a set form, it should include:

A "green card" should include	No of respondents
A summary of the reasons behind the proposed action	12 out of 17
The anticipated benefits	12 out of 17
A legal base	10 out of 17
The preferred type of legislation	10 out of 17
Deadline for the European Commission's reply	4 out of 17

Other remarks made by Parliaments/Chambers:

- It is essential that a "green card" contains some substantive elements, while its exact form was of less importance.
- There is no need to adopt a set form. One Chamber added that there should be guidance, ideally agreed at COSAC level, possibly including the elements listed in the questionnaire.
- One chamber supported a flexible approach and stated that it was up to the initiating Parliament/Chamber to see which parts should be included. It also pointed out that the minimum elements to include could be discussed by the COSAC Working Group.

ix. Consultations

Consultations between Parliaments/Chambers	No of respondents
According to the initiating Parliament's/Chamber's choice	14 out of 25
Via e-mail	9 out of 25
Among representatives of national Parliaments in Brussels	8 out of 25
Cluster meetings at political level in the initiating Parliament's/ Chamber's premises	7 out of 25
Via Videoconference	6 out of 25

Other proposals mentioned:

- Organising consultations among national Parliaments in connection with the COSAC meetings.
- Consultations primarily between among those MPs and Secretariat staff working on the dossier.
- If physical meetings were to take place, these should be organised at political level and not among representatives in Brussels and that interpretation should be provided at least into the EU working languages.