

OUTLINE OF THE THIRTEENTH BI-ANNUAL REPORT

CHAPTER 1

THE IMPLEMENTATION OF THE NEW POWERS OF NATIONAL PARLIAMENTS AFTER THE ENTRY INTO FORCE OF THE TREATY OF LISBON

On 1st December 2009, the Treaty of Lisbon entered into force, introducing amendments to the Treaty on European Union and the Treaty establishing the European Community, which will henceforth be known as the Treaty on the Functioning of the European Union. In the amended Treaty on European Union, the new article 12 acknowledges the role of national Parliaments in the European Union, listing a number of mechanisms through which national Parliaments are to “*contribute actively to the good functioning of the Union*”. Further provisions of the Treaty on the European Union and the Treaty on the functioning of the European Union, as well as of the first two Protocols to the Treaty of Lisbon, specify the scope of the participation of the national Parliaments in the decision making processes of the European Union.

These new mechanisms¹ are:

- (a) Receipt of information and draft legislative acts from the EU institutions;
- (b) Ensuring compliance with the principle of subsidiarity;
- (c) Taking part in the evaluation mechanisms for the implementation of the Union policies in the area of freedom, security and justice;
- (d) Involvement in the political monitoring of Europol and the evaluation of activities of Eurojust;
- (e) Taking part in the revision procedures of the Treaties;
- (f) The participation in the request for filing an action for annulment before the Court of Justice of the European Union on grounds of a breach of the principle of subsidiarity;
- (g) Receipt of notifications of applications for accession to the European Union;
- (h) Participation in the inter-parliamentary cooperation between national Parliaments and with the European Parliament.

The first chapter of the bi-annual report will concentrate on how these new mechanisms are being incorporated into the regulations and everyday procedures of the national Parliaments. Due to the limited time since the entry into force of the Treaty, the chapter will focus on the regulations that have been passed or are foreseen to be adopted in the near future.

After listing the new regulation, the chapter will focus on the different aspects (parliamentary bodies involved, procedures, effects, criteria, etc.) of these mechanisms as they are implemented in each national Parliament.

¹ These mechanisms have been described in detail in the Ninth Bi-annual Report of COSAC (The Treaty of Lisbon - implementation and its consequences for the national Parliaments of the EU, May 2008)

CHAPTER 2 THE FUTURE ROLE OF COSAC

Mentioned for the first time in the Protocol on the role of national Parliaments in the European Union annexed to the Treaty of Amsterdam, COSAC has had a fruitful existence since its creation in 1989 as a regular meeting venue of the parliamentary committees specialised in European Affairs of the national Parliaments, together with a delegation from the European Parliament.

With the entry into force of the Treaty of Lisbon, the new article 10 of the Protocol on the role of national Parliaments in the European Union mentions a Conference of Parliamentary Committees for Union Affairs in the following terms:

"A conference of Parliamentary Committees for Union Affairs may submit any contribution it deems appropriate for the attention of the European Parliament, the Council and the Commission. That conference shall in addition promote the exchange of information and best practice between national Parliaments and the European Parliament, including their special committees. It may also organise interparliamentary conferences on specific topics, in particular to debate matters of common foreign and security policy, including common security and defence policy. Contributions from the conference shall not bind national Parliaments and shall not prejudge their positions."

Furthermore, COSAC has acquired in the past few years an important set of skills regarding the application of the principle of subsidiarity due to the subsidiarity checks undertaken on a regular basis on specific legislative proposals of the Commission. This know-how will undoubtedly prove to be invaluable for the smooth running of the so-called "early warning mechanism" established in the new Protocol on the application of the principles of subsidiarity and proportionality.

Therefore, the entry into force of the Treaty of Lisbon, which includes the mentioned "mechanism", as well as a new set of tasks and powers of the National Parliaments and the European Parliament, may be as good a time as any to ponder on the future of COSAC.

The aim of this second chapter is to

- (a) Identify the strengths and weaknesses of COSAC, set within the wider framework of the relations between the National Parliaments and the European Parliament, as well as its influence in the day-to-day work of the parliamentary committees,
- (b) Take note of the suggestions that might be forwarded by the national Parliaments and the European Parliament in order to improve the agenda, the debates and the overall procedures of COSAC, as well as in relation to the provisions included in article 10 of the Protocol on the role of national Parliaments in the European Union.