

QUESTIONNAIRE: 11TH BI-ANNUAL REPORT OF COSAC

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

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

Apart from the actual state of play in terms of parliamentary control, 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 scrutinize Europol's activities. Consequently this raises the issue of cooperation among national parliaments and between national parliaments and the European Parliament in order to assure the necessary synergies in parliamentary control.

The purpose of this chapter is therefore firstly to take stock of the current situation of parliamentary scrutiny of Europol and Eurojust by the EU parliaments and secondly to look into the future possibilities and necessities of cooperation in this field among national parliaments and between national parliaments and the European Parliament.

Questions:

- 1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?**
- 2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.**
- 3. What form of direct communication - if any - does your Parliament/Chamber have with your National Member and/or Liaison Officer for Europol and/or Eurojust?**
- 4. The Treaty of Lisbon foresees that national parliaments and the European Parliament be involved in the evaluation of Eurojust's activities and that the European Parliament together with national parliaments shall scrutinize Europol's activities. In your Parliament's/Chamber's opinion, what form could the co-operation among of national parliaments and between national parliaments and the European Parliament take?**
- 5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?**

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 became a system of reference for many states in the world, its role as the guardian and promoter of human rights has been strengthened.

This chapter seeks to outline and analyse the role of the EU parliaments in the area of promotion of human rights and democracy in the world. The chapter will firstly present an overview of the structures and systems established and used within the EU parliaments for handling those issues, and, secondly, it will highlight examples of best practices, instruments and selection criteria used to promote human rights and democracy in the world.

Questions:

- 1. Which committee/s deal with human rights issues in your Parliament/Chamber?**
- 2. Does your Parliament/Chamber debate the actual state of human rights and democracy in the world? If so, does your Parliament/Chamber have such debates regularly or on an *ad hoc* basis?**
- 3. Does your Parliament/Chamber pass resolutions or publish reports on critical human rights and democracy situations in the world? If so, are those resolutions binding on your government?**
- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**
- 5. Before adoption of an agreement with a third country takes place is your Parliament/Chamber informed about the actual state of human rights and democracy in the given country?**
- 6. Human rights and democracy clauses have become standard parts of agreements between the EC and third countries. What is the position of your Parliament/Chamber towards this type of clause?**
- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**
- 8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**
- 9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?**

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 permanently based in Brussels. The tasks and competences of these representatives vary considerably.

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

The chapter will also present an overview of the broad-ranging practices of national parliaments in appointing their representatives in Brussels. The chapter will compare 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 will also look at the specific reasons behind the different practices of national parliaments.

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

Questions:

- 1. When did your Parliament/Chamber send its first representative to the European Parliament / to the EU institutions / to the EU (henceforth “representative to the EU”)? Would you please enumerate the names and the terms of all your representatives to the EU so far?**
- 2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?**
- 3. What is the title of the representative of your Parliament/Chamber?**
- 4. Is there a fixed term in office of the representative of your Parliament/Chamber to the EU, or is the decision taken on a case-by-case basis? Is the term in office renewable?**
- 5. In case a bicameral Parliament has one representative to the EU, how does the representative coordinate his or her activities with both Chambers? In case both Chambers have their own representatives to the EU, how do these representatives coordinate their activities among themselves?**
- 6. What are the main functions of your Parliament's/Chamber's representative to the EU: reporting, inter-parliamentary cooperation, contacts with Members of the European Parliament, visits to the EU institutions or other functions? Please specify.**
- 7. Where does your Parliament's/Chamber's representative to the EU focus his or her attention? Could you please list the activities in order of priority and, if possible, specify the time-share allocated to the respective activities?**

8. Is your Parliament's/Chamber's representative to the EU expected to report on developments in the EU on a regular or ad hoc basis? How is the decision on the topics for reporting taken?

9. Whom is your Parliament's/Chamber's representative to the EU accountable to in your Parliament's/Chamber's administration and in terms of setting priorities of the representative's work?

10. Does your Parliament's/Chamber's representative to the EU have a duty to report regularly on his or her activities? If so, to whom: the Committee on European Affairs, other Committee, the Secretary General, the Permanent Representation of your country to the EU or other body?

11. Does your Parliament's/Chamber's representative to the EU attend EU Speakers' Conferences, meetings of the Secretaries General and COSAC meetings?

12. Does your Parliament's/Chamber's representative to the EU have an assistant/s? If so, what additional functions can the assistant/s perform on behalf of your Parliament/Chamber?

13. Does your Parliament/Chamber have plans or ideas on future developments with regard to your representative to the EU?

CHAPTER 4: Evaluation of 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 published ten such Bi-annual Reports.

This chapter will provide the basis for an evaluation of the COSAC Bi-annual Reports in the light of 5 years of experience and with a view to gaining feedback from the EU parliaments to the benefit of the future Presidencies and the COSAC Secretariat.

The chapter will focus on two major aspects: 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 as well as the organisation and length of the reports will therefore be addressed. Attention will also be paid to the procedural arrangements under which the EU parliaments prepare their replies to the questionnaire sent by the COSAC Secretariat beforehand for each report and to the use of Bi-annual Reports within parliaments.

Questions:

1. What is the added value of the Bi-annual Reports with regard to the activities of COSAC and your parliamentary procedures and practices?

- 2. According to your Parliament/Chamber, to what extent should the topics of the Bi-annual Report should be linked to the agenda of the COSAC meetings?**
- 3. [For those Parliaments/Chambers which presided over COSAC between 2004 and 2008] What were the criteria that your Parliament/Chamber took into consideration when choosing the topics for the Bi-annual Report during your Presidency?**
- 4. Considering that COSAC Bi-annual Reports compile information on “developments in EU procedures and practices relevant to the parliamentary scrutiny”, according to your Parliament/Chamber which topics would be worth dealing with in future Bi-annual Reports?**
- 5. What is the general opinion of your Parliament/Chamber on the form of the Bi-annual Reports? In particular, number of chapters, length of chapters, presentation, etc. Please feel free to make proposals for modifications.**
- 6. What is the procedure in your Parliament/Chamber for preparing and approving the replies to the questionnaires for Bi-annual Reports? Please specify which administrative services of your Parliament/Chamber are involved and if the Members of your European Affairs Committee are involved.**
- 7. In your Parliament/Chamber, are any efforts made to inform Members of the content of the Bi-annual Reports? More precisely: is the Bi-annual Report distributed to Members of the European Affairs Committee? If so, is the Bi-annual Report, available in French and English, translated into your national language? Is the Bi-annual Report discussed by the European Affairs Committee?**