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Annex
to the Eleventh Bi-annual Report on
Developments in European Union
Procedures and Practices
Relevant to Parliamentary Scrutiny:
Replies
of National Parliaments and
the European Parliament



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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?**

Questionnaire: le 11^e Rapport Semestriel de la COSAC

CHAPITRE 1: Contrôle parlementaire d'Europol et évaluation d'Eurojust

Dès leur création, le contrôle démocratique et efficace d'Europol et d'Eurojust ainsi que l'évaluation de leurs activités ont été des questions pertinentes pour les parlements nationaux et pour le Parlement européen. Tous partagent l'idée que le contrôle parlementaire actuel de ces institutions est insuffisant et qu'il doit être substantiellement amélioré. Dans ce contexte, ils ont engagé un débat interparlementaire qui est actuellement en cours.

En plus de l'état actuel en matière de contrôle parlementaire, le traité de Lisbonne, une fois ratifié et entré en vigueur, permettra d'accroître les prérogatives parlementaires dans le domaine d'Europol (article 88 du TFUE) et d'Eurojust (article 85 du TFUE). Le traité prévoit l'implication conjointe des parlements nationaux et du Parlement européen dans l'évaluation des activités d'Eurojust et l'examen par le Parlement européen, conjointement avec les parlements nationaux, des activités d'Europol. Par conséquent, cela soulève la question de la coopération entre les parlements nationaux d'une part et entre parlements nationaux et le Parlement européen d'autre part afin d'assurer les synergies nécessaires dans le contrôle parlementaire.

Ainsi, le but de ce chapitre est d'une part, de faire le bilan de la situation actuelle du contrôle parlementaire d'Europol et d'Eurojust tel qu'il est exercé par les parlements de l'UE et d'autre part, d'examiner les possibilités et nécessités futures d'une coopération dans ce domaine entre les parlements nationaux et entre parlements nationaux et le Parlement européen.

Questions:

- 6. Comment votre Parlement/Chambre contrôle-t-il/elle les activités d'Europol et d'Eurojust ?**
- 7. Est-ce que votre Parlement/Chambre envisage de développer le contrôle d'Europol et d'Eurojust? Veuillez préciser de quelle façon.**
- 8. Quelle forme de communication directe – si elle existe – votre Parlement/Chambre utilise-t-il/elle avec votre membre national et/ou avec l'agent de liaison pour Europol et/ou Eurojust ?**
- 9. Le Traité de Lisbonne prévoit que les parlements nationaux et le Parlement européen s'impliquent dans l'évaluation des activités d'Eurojust et que le Parlement européen conjointement avec les parlements nationaux examine les activités d'Europol. Selon votre Parlement/Chambre, quelle forme pourrait avoir cette coopération entre les parlements nationaux et entre les parlements nationaux et le Parlement européen ?**
- 10. Quel rôle pourrait jouer la COSAC en ce qui concerne l'évaluation d'Eurojust et le contrôle des activités d'Europol ?**

CHAPITRE 2: Le rôle des parlements européens dans la promotion des droits de l'Homme et de la démocratie dans le monde

Que ce soit dans l'UE ou ailleurs dans le monde, les parlements sont d'importants gardiens et promoteurs des normes en matière de droits de l'Homme et de démocratie. Étant donné que l'Union européenne est devenue un système de référence pour de nombreux États dans le monde, son rôle de protecteur et de promoteur des droits de l'Homme a été renforcé.

Ce chapitre vise à décrire et analyser le rôle des parlements européens dans le domaine de la promotion des droits de l'Homme et de la démocratie dans le monde. Le chapitre présentera, d'une part, une vue d'ensemble des structures et des systèmes établis et utilisés au sein des parlements de l'Union européenne pour traiter ces questions et d'autre part, il mettra en lumière des exemples de meilleures pratiques, des instruments et des critères de sélection utilisés pour la promotion des droits de l'Homme et de la démocratie dans le monde.

Questions:

- 1. Quelle(s) commission(s) traite(nt) des questions relatives aux droits de l'Homme dans votre Parlement/Chambre ?**
- 2. Est-ce que votre Parlement/Chambre débat de l'état actuel des droits de l'Homme et de la démocratie dans le monde? Si oui, de tels débats se déroulent-ils au sein de votre Parlement/Chambre régulièrement ou de façon ponctuelle ?**
- 3. Est-ce que votre Parlement/Chambre adopte des résolutions ou publie des rapports sur les situations critiques en matière de droits de l'Homme et de démocratie dans le monde? Si c'est le cas, votre gouvernement est-il lié par ces résolutions ?**
- 4. Comment votre Parlement/Chambre contrôle-t-il la politique de votre gouvernement dans le domaine de la promotion des droits de l'Homme et de la démocratie ?**
- 5. Avant l'adoption d'un accord avec un pays tiers, est-ce que votre Parlement/Chambre est informé(e) de la situation des droits de l'Homme et de la démocratie dans ce pays ?**
- 6. Les clauses relatives aux droits de l'Homme et à la démocratie sont devenues habituelles dans les accords entre la CE et les pays tiers. Quelle est la position de votre Parlement/Chambre par rapport à ce type de clauses ?**
- 7. Est-ce que votre Parlement/Chambre soutient ou participe à des initiatives ou des projets visant à promouvoir les droits de l'Homme et la démocratie? Si oui, veuillez préciser.**
- 8. Ces initiatives ou projets sont-ils liés aux activités d'autres parlements nationaux, de l'Union européenne ou du Conseil de l'Europe?**

9. Quels sont les critères appliqués par votre Parlement/Chambre pour sélectionner ces initiatives et projets?

CHAPITRE 3: Représentants des parlements nationaux à l'UE

Actuellement, les parlements nationaux de 24 États membres sur 27 ont un ou plusieurs fonctionnaires basés en permanence à Bruxelles. Les tâches et les compétences de ces représentants varient considérablement.

Ce chapitre vise à examiner les attentes des parlements nationaux vis-à-vis de leurs représentants à Bruxelles (contenu du travail et rôle des représentants) ainsi que leurs futurs projets dans ce domaine.

Le chapitre présentera également un aperçu du large éventail des pratiques des parlements nationaux dans la désignation de leurs représentants à Bruxelles. Ce chapitre permettra de comparer les différentes pratiques en terme de durée du mandat des représentants, leur principales attributions, la responsabilité, l'obligation de faire rapport au parlement qui les a nommés, les relations avec la Représentation permanente de l'État membre à l'Union européenne et d'autres aspects qui y sont liés. Le chapitre traitera également des motifs particuliers qui sous-tendent les différentes pratiques des parlements nationaux.

Sur la base des informations fournies par les parlements nationaux, ce chapitre va tenter de donner un aperçu des meilleures pratiques et des procédures des parlements nationaux dans ce domaine.

Questions:

14. Quand votre Parlement/Chambre a-t-il envoyé son premier représentant auprès du Parlement européen/des institutions européennes/de l'Union européenne (ci-après « auprès de l'UE »)? Veuillez indiquer les noms et les mandats de l'ensemble de vos représentants auprès de l'UE jusqu'à présent.

15. Pour quelles raisons votre Parlement/Chambre a-t-il décidé d'envoyer ou de ne pas envoyer de représentant permanent auprès de l'UE ?

16. Quel est le titre du représentant de votre Parlement/Chambre ?

17. Le mandat du représentant de votre Parlement/Chambre auprès de l'UE a-t-il une durée déterminée, ou la décision est-elle prise au cas par cas? Le mandat est-il renouvelable ?

18. Si un Parlement bicaméral a un seul représentant auprès de l'Union européenne, comment ce représentant coordonne-t-il ses activités avec les deux Chambres ? Si les deux Chambres ont chacune leur propre représentant auprès de l'UE, comment ces représentants coordonnent-ils leurs activités entre eux ?

19. Quelles sont les principales fonctions du représentant de votre Parlement/Chambre auprès de l'UE : établissement de rapports, coopération interparlementaire, contacts

avec les députés européens, visites auprès des institutions européennes ou d'autres organes? Veuillez préciser.

20. Sur quels sujets le représentant de votre Parlement/Chambre auprès de l'UE concentre-t-il ses activités ? Pourriez-vous indiquer les activités par ordre de priorité et, si possible, préciser le temps alloué aux différentes activités ?

21. Le représentant de votre Parlement/Chambre auprès de l'Union européenne doit-il faire un rapport sur l'évolution des affaires européennes de façon régulière ou ponctuelle? Comment la décision concernant les thèmes du rapport est-elle prise ?

22. De quelle autorité le représentant de votre Parlement/Chambre auprès de l'UE relève-t-il/elle au sein de l'administration de votre Parlement/Chambre ? Qui définit les priorités dans son travail ?

23. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il le devoir de faire régulièrement un rapport sur ses activités ? Si oui, à qui : la commission des affaires européennes, une autre commission, le Secrétaire général, la Représentation permanente de votre pays auprès de l'UE ou une autre entité?

24. Le représentant de votre Parlement/ Chambre auprès de l'UE assiste-t-il aux conférences des présidents des parlements, aux réunions des Secrétaires généraux et aux réunions de la COSAC ?

25. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il un ou plusieurs assistants ? Si oui, quelles tâches supplémentaires l'assistant/les assistants accomplissent-ils pour votre Parlement/Chambre ?

26. Votre Parlement/Chambre a-t-il des projets ou des idées visant à faire évoluer à l'avenir la fonction de votre représentant auprès de l'UE ?

CHAPITRE 4: Evaluation des rapport bisannuels de la COSAC

Conformément au document sur la création d'un Secrétariat de la COSAC adopté par la XXX^e COSAC de Rome le 7 octobre 2003, il est demandé au Secrétariat de la COSAC « *de rédiger tous les six mois un rapport factuel sur l'évolution des procédures et des pratiques européennes concernant le contrôle parlementaire dans le but de fournir une base pour la discussion dans le cadre de la COSAC* ». Depuis mai 2004, le Secrétariat de la COSAC a publié dix rapports semestriels de ce type.

Ce chapitre constituera la base pour une évaluation des rapports semestriels de la COSAC à la lumière des cinq ans d'expérience et en vue d'obtenir des informations en retour des parlements européens pour les besoins des futures présidences et du Secrétariat de la COSAC.

Ce chapitre mettra l'accent sur deux principaux aspects: le contenu et la forme du rapport semestriel et les pratiques des parlements en ce qui concerne ces rapports. Les questions comme les thèmes, leur lien avec l'ordre du jour des réunions ordinaires de la COSAC ainsi que l'organisation et la longueur des rapports seront abordées. L'attention sera également

portée aux modalités de procédure en vertu desquelles les parlements européens préparent leurs réponses au questionnaire envoyé par le Secrétariat de la COSAC préalablement à chaque rapport et à l'utilisation des rapports semestriels au sein des parlements.

Questions:

8. Quelle est la valeur ajoutée des rapports semestriels au regard des activités de la COSAC et de vos procédures et pratiques parlementaires ?

9. Selon votre Parlement/Chambre, dans quelle mesure les thèmes du rapport semestriel devraient-ils être liés à l'ordre du jour des réunions de la COSAC ?

10. Question pour les Parlements/Chambres qui ont présidé la COSAC entre 2004 et 2008: Quels sont les critères que votre Parlement/Chambre a pris en considération lors du choix des sujets pour le rapport semestriel au cours de votre présidence ?

11. Les rapports semestriels de la COSAC portant sur «l'évolution des procédures et des pratiques européennes concernant le contrôle parlementaire», quels sujets, selon votre Parlement/Chambre, mériteraient d'être traités dans les prochains rapports semestriels ?

12. Quel est l'avis général de votre Parlement/Chambre sur la forme des rapports semestriels ? En particulier, le nombre de chapitres, la longueur des chapitres, la présentation, etc ? N'hésitez pas à proposer des modifications.

13. Quelle procédure est mise en œuvre au sein de votre Parlement/Chambre pour préparer et approuver les réponses aux questionnaires pour les rapports semestriels ? Veuillez préciser quels services administratifs de votre Parlement/Chambre sont concernés et si les membres de votre commission des affaires européennes sont impliqués.

7. Les membres de votre Parlement/Chambre sont-ils informés du contenu des rapports semestriels ? Plus précisément : le rapport semestriel est-il distribué aux membres de la commission des affaires européennes ? Si c'est le cas, le rapport semestriel qui est disponible en français et en anglais, est-il traduit dans votre langue ? Le rapport semestriel est-il débattu au sein de la commission des affaires européennes?

Austria: Nationalrat and Bundesrat

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

Information on Europol and Eurojust has been provided by the Austrian government to both chambers of parliament which could be addressed by the Nationalrat in this regard.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

According to Art. 85 and 88 TFEU it still has to be specified how national parliaments will be involved – therefore it is still too early to discuss the way scrutiny shall be developed.

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?

See above 1) The national member could be invited to participate in meetings of the EU committees of the Nationalrat or Bundesrat to give more information.

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?

This still has to be discussed.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

COSAC could discuss national parliaments' experiences in the field of scrutiny of Eurojust and Europol.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Nationalrat has an own committee on human rights, however, it is possible that also the foreign policy committee or the constitutional affairs committee may be concerned as well. The Bundesrat does not have such a specialized committee, discussions on human rights may be held in the foreign affairs committee or the committee on constitution and federalism.

- 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?**

Yes it does, 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?**

Yes, it does. Those resolutions are politically binding on government.

- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

see above

- 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?**

That issue might occur in a debate in the committee or plenary on that agreement.

- 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?**

That clause reflects the values of the EU in this regard and should promote to spread its values to other countries.

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

It did, for example, support initiatives of the Council of Europe against violence against women.

Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Yes, see above.

- 8. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?**

Importance and impact.

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

The Austrian Parliament opened its office in Brussels in May 2005, its first representative, Ms. Heike Malicek, is still based there.

- 2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?**

As the working relations between parliaments have been developed significantly during the past years and more and more representations had been opened it became obvious that networking and exchanging information without that office would not be that feasible anymore. In addition the membership to the COSAC Troika and the approaching Austrian EU Presidency in 2006 made it necessary to have a member in the COSAC Secretariat during 18 months.

- 3. What is the title of the representative of your Parliament/Chamber?**

It is “Permanent Representative of the Austrian Parliament to the EU” in line with the title of other liaison offices (which is the internal title) of national parliaments in Brussels.

- 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?**

There is no fixed term.

- 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?**

As the administration of the Austrian Parliament is in charge of both chambers this question does not really arise.

- 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.**

The main functions are: observing, reporting, assisting Austrian MPs taking part in meetings at EU institutions, networking

- 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?**

With reference to question 6 the focus on attention is: observing and reporting (committee meetings, plenaries, various formats of interparliamentary meetings, EP-hearings etc.), coordination and information exchange with the permanent representatives, assisting Austrian MPs in Brussels, answering EP-, NP- and EU-related questions from the Austrian Parliament's Directorate and Austrian MPs. The time-share allocated to these focus as well as to other activities differ depending on several conditions.

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?

Rather on an ad hoc basis. The decision might be taken by the representative or upon request of the EU- and international affairs department in Vienna.

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?

The representative is part of the European relations division within the EU- and international affairs and accountable to its head.

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?

see above 9)

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

The representative uses to attend 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?

Our representative had a colleague that assisted her in the whole spectrum of tasks and that in addition served as secretary to the Austrian delegation to EMPA.

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

Not for the time being, future developments, however, might make adjustments of tasks necessary.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The Bi-annual Reports give a very good overview about different systems of scrutiny in national parliaments and best practises.

- 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?**

To some extent it should be linked in order to prepare the discussion at COSAC meetings, eg on preparations in national parliaments for the entering into force of the Lisbon Treaty.

- 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?**

Topics should be of actual interest.

- 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?**

Implementation of Lisbon Treaty, developments in scrutiny systems and selected EU policy fields

- 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.**

It is fine like it has been up to now..

- 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.**

The answers to questionnaires are prepared by the European relations division and then sent to the head of the COSAC delegation for authorization

- 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?**

The English version is part of the file prepared for delegates attending COSAC meetings.

Belgium: *Chambre des Représentants*

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinize the activities of Europol and Eurojust?

Currently, the control is exercised by traditional parliamentary instruments:

- Questions (oral and written) = information function.
- Interpellations (exhaustive requests for explanations addressed to the government by a member, which can be followed by a confidence vote.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

Yes. A task force will be created within the administrative departments of the House in order to analyze in a systematic way the legislative proposals of the European institutions (ex ante control).

Also the activities of Europol and Eurojust will be submitted to a systematic parliamentary scrutiny (ex post control). This administrative task force will draft notes (it may be an analysis, comments, advice...) and will pass them to the Europromotor (a Member of Parliament of the competent Committee, in charge of European Affairs). It is up to the Europromotor to put these notes on the agenda of the Committee for further examination. The Committee will finally decide what further steps to take (a resolution to the government, an advice to the European institutions...).

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?

The communication between Parliament and our Liaison Officer for Europol and/or Eurojust has in principle to go via the government, since these are executive bodies for which the government is accountable.

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?

The interparliamentary cooperation (National parliaments – European Parliament) could play an alert function and should draw the attention to problematic aspects of activities of Europol and Eurojust, so that parliaments can make their own government accountable. This function can be integrated into COSAC or Joint Parliamentary Meetings.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

See 4

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

- Committee on Justice
- Committee on Foreign Affairs
- Delegation of the parliament in the Assembly of the Council of Europe, OSCE and EMPA.

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?

The debates take place 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?

Resolutions of this kind are mostly formulated by the Committee on Foreign Affairs.

Resolutions are not binding for the government. They are especially intended to exert political pressure on the governments in the world where human rights and democracy are in a critical situation.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

- a. Via traditional control instruments (see answer to question 1)
- b. Assembly of the Council of Europe
- c. OSCE-PA
- d. EMPA

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?

According to the Law of February 7th, 1994, the government has to submit to the House a report on the state of human rights in the countries (18) with which Belgium has direct bilateral cooperation (development aid).

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?

The House is fully in line with this position.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

The House has concluded cooperation protocols with the Assembly of Kosovo and the National Assembly of the RDC. It also participates in initiatives in the framework of parliamentary diplomacy aiming at promoting human rights and democracy.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Yes, in case of observation missions of legislative elections (see 9).

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

Criterion for observation missions is the framework of legislative elections (= a specific form of promoting democracy): the principle here is that the parliament participates in this kind of missions only in the framework of observations organized by international institutions (UN, OSCE,...).

CHAPTER 3: Representatives of National Parliaments to the EU

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?

In 2006, Messrs. Hugo D’Hollander and Daniel Lucion, clerks of the Advisory Committee on European Affairs were designated by the Secretary General of the House.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

Exchange of information.

3. What is the title of the representative of your Parliament/Chamber?

Representative of the Belgian House of Representatives to the European Parliament.

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?

The decision has been taken on a case-by-case basis. As the Belgian House of Representatives is located near the European Parliament in Brussels, they perform their duties of representative on an ad-hoc basis.

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?

Both Chambers (House and Senate) have a representative.

The permanent representative of the Senate is active in this network on a more permanent basis and keeps the permanent representatives of the House informed.

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.

Information and interparliamentary cooperation.

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?

Attention is focused on activities in the own parliament. Participation into the network of permanent representatives is limited to the most important functions (e.g. working groups subsidiarity, checks, Monday morning meetings, exchange of information...).

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?

The permanent representative is expected to report on an ad-hoc basis.

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?

To the Secretary General of the House and, in terms of setting priorities, to the Head of the Department for European Affairs.

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?

No regularly report duty. His work is reflected in the activities and agenda setting of the Advisory Committee on European Affairs.

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

Yes, these functions are combined.

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?

No.

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

In the future, the House of Representatives will try to attend in a more regular way the thematic Monday Morning Meetings. Once the special task force (for subsidiarity and proportionality) is in function, the administrator in charge of a specific dossier will attend the relevant Monday Morning Meeting. As the Belgian House of Representatives is located near the European Parliament in Brussels, the function of permanent representative to the EP is slightly different from that of other national parliaments.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The comparative dimension “benchmarking” is interesting as it can lead to changes or adaptations of the existing parliamentary practices with regard to scrutiny of EU-legislation.

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?

The Bi-annual Report could structure the debate of the topics on the agenda of the COSAC. It would be useful to have a brief presentation of each Bi-annual Report at the COSAC meeting and a short debate based on the best practices of each Parliament in the fields covered by the Bi-annual Report.

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?

Not applicable.

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?

We will discuss this point within the framework of our Benelux concertation.

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.

Too voluminous.

- 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.**

The Secretariat of the Advisory Committee on European Affairs formulates the answers.

- 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?**

The summary of the Bi-Annual Report is part of the COSAC- dossier prepared for the COSAC-delegation (3members) of the House of Representatives.

The report is not translated into Dutch.

The Report is not discussed by the Advisory Committee on European Affairs.

Brussels, 19 March 2009

Belgium: Sénat

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

Europol and Eurojust are only occasionally put on the agenda of resp. the domestic affairs committee and the justice affairs committee. There is no control competence.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

No. It is however possible that this will be envisaged when the Treaty of Lisbon enters into force and the competent parliamentary administration is fully developed to deal with European affairs in general and matters of Europol and Eurojust in particular.

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?

There is no direct or indirect communication. This communication needs to go via the government, since both are executive bodies for which the government is accountable.

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?

This topic has not yet been discussed in the competent committees. However, the interparliamentary co-operation could play an alert function and should draw the attention to problematic aspects of activities of Europol and Eurojust, as to give parliaments the information to make their own government accountable.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

COSAC does not seem to be the most adequate tool for the evaluation of Eurojust and the control over the activities of Europol.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The justice affairs committee and the committee for external relations and defence.

- 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?**

The committee for external relations and defence, as well as the plenary of the Senate debate and adopt resolutions on the topic 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?**

Resolutions are adopted from time to time dealing with crisis situations concerning human rights in a particular country. Resolutions are not binding for the government.

- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

There is no real parliamentary control over the government policy in the area of the promotion of human rights.

- 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?**

No. The committee for external relations is however sensitive for the human rights situation in countries with whom a bilateral agreement is concluded and for which government asks parliamentary approval.

- 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?**

The Senate fully supports this.

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

On a regular basis, seminars, colloquy etc are organised around such initiatives or projects.

- 8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**

This is rarely the case.

- 9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?**

This selection depends on the current events and is usually at the request of one or more senators (often following hearings with government members or the drafting of resolutions for the government).

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

The Belgian Senate sent its first representative to the European Parliament in March 2006. The first representative, Mr Michel VANDEBORNE, was appointed in March 2006 and kept this position till October 2006. In October 2006 Mrs Marie-Aline STACANOV was appointed and she is still in place presently.

- 2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?**

The Belgian parliament housed in 1991 the first representative to the European Parliament, Peter Juul LARSEN from Denmark, as the European Parliament had no space available for representatives of National Parliaments at that time. So the Belgian Senate was aware very soon of the existence of such a representation and of its possibilities.

Still it took some 15 years before the administration of the Belgian Senate was able to appoint someone to that function. Changes in the administration and changing priorities have been crucial in this decision. Moreover with the perspective of new competences for national parliaments with the subsidiarity and proportionality checks, the importance of having a representative in the place became even more clear.

- 3. What is the title of the representative of your Parliament/Chamber?**

Representative from the Belgian Senate to the European Parliament

- 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?**

There is no fixed term laid down. As there is no expatriation needed, the representative fills in this position on the same basis as other officials in the Belgian Senate.

- 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?**

The Belgian House of Representatives also has an official representative to the EP, but as this person is combining different functions, he is not always able to attend meetings at the EP. The representative of the Belgian Senate keeps the other Assembly posted of important news and evolutions.

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.

The main functions of the representative of the Belgian Senate to the EP are to gather information on specific topics and deliver this information to the concerned services of the Belgian Senate, gather and deliver information about the inter-parliamentary cooperation, including doing some follow-up, arrange for visits of Officials from the Belgian Senate to the EP, attend meetings organised specifically for the representatives of National Parliaments (MMM, meetings with EP,...) and report on these meetings when useful. In view of keeping a view on the work in the field of European affairs at the Belgian Senate, the representative of the Belgian Senate, also follows the activities of the European Affairs department, including attending the meetings of the Committee at the Belgian parliament.

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?

The attention is mostly focused on gathering information (on request) for either services of the Belgian Senate and in some cases for Members. Further the representative spends time to keep informed on the evolutions in European Affairs both in general and specifically concerning the Belgian Parliament. Attending meetings at the EP, committee meetings as well as meetings meant for representatives of National Parliaments is also an important activity.

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?

The representative delivers on a weekly basis a report of the activities performed during the week. When gathering specific information, it is on an ad hoc basis that the reporting is done. The representative, on the basis of the weekly activities, decides upon the topics for the weekly report. In case of reporting on request, the topic evidently depends on the requesting service or person.

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?

The representative of the Belgian Senate is accountable in the first place to the Director of the Department of European Affairs and Inter-Parliamentary Relations. For practical and daily work the representative is accountable to the team leader for European Affairs. The priorities for the work of representative are laid down mostly through consensus between the Director, the team leader and the representative, in view of the current affairs dealt with in the Belgian Senate and in the European Parliament.

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?

The representative of the Belgian Senate to the EP has no stated duty to report to any political body. As pointed out before, the representative reports on a weekly basis to the Director of the Department of European Affairs and Inter-Parliamentary Relations and the team leader of the section for European Affairs.

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

No, normally the representative of the Belgian Senate to the EP doesn't attend these meetings. The EU Speakers' Conference and the meetings of the Secretaries General is attended by the Director of the European Affairs and Inter-Parliamentary Relations. As for the COSAC meetings the administrator of the Committee in charge of European Affairs attends these. In view of the coming Belgian Presidency of the European Council, the coming COSAC meetings will be attended also by the representative of the Belgian Senate to the European Parliament.

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?

Since the beginning of 2009, the Belgian Senate has appointed an administrator from the section for European Affairs as an assistant to the representative. He is mostly in charge of being a back up for the representative. Generally he will work at the Belgian Senate, and it is only when the representative is not able to attend a certain meeting or event that he will take over. He is also in charge of doing the follow-up of the different Joint Parliamentary Meetings and Joint Committee Meetings.

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

As this function is still in evolution and due to the coming Belgian Presidency, there are presently no big thoughts on future evolutions of the function of representative to the EP.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

There is no immediate added value of the Report with regard to the activities of COSAC and the procedures and practices in the Belgian Senate.

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?

The topics of the Report should be as closely linked as possible to the agenda of the COSAC meeting.

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?

N/A

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?

Topics that are high on the agenda of the European Commission and/or European Parliament, and of which it is certain that many national parliaments will take these topics into consideration in their scrutiny procedures.

Benchmarking and best practices of parliamentary scrutiny

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.

The analysis of all the national parliament replies can be better. The report should be a true analysis of the opinions of the national parliaments, including dissenting opinions and tendencies in the replies.

The Report should not become any longer.

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.

Belgian Senate staff prepares the replies to the different questions. The draft replies are sent to members of the EU Affairs Committee for modifications, corrections etc. The Chairperson of the EU Affairs Committee gives his final approval. The report is sent to the Belgian House of Representatives for information.

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?

The Report is only distributed among the members of the EU Affairs Committee. It is only available in French and English. No translation is made. It is not discussed in the EU Affairs Committee.

Bulgaria: Narodno Sabranie

CHAPITRE 1: Contrôle parlementaire d'Europol et évaluation d'Eurojust

1. Comment votre Parlement/Chambre contrôle-t-il/elle les activités d'Europol et d'Eurojust ?

Le parlement contrôle les activités d'Europol et d'Eurojust en auditionnant le ministre de la Justice, le ministre des Affaires intérieures, ainsi que les personnes responsables dans ces ministères.

2. Est-ce que votre Parlement/Chambre envisage de développer le contrôle d'Europol et d'Eurojust? Veuillez préciser de quelle façon.

On prévoit une modification des règles de procédure du parlement pendant la prochaine législature, afin de développer le contrôle d'Europol et d'Eurojust.

3. Quelle forme de communication directe – si elle existe – votre Parlement/Chambre utilise-t-il/elle avec votre membre national et/ou avec l'agent de liaison pour Europol et/ou Eurojust ?

Jusqu'à présent le parlement n'a pas établi une communication directe avec le membre national d'Europol et d'Eurojust.

4. Le Traité de Lisbonne prévoit que les parlements nationaux et le Parlement européen s'impliquent dans l'évaluation des activités d'Eurojust et que le Parlement européen conjointement avec les parlements nationaux examine les activités d'Europol. Selon votre Parlement/Chambre, quelle forme pourrait avoir cette coopération entre les parlements nationaux et entre les parlements nationaux et le Parlement européen ?

La coopération entre les parlements nationaux et entre les parlements nationaux et le Parlement européen pourrait s'effectuer sous forme d'échange d'opinions ou encore en utilisant IPEX.

5. Quel rôle pourrait jouer la COSAC en ce qui concerne l'évaluation d'Eurojust et le contrôle des activités d'Europol ?

Le rôle de la COSAC pourrait consister dans l'organisation d'auditions du président d'Eurojust et du directeur d'Europol une fois tous les deux ans.

CHAPITRE 2: Le rôle des parlements européens dans la promotion des droits de l'Homme et de la démocratie dans le monde

1. Quelle(s) commission(s) traite(nt) des questions relatives aux droits de l'Homme dans votre Parlement/Chambre ?

Les commissions qui traitent de questions relatives aux droits de l'homme sont la Commission des droits de l'homme et des affaires religieuses et la Commission des affaires étrangères, en ce qui concerne le respect des droits de l'homme dans le monde.

2. Est-ce que votre Parlement/Chambre débat de l'état actuel des droits de l'Homme et de la démocratie dans le monde? Si oui, de tels débats se déroulent-ils au sein de votre Parlement/Chambre régulièrement ou de façon ponctuelle ?

En principe, les débats se déroulent de façon ponctuelle.

3. Est-ce que votre Parlement/Chambre adopte des résolutions ou publie des rapports sur les situations critiques en matière de droits de l'Homme et de démocratie dans le monde? Si c'est le cas, votre gouvernement est-il lié par ces résolutions ?

Le parlement adopte des déclarations sur le respect des droits de l'homme et des principes démocratiques dans le monde. A titre d'exemple, on peut citer ici les déclarations sur la situation des droits de l'homme au Myanmar et sur la situation au Zimbabwe. Le gouvernement n'est pas lié par ces déclarations.

4. Comment votre Parlement/Chambre contrôle-t-il la politique de votre gouvernement dans le domaine de la promotion des droits de l'Homme et de la démocratie ?

Le parlement auditionne le ministre des affaires étrangères dans les cas ou des problèmes liés aux droits de l'homme surgissent dans des pays différents.

5. Avant l'adoption d'un accord avec un pays tiers, est-ce que votre Parlement/Chambre est informé(e) de la situation des droits de l'Homme et de la démocratie dans ce pays ?

Le parlement est informé de la situation des droits de l'homme et de la démocratie dans le pays en question par le Conseil des ministres, dans le cadre des débats au cours de la ratification du traité.

6. Les clauses relatives aux droits de l'Homme et à la démocratie sont devenues habituelles dans les accords entre la CE et les pays tiers. Quelle est la position de votre Parlement/Chambre par rapport à ce type de clauses ?

Le parlement est en principe favorable à l'inclusion de ce type de clauses dans les accords internationaux, conclus par la CE avec les pays tiers.

7. Est-ce que votre Parlement/Chambre soutient ou participe à des initiatives ou des projets visant à promouvoir les droits de l'Homme et la démocratie? Si oui, veuillez préciser.

Oui, le parlement soutient les initiatives liées, par exemple, à la région des Balkans occidentaux.

8. Ces initiatives ou projets sont-ils liés aux activités d'autres parlements nationaux, de l'Union européenne ou du Conseil de l'Europe?

A l'initiative du Conseil de l'Europe un séminaire sur respect des droits de l'homme a été organisé en 2008, avec la participation des parlements de la Serbie, de la Slovaquie et de la Bulgarie. Parmi les questions qui ont été traitées au cours du séminaire était celle de la réforme de la législation processuelle pénale en Bulgarie et son importance en tant que « meilleures pratiques ».

9. Quels sont les critères appliqués par votre Parlement/Chambre pour sélectionner ces initiatives et projets?

L'un des critères de sélection est l'orientation régionale des projets.

CHAPITRE 3: Représentants des parlements nationaux à l'UE

1. Quand votre Parlement/Chambre a-t-il envoyé son premier représentant auprès du Parlement européen/des institutions européennes/de l'Union européenne (ci-après «auprès de l'UE »)? Veuillez indiquer les noms et les mandats de l'ensemble de vos représentants auprès de l'UE jusqu'à présent.

Mars 2008 - Dencho Georgiev, Représentant permanent de l'Assemblée nationale de la République de Bulgarie auprès du Parlement européen

2. Pour quelles raisons votre Parlement/Chambre a-t-il décidé d'envoyer ou de ne pas envoyer de représentant permanent auprès de l'UE ?

Le parlement a envoyé un représentant permanent auprès de l'UE afin d'améliorer les relations avec le Parlement européen et de participer à la forme permanente de coopération entre les parlements nationaux de l'UE par l'intermédiaire de leurs représentants à Bruxelles.

3. Quel est le titre du représentant de votre Parlement/Chambre ?

Représentant permanent de l'Assemblée nationale de la République de Bulgarie auprès du Parlement européen

4. Le mandat du représentant de votre Parlement/Chambre auprès de l'UE a-t-il une durée déterminée, ou la décision est-elle prise au cas par cas? Le mandat est-il renouvelable?

Il n'y a pas de règle établie concernant la durée du mandat et la possibilité de renouvellement. La durée du mandat est déterminée au cas par cas.

5. Si un Parlement bicaméral a un seul représentant auprès de l'Union européenne, comment ce représentant coordonne-t-il ses activités avec les deux Chambres ? Si les deux Chambres ont chacune leur propre représentant auprès de l'UE, comment ces représentants coordonnent-ils leurs activités entre eux ?

Le parlement bulgare est monocaméral.

6. Quelles sont les principales fonctions du représentant de votre Parlement/Chambre auprès de l'UE : établissement de rapports, coopération interparlementaire, contacts

avec les députés européens, visites auprès des institutions européennes ou d'autres organes? Veuillez préciser.

Le représentant permanent de l'Assemblée nationale de la République de Bulgarie auprès du Parlement européen:

- *exécute ses fonctions en assurant l'interaction entre l'Assemblée nationale et le Parlement européen;*
- *maintient des contacts avec d'autres institutions de l'UE;*
- *maintient des contacts avec les représentants permanents des parlements nationaux des Etats membres;*
- *maintient des contacts avec les membres bulgares du Parlement européen;*
- *interagit avec la Représentation permanente de la République de Bulgarie auprès de l'UE;*
- *coopère avec les commissions permanentes et l'administration de l'Assemblée nationale concernant les relations avec le Parlement européen;*
- *assiste les membres de l'Assemblée nationale qui participent aux activités interparlementaires au Parlement européen.*

7. Sur quels sujets le représentant de votre Parlement/Chambre auprès de l'UE concentre-t-il ses activités ? Pourriez-vous indiquer les activités par ordre de priorité et, si possible, préciser le temps alloué aux différentes activités ?

Les activités du représentant permanent correspondent à la liste des fonctions qui sont énoncées dans la réponse à la question 6, sans pour autant qu'un ordre de priorité soit fixé. Le temps alloué aux différentes activités varie selon les tâches spécifiques que le représentant permanent doit réaliser.

8. Le représentant de votre Parlement/Chambre auprès de l'Union européenne doit-il faire un rapport sur l'évolution des affaires européennes de façon régulière ou ponctuelle? Comment la décision concernant les thèmes du rapport est-elle prise ?

Le représentant du parlement fait des rapports sur des thèmes spécifiques, formulées par le Président de l'Assemblée nationale.

9. De quelle autorité le représentant de votre Parlement/Chambre auprès de l'UE relève-t-il/elle au sein de l'administration de votre Parlement/Chambre ? Qui définit les priorités dans son travail ?

Le représentant permanent relève du Président de l'Assemblée nationale et du Secrétaire général.

10. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il le devoir de faire régulièrement un rapport sur ses activités ? Si oui, à qui : la commission des affaires européennes, une autre commission, le Secrétaire général, la Représentation permanente de votre pays auprès de l'UE ou une autre entité?

Le représentant permanent a le devoir de faire régulièrement des rapports au Président de l'Assemblée nationale de la Bulgarie.

11. Le représentant de votre Parlement/ Chambre auprès de l'UE assiste-t-il aux conférences des présidents des parlements, aux réunions des Secrétaires généraux et aux réunions de la COSAC ?

Il n'y a pas de règle établie à cet égard, les décisions sont prises au cas par cas.

12. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il un ou plusieurs assistants ? Si oui, quelles tâches supplémentaires l'assistant/les assistants accomplissent-ils pour votre Parlement/Chambre ?

Le représentant du parlement n'a pas d'assistants.

13. Votre Parlement/Chambre a-t-il des projets ou des idées visant à faire évoluer à l'avenir la fonction de votre représentant auprès de l'UE ?

Une importance particulière est accordée à l'échange d'informations à titre informel entre les représentants des parlements nationaux en matière de subsidiarité et de proportionnalité, dans le cadre de la future mise en œuvre du traité de Lisbonne.

CHAPITRE 4: Evaluation des rapports bisannuels de la COSAC

1. Quelle est la valeur ajoutée des rapports semestriels au regard des activités de la COSAC et de vos procédures et pratiques parlementaires ?

Les rapports semestriels créent les conditions nécessaires pour tenir des débats plus approfondis lors des réunions de la COSAC concernant les thèmes importants, liées aux prérogatives renforcées des parlements nationaux. En outre, les rapports permettent de faire des comparaisons entre les différents parlements et ainsi, de déterminer si le parlement est à un stade avancé ou en retard dans le développement des différentes activités.

2. Selon votre Parlement/Chambre, dans quelle mesure les thèmes du rapport semestriel devraient-ils être liés à l'ordre du jour des réunions de la COSAC ?

Il serait préférable que les thèmes des rapports suivent l'ordre du jour des réunions de la COSAC. Ceci va renforcer la plus-value des débats au sein de la COSAC et va améliorer l'orientation des parlements nationaux.

3. Question pour les Parlements/Chambres qui ont présidé la COSAC entre 2004 et 2008: Quels sont les critères que votre Parlement/Chambre a pris en considération lors du choix des sujets pour le rapport semestriel au cours de votre présidence ?

Le parlement bulgare est monocaméral.

4. Les rapports semestriels de la COSAC portant sur «l'évolution des procédures et des pratiques européennes concernant le contrôle parlementaire», quels sujets, selon votre Parlement/Chambre, mériteraient d'être traités dans les prochains rapports semestriels?

Les sujets qui mériteraient d'être traités pour améliorer les pratiques des différents parlements nationaux sont les suivants :

- *Les rapports entre le gouvernement et le parlement dans le domaine des affaires européennes;*
- *Les compétences des commissions parlementaires sectorielles dans le domaine des affaires européennes;*
- *La compétence de la commission des affaires européennes dans le domaine de la justice et des affaires intérieures, ainsi que dans le domaine de la PESC ;*
- *Le contrôle parlementaire en matière de comitologie;*
- *L'administration parlementaire, traitant des questions européennes.*

5. Quel est l'avis général de votre Parlement/Chambre sur la forme des rapports semestriels ? En particulier, le nombre de chapitres, la longueur des chapitres, la présentation, etc.? N'hésitez pas à proposer des modifications.

Le parlement approuve en principe l'approche actuelle concernant la structure et les objectifs des rapports semestriels.

On pourrait toutefois recommander de réduire le contenu des rapports en publiant seulement un résumé des données et les conclusions correspondantes.

6. Quelle procédure est mise en œuvre au sein de votre Parlement/Chambre pour préparer et approuver les réponses aux questionnaires pour les rapports semestriels? Veuillez préciser quels services administratifs de votre Parlement/Chambre sont concernés et si les membres de votre commission des affaires européennes sont impliqués.

Les réponses aux questionnaires sont élaborées conjointement par le secrétariat de la Commission des affaires européennes et la direction "Union européenne" du parlement. Les commissions sectorielles sont consultées.

Les réponses sont approuvées par le président de la Commission des affaires européennes qui les consulte avec les autres membres de la commission.

7. Les membres de votre Parlement/Chambre sont-ils informés du contenu des rapports semestriels ? Plus précisément : le rapport semestriel est-il distribué aux membres de la commission des affaires européennes ? Si c'est le cas, le rapport semestriel qui est disponible en français et en anglais, est-il traduit dans votre langue ? Le rapport semestriel est-il débattu au sein de la commission des affaires européennes?

Etant donné que les rapports sont disponibles sur le site internet de la COSAC, il n'a pas été considéré comme indispensable de les distribuer en papier. Tous les membres de la Commission des affaires européennes maîtrisent l'anglais et/ou le français et la traduction du rapport n'est donc pas nécessaire.

Cyprus: Vouli ton Antiprosopon

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

Cyprus' political system (presidential democracy with a complete separation of powers) does not allow the imposition of views and opinions on the government. The parliament cannot legally bind the government. However, the House of Representatives is vested with the power of scrutiny of the actions of the executive including those pertaining to European Affairs and can exert political pressure on the government through, inter alia, (a) the Parliament's right to amend or reject bills of law submitted before it by the executive, (b) the submission of questions to the various Ministries, (c) the registration of matters pertaining to the actions of the executive to be discussed before the Parliamentary Committees and/or the plenary of the Parliament and (d) the submission by MP's of proposals for amendment of legislation. Moreover, the Parliamentary Committees have the right to invite Ministers to attend their meetings in order to present the government's position and policy concerning a matter under examination, to provide further information and answer questions. The above means can be used by the House of Representatives for the scrutiny of matters falling within the area of freedom, security and justice, including police and judicial cooperation.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

This issue has not yet been raised or discussed in the Parliament.

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?

So far there has not been any direct communication.

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?

The form of cooperation among national parliaments and between national parliaments and the European Parliament regarding the scrutiny and the evaluation of Europol and Eurojust has not yet been addressed by the Parliament. However, it should be noted that the Parliament welcomes the provisions of the Treaty of Lisbon concerning the association of national parliaments to the scrutiny of Europol's activities (Art. 88 TFEU) and the evaluation of Eurojust's activities (Art. 85 TFEU). Associating national parliaments to the procedures of control of these organizations led by the European

Parliament complies with both a democratic requirement and a purpose of efficiency. As regards the possible forms of cooperation between national parliaments and the European Parliament on these matters, an option could be the setting up of a joint parliamentary committee, consisting of members of both the Member States' and European Parliament committees responsible for police affairs. The joint committee could meet periodically to exchange information and experience on matters relating to Europol, hear Europol's Director and examine its annual report. Moreover, it should maintain close contacts with Europol. A similar common body as a joint committee for criminal justice matters would be useful to be established. Also, joint parliamentary meetings on issues concerning Europol and/or Eurojust are deemed to be very helpful.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

Meetings of COSAC provide a good opportunity whereby participants could discuss, share ideas and exchange information concerning parliamentary control of Europol and evaluation of Eurojust, including, inter alia, the formulation of guidelines/recommendations/common standards as to how the parliamentary scrutiny may be carried out. The Director of Europol as well as the President of the Collège of Eurojust could be invited to attend plenary meetings of COSAC, where issues relevant to their organizations are discussed, and provide information on the activities of their organizations during the current year and the activities planned for the following year.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber

The House Standing Committee on Human Rights.

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?

Yes, 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?

There have been a number of cases where the Parliament adopted resolutions regarding issues pertaining to human rights. Cyprus' political system, providing for a clear separation of powers, does not allow the Parliament to legally bind the government.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

Through parliamentary oversight.

- 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?**

No.

- 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?**

The Parliament has not adopted a formal position on this issue.

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

The House of Representatives supports initiatives and projects aiming to promote human rights and democracy. Apart from participating in relevant initiatives of the Parliamentary Assembly of the Council of Europe (i.e. Campaign to combat violence against women, including domestic violence (2006-2008 Parliamentary Assembly of the Council of Europe), the House of Representatives organises open events aiming to boost knowledge on issues pertaining to human rights (i.e. the House of Representatives has organised two events in the period 2007-2008 regarding violence against women, and one on the protection of refugees).

In addition, the Cypriot MP's who take part in the Parliamentary Assembly of the Council of Europe participate actively in the work of the Council of Europe in the field of democratization and human rights as, for example, Rapporteurs of Opinion.

- 8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**

The Council of Europe.

- 9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?**

The House of Representatives tries at all times to participate in projects aiming to promote human rights. As this is a priority for the House of Representatives, it constitutes as well the main criterion in selecting such initiatives and projects.

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

The first two representatives of the House of Representatives of the Republic of Cyprus to the European Parliament, Ms Natia KARAYIANNI and Ms Christiana FRYDA, acquired office mid-April 2007.

Ms Natia KARAYIANNI-April 2007- until end of December 2008

Ms Christiana FRYDA- April 2007-currently

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

Primarily 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. The exchange of views both formally and informally in relation both to subsidiarity issues and issues of a more general nature and the cooperation between different actors at European level was deemed to be very important. The exchange of best practices was also deemed to be very important in view of Cyprus assuming the presidency of the EU, for the first time since its accession to the EU, in 2012.

3. What is the title of the representative of your Parliament/Chamber?

Permanent Representative of the House of Representatives of the Republic of Cyprus to the European Parliament.

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?

The term in office of the representative is governed by Article 47 of the Law on Public Service 1990 according to which the detachment of a civil servant to an EU institution for the purposes of fulfilling special duties can be for a period up to three years. The term in office cannot be renewed without the consent of the civil servant.

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?

N/A

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.

- Reporting on issues of specific interest on the agenda of the EP.
- Strengthening inter-parliamentary cooperation through the establishment of contacts with the representatives of national parliaments.
- Establishing contacts with the relevant services of the European Parliament.
- Providing technocratic support to delegations from the House of Representatives participating in meetings in the EP.

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?

- Coverage of topics on the agenda of the EP (committees meeting, plenary sessions, joint parliamentary meetings, public hearings, press conferences, seminars etc.).

- Cooperation with the group of national parliaments' representatives and exchange of information relating to subsidiarity, political issues and technical/procedural issues.
- Establishing contacts with the relevant services of the European Parliament.
- Coverage of topics deemed to be important in relation to the EU in general, i.e. publishing of Commission proposals

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?

The practice has been established to provide a 'weekly report' every Friday on EU and more specifically EP activities. In addition to this, any information deemed, by the representative or the Secretary General, to be relevant and/or urgent can be provided on an ad hoc basis.

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?

The representative is accountable to the Secretary General of the House of Representatives. The representative proposes the priorities, which are put forward for comments, suggestions and the approval of the Secretary General, who has the final responsibility of setting the 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?

There is no duty on the representative emanating from legislation to report on her duties. Nevertheless, the practice has been established to provide a report/account of work at the end of each parliamentary session along the lines of the report/account of work provided by each Service of the House of Representatives. This report/account of work is sent to the Secretary General of the House.

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

Not so far.

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?

Until the end of the year 2008, the House was represented by two representatives of equal status. As from the beginning of 2009, there has been one representative and no assistant. The appointment of a second representative or of an assistant is still under consideration by the House.

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

The role of the Permanent Representative of the House of Representatives to the European Parliament will be re-assessed when the Treaty of Lisbon enters into force.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The COSAC Biannual reports constitute a useful tool in the hands of Parliamentarians since they contain valuable information on Parliamentary practices and procedures in other Member State Parliaments. These reports provide readily available information to those seeking to improve specific procedures in their Parliament.

2. According to your Parliament/Chamber, to what extent should the topics of the Bi-annual Report be linked to the agenda of the COSAC meetings?

Certain topics featured in the COSAC Biannual Report that bear specific importance to national parliaments or the EU at large, could constitute separate agenda items, following the presentation of the Biannual report, in order to give each national parliament an opportunity to express their views and opinions on the matter.

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?

N/A

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?

A number of important subjects have already been dealt with in COSAC Biannual reports, however, more important matters remain to be examined in depth, such as immigration and asylum, energy and environment and the global economic crisis.

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.

The current presentation of the Bi-annual report is considered to be satisfactory for the House of Representatives of Cyprus. In our opinion, the structure of the report is very good, since the executive summary provided in the beginning of the text provides an insight to the contents of each chapter. Furthermore, the length of each chapter is satisfactory, since the

information contained, provides the reader with an in depth insight of the subjects analysed in the report.

- 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.**

The replies to the questionnaires for Bi-annual Reports are prepared by the European Affairs Service and the International Relations Service of the House of Representatives, according to the subjects that each service deals with. The answers are then approved by the Parliamentary Committee on European Affairs.

- 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?**

The Bi-Annual Report of COSAC is distributed to the Members of the Parliamentary Committee on European Affairs, however, it is not translated in our national language, as this is not necessary. Certain subjects included in the COSAC Biannual Report that are deemed to be of importance may be discussed by the Parliamentary Committee on European Affairs.

Czech Republic: Poslanecká Sněmovna

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

There are no special provisions concerning the deliberation of the activities of Europol and Eurojust in the Rules of Procedure of the Chamber of Deputies. So the standard procedure, same as for the other EC/EU legislative proposals and documents, applies (articles 109a – 109c of the Act No. 90/1995 Coll., on the Rules of Procedure of the Chamber of Deputies, as subsequently amended).

The Committee for European Affairs of the Chamber of Deputies deliberated in detail i.a. *Proposal for a Council Decision establishing the European Police Office (Europol)*.¹ In its adopted resolution the Committee especially stressed the need to fulfill the requirements of proportionality of proposed measures and asked the Committee on Constitutional and Legal Affairs for its opinion. The Committee on Constitutional and Legal Affairs recommended to the government to approve the proposal if certain conditions are met.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

According to the Art. 85 and Art. 88 of the Treaty on the functioning of the European Union it is the European Commission that should propose the forms of future involvement of the European Parliament and national parliaments in the evaluation of Eurojust's and Europol's activities. Because the Lisbon Treaty was not ratified yet, the Committee for European Affairs did not discuss the issue in detail so far. In the view of the Committee the debate should be based on the Commission's proposal anticipated by the TFEU. The Committee is prepared to engage actively in such a debate both at the interparliamentary level (with the European and national parliaments) and at the national level (with the government that will represent the Czech Republic at the EU Council).

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?

There is no such a direct communication.

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?

See above, the answer to the question no. 2 of this chapter.

¹ COM (2006) 817 final, the Committee for European Affairs adopted its final resolution on 2 March 2007.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

At this moment it is hardly conceivable any other role than a forum for exchanging the best practices.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Committee on Petitions deals specifically with human rights and related topics in the Czech Republic. The Committee on Foreign Affairs deals with international context of human rights.

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?

The Chamber of Deputies (plenary or bodies of the Chamber) discusses state of human rights and democracy in the world on an *ad hoc* basis. Discussion is usually related to the particular event either international or domestic.

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?

The Chamber of Deputies (plenary or bodies of the Chamber) may pass resolution. Resolutions are not binding the government in legal sense, but they are binding government in political sense. The Chamber provides general oversight over the government and may oversight all activities of government. Acting without complying with resolution may lead as far as non confidence voting.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

Government is responsible to present annual report on the human rights and democracy to the Committee on Petitions. The Committee on Foreign Affairs realizes regular hearing of Ministry of Foreign Affairs representatives focused on different topics, including human rights and democracy in the world.

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?

The Committee on Foreign Affairs is responsible to deliberate all proposed international treaties. Evaluation of human rights and democracy standards is regular part of overall discussion. International treaties with EU relevance are deliberated by the Committee for European Affairs.

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?

Appropriate level of democracy and sufficient level human rights standards are understood as a basic condition for other kinds of cooperation. Readiness of partners to cooperate in this fields precludes the economic cooperation.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

The Chamber of Deputies focuses especially on the projects related to the promoting of parliamentary democracy and activities of the parliaments in the field of promoting human rights and democracy. The particular projects are available through system IPEX.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

They are connected to the general aim of these institutions – to promote democracy and standards of human rights.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

Affectivity and efficiency of financial sources, sustainability of the project, and internal capacities of the chamber.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

Pursuant to the Article 11a of the COSAC Code of Procedure the Chamber of Deputies sent its representative, Mr. František Čákt, to Brussels as a member of the COSAC Secretariat from 1 July 2008 till 31 December 2009.

With respect to the Czech Presidency and with regard to the fact that the Chamber of Deputies does not have its representative in Brussels, the Chamber did take a decision to take advantage of the presence of its employee at the COSAC Secretariat to fulfil also all the other tasks linked to the Presidency in place.

Therefore the factual scope of work of our member of the COSAC Secretariat was enlarged consequently.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

See above, the answer to the question no. 1 of this chapter.

3. What is the title of the representative of your Parliament/Chamber?

The official title of the current representative of the Czech Chamber of Deputies in Brussels is "Member of the COSAC Secretariat".

With respect to the factual enlargement of his duties our representative uses the following title: "Representative of the Czech Chamber of Deputies to the COSAC Secretariat and to the European Parliament".

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?

The term in office for a national member of the COSAC Secretariat is for 18 months and it is not 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?

With regard to the specific role of the representative of the Czech Chamber of Deputies in the European Parliament as well as to the particularities of the activities and duties during the Presidency we consider our eventual replies to the following questions to be misleading for the outcome of the Bi-annual Report.

- 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

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

In our opinion, the main added value of the Bi-annual Reports lies in the comprehensive overview they provide about existing parliamentary procedures and practices related to scrutiny of European affairs. Thus they represent a specific instrument of exchange of best practices and experience between both the individual Chambers and the Chambers and the COSAC Secretariat. Moreover, mapping of the Chambers' positions to and views of certain European issues and the national Parliaments' role in dealing with them is useful for identifying possibilities of cooperation and/or coordination and thus may help to increase the weight of the individual Chamber's stance and the COSAC's opinion respectively.

- 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?**

The linkage to the COSAC agenda is justified when a Bi-annual Report serves as a source of background information that can help to set forward a discussion at the COSAC meetings. But in general the inclusion of a topic to the Bi-annual Report should not mean the necessity of its inclusion also to the agenda of the following COSAC meeting and the other way round – the absence of the topic in the Bi-annual Report should not preclude its deliberation at the COSAC meeting.

- 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?**

Following the chapter of the 6th Bi-annual Report regarding comitology it could be useful to focus once again on this specific procedure and possible ways for national parliaments to

influence decisions taken by the committees. Another matter of interest could be implications of the widening deployment of information and communication technologies in the work of EU and national institutions for the parliamentary procedures. This issue could be dealt with in relation to the initiative on reducing administrative burden or eGovernment.

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.

We are in general satisfied with the current form of the Bi-annual Reports. The topical and procedural issues are in our opinion well balanced. Higher number of chapters could lead to fragmentation of the content and therefore we consider four chapters as ideal and five chapters as maximal reasonable number.

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.

The main service responsible for preparing the replies is the Division for European Union Affairs of the Parliamentary Institute (research and information service for Members of the Czech Parliament). Depending on the topics, the Secretariat of the Committee for European Affairs may be involved as well. The Vice-chairpersons of the Committee for European Affairs are asked for approval in the written procedure.

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?

The Bi-annual Reports are distributed to the Members of the Committee for European Affairs by the Secretariat of the Committee in English. In case of their interest and on demand the Secretariat of the Committee in cooperation with the Division for European Union Affairs of the Parliamentary Institute may prepare the translation to the Czech.

Czech Republic: Senát

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. What tools does your Parliament/Chamber currently use in order to scrutinise the activities of Europol and Eurojust?

The Senate currently does not possess any special tools to scrutinize activities of Europol and Eurojust. However, the Senate is very attentive to legislative and agency activity in justice and home affairs and so the functioning of both institutions is regarded to be of high importance. The Senate has very carefully scrutinized the acts changing the competences of both Europol and Eurojust and it had only allowed the government to withdraw the parliamentary scrutiny reserve when it was satisfied that essential defining elements of the would-be agency (in case of Europol) are strictly of non-executive nature.

2. Does your Parliament/Chamber envisage further developing scrutiny of Europol and Eurojust in the future? Please specify.

The Senate would like to participate on developing the scrutiny of Europol and Eurojust that would be based on cooperation of national parliaments of the EU and the European Parliament, as provided in Articles 85 and 88 of the Lisbon Treaty. You can find more detailed information in Answer 4 of this Chapter. If the Lisbon Treaty does not come into effect, the matter would have to be further discussed, but the Senate would still strive for the assurance of parliamentary democratic scrutiny of Europol and Eurojust on EU level.

3. What form of direct communication - if any - does your Parliament/Chamber have with the National Member of your country in Europol and/or Eurojust?

The Senate has established communication through the Committee on European Affairs with Liaison Officers/National Members on an ad hoc basis. It was informed by the Czech Liaison Officer in Europol in 2007 on the state of affairs and functioning of Europol. The Committee was also lately informed twice by Czech National Member in Eurojust. On the first occasion in 2007 the information provided was mainly on the functioning, workload, current problems and foreseen developments of Eurojust. The second hearing in 2008 was directed at the issue of reform of Eurojust proposed by the European Commission and enabled to transmit to the Committee the opinion of the Czech representative in Eurojust on the reform.

4. The Treaty of Lisbon 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 view of these prerogatives, 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?

As regards the form of cooperation between national parliaments and the European Parliament there are two possible mechanisms. First is the establishment of a specialized body bringing together delegates both from national parliaments and the European

Parliament that would periodically meet to evaluate/control the activity of both institutions. Second possibility is to set up the scrutiny in the frame of cooperation within COSAC. In both cases the mechanism should be primarily based on scrutinizing reports and hearings of the President of the College/Director. The Senate finds cooperation within COSAC as the more suitable form (mainly because of non-existent legal framework for establishing a common body or a committee of NPs and the EP). At the same time it is essential not to overburden COSAC with this agenda as it has many other issues and areas to cover. Thus, from our point of view the control mechanism should be annual and Europol/Eurojust should be scrutinized on every second COSAC. As the reports for the year 2007 were published in May by Eurojust and in July by Europol, it seems suitable that the issue be discussed at the autumn COSAC meetings.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol activities?

As outlined above, the Senate would give COSAC a key role in the area of controlling/evaluating the activities of Europol and Eurojust. The core question is how the mechanism should function in detail. Our opinion is that developments in both Europol and Eurojust should be discussed annually based on the reports of activities from the preceding year and in the presence of the Director/President of the College. That does not necessarily mean a common hearing. On the contrary, separate points on the agenda would better conform to the fact that the outcome should be different as stated in the relevant provisions of the Lisbon Treaty – control in the case of Europol and evaluation in the case of Eurojust.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

There are two bodies dealing with human rights agenda in the Czech Senate – Committee on Foreign Affairs, Defence and Security and a specialized body - Standing Senate Commission on Assistance to Worldwide Democracy.

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?

The issues of human rights and democracy are debated in the above mentioned Committee/Commission. These debates are being held on an *ad hoc* basis depending on the current world events or common positions issued by EU. There are no regular meetings to discuss the topic of human rights.

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?

The Senate passed quite detailed resolutions on human rights in Belarus, Tibet and Georgia. Human rights in other countries were discussed in Committee on Foreign Affairs, Defence

and Security. Since external policy is primarily a responsibility of the government, the latter is not bound by such Senate's resolutions.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

The Senate scrutinizes governmental position documents on human rights concerning particular countries (Belarus, Cuba, Georgia). These issues are debated in the Committee on Foreign Affairs, Defence and Security, in particular when the government mandate for GAERC is presented.

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?

The Senate is not formally informed by the government on the actual state of human rights and democracy in the country, with which the government intends to negotiate an agreement. Nevertheless, these issues are generally taken into consideration during the discussion on the agreement, when the representatives of the government can be asked about the human rights situation in that particular 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?

The Czech Senate welcomes inserting of the human rights clauses into the agreements between the Community and third countries.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

The Senate does not have any specific project of its own, but cooperates with certain NGOs whose aim is to promote human rights and democracy in the world; for example Člověk v tísni (People In Need), the most renowned Czech organization in the area, Amnesty International or Občanské Bělorusko (Civic Belarus).

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

The activities of the Standing Senate Commission on Assistance to Worldwide Democracy are directed mainly at supporting democracy outside the EU. It covers EU candidate countries as well as NATO candidate countries. The Commission cooperates with bodies of Parliaments in selected countries (Georgia, Cyprus, Albania, etc.). The members of the Commission meet foreign dissidents and opposition activists in the Senate and support creation of civic society in those countries. The Commission was set up only 4 months ago, so it is gradually broadening its field of activity and creating new contacts for promoting democracy in the world.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

The Standing Senate Commission on Assistance to Worldwide Democracy focuses on countries that are non-democratic or emerging democracies having only short experience with democratic governance. The main target of its interest are countries where civic society is absent and division of powers and rule of law together with free political competition are missing and basic human rights are abused. Georgia is a special case, where the sovereignty of the state is at stake.

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

First representative appointed as of 1 November 2004.

November 2004 – October 2006 Ms Hana Daňková

November 2006 – present Ms Hana Sedláčková

- 2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?**

Reinforce the quality of expertise for ex-ante scrutiny of EU legislation in the Czech Senate and be actively involved in interparliamentary cooperation among national parliaments and with the European Parliament.

- 3. What is the title of the representative of your Parliament/Chamber?**

Representative of the Senate Chancellery in Brussels

- 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?**

In principle the term in office is two years, renewable upon agreement.

- 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?**

Both Chambers of the Czech Parliament have their representative in Brussels. However, the Chamber representative is one specifically for the COSAC Secretariat therefore the current model of co-ordination between the two representatives is specific and ad hoc. Given that both chambers are independent in EU scrutiny, the co-ordination will most probably be ad hoc also in the future.

- 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.

The main task is reporting and channelling relevant information (from Brussels to Prague and vice-versa) and inter-parliamentary cooperation activities. Complementary to that are visits of Senate committees and officials to EU institutions and representation of the Senate vis-à-vis various partners relevant in the context of ex-ante scrutiny and EU affairs.

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?

It is difficult to list activities according to priority or time allocation. Example: in general reporting and info-channelling is the main task, however, when the representative is preparing a visit of a Senate committee to EU institutions, the latter task dominates the agenda and becomes the main task for a given time. It is therefore the responsibility of the representative to prioritise according to the requirements and best utility for the Senate.

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?

Reporting is ad hoc, the representative writes reports addressed electronically to all senators and also reports regularly in different form on a variety of issues to colleagues - civil servants. The decision for topics is taken mainly upon proposal of the representative and after agreement of the Head of EU Affairs Unit of the Senate. Additional to that the representative is regularly seized with requests for specific information by individual senators, colleagues and superiors.

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?

The representative is member of the EU Affairs Unit, which is part of the Foreign Relations Department. Therefore the representative is primarily accountable to the direct superior - Head of EU Affairs Unit, then to the Director of the Foreign Relations Department and eventually to the Secretary General. There is also very direct communication and check of the work (as far as results delivered) of the representative by mainly the EU Affairs Committee and its Chairman. However, Senators in principle do not interfere in the human resources policy of the Senate Chancellery.

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?

The representative does report to the EU Affairs Committee. This happens on an ad-hoc basis several times a year but without a specified duty. When requested, the representative reports to the Secretary General. There is no reporting duty strictly speaking to the Permanent Representation.

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

Occasional attendance at EU Speakers' conference is an exception to the rule, the rule being that it is the Director of Foreign Relations Department who attends; same for meetings of Secretaries General. The representative has been attending COSAC meetings in relation with the Czech Presidency of the EU.

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?

No assistant, currently on an ad-hoc basis the representative is assisted by a student stagiaire to help with certain tasks in the period of the Czech Presidency of the EU. It still remains to be evaluated whether this practice will be continued and what would be the standard functions of such possibly regular stagiaires.

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

The plan is to maintain the position of the representative and to adapt his/her tasks in line with new forms of inter-parliamentary cooperation, which may be brought by the Lisbon Treaty, among other things. Future developments will be influenced by evaluation of experience, demand in the Senate and the pro-active approach and proposals from the representative itself. It can be for example presumed, that visits of Senate committees to EU institutions will become standard and their frequency will increase due to the increasing attention paid to EU Affairs in the Senate in general.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The Czech Senate considers the reports to be a well established way of preparing the debates at the COSAC meetings. The added value is present in the collection of up to date information from all the Member Parliaments and its unbiased compilation by the secretariat.

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?

The report topics do not necessarily need to mirror the meetings' agenda. However, a majority should be related to the agenda as the report's primary purpose should be to serve as background for the debate.

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?**

The practices of national parliaments in examining the preparation for, and outcomes of, meetings of the Council of Ministers, including the typology of agreements reached in the Council (“general approach”, “political agreement” etc.)

Ensuring effective national parliamentary scrutiny during co-decision (An evaluation of the co-decision procedure focusing on how national parliaments can benefit by an "early scrutiny" of legislative proposals - special challenges of First reading agreements and an analysis of the inclusion of specialised committees in this scrutiny)

The significance of draft Conclusions of the European Council and the Council of Ministers, and the scope for parliamentary scrutiny of these documents

- 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.**

Allowing for the fact that no two reports are the same, we are satisfied in general with all the characteristics of the reports that are mentioned.

- 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.**

Draft of the replies is prepared by the Senate services (European Union Unit, occ. Advisor to the EU Committee) that base the draft answers on the current procedures, resolutions or debates held in the Senate or its committees on the given subject. The draft is finally submitted for approval to the Chairperson of the Committee on EU Affairs.

- 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?**

The members are informed via materials prepared in advance of the COSAC meetings among which the bi-annual report plays an important part. The report in its entirety is not translated nor sent out to other Senators than the members of the particular COSAC delegation.

Denmark: Folketing

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

Answer:

The activities of Europol and Eurojust as such are not scrutinised in Parliament on a regular basis. However decisions of the Council regarding Europol or Eurojust are like all other matters concerning cross-border police and judicial cooperation (Third pillar) considered in the Legal Affairs Committee and in the European Affairs Committee. Proposed mandates, if any, are submitted to the European Affairs Committee.

The presentation of proposed mandates in relation to framework decisions is subject to special rules which have not been written into the reports of the European Affairs Committee but have been agreed with the Government in an exchange of letters.

These rules mean that the Government will not be seeking a negotiating mandate in the European Affairs Committee on framework decisions when these decisions will be considered by the Folketing under Section 19 of the Constitutional Act which states that the Folketing must consent to obligations under international law which entail changes in Danish law or are of major importance in any other respect.

The reason is that a framework decision is binding in international law from the time it is adopted in the Council, requiring no subsequent ratification. Consequently, if a framework decision entails changes in law or is of major importance in any other respect, the procedure under Section 19 of the Constitutional Act must be invoked before Denmark may participate in the adoption of a framework decision in the Council. In practice, this means that, when informing the European Affairs Committee prior to the relevant Council meeting, the Government must communicate its intention to make negotiations in the Council subject to parliamentary approval until the Folketing has adopted a motion for a resolution approving the draft framework decision.

However, invoking Section 19 of the Constitutional Act is not required when the framework decision neither entails changes in Danish law nor is of major importance in any other respect. In the latter two cases the Government shall seek a negotiating mandate in the European Affairs Committee if it concerns adoption of a matter of major significance.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

Answer:

No such decision has been made. But the question will most likely be examined further if/when the Lisbon Treaty is eventually ratified.

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?

Answer:

No direct contact

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?**

Answer:

No such decision has been made. But the question will most likely be examined further if/when the Lisbon Treaty is eventually ratified.

5. **What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?**

Answer:

COSAC could be used as a parliamentary forum for an annual debate on the evaluation of Europol and Eurojust. The Lisbon Treaty provides for the organisation of interparliamentary conferences on specific topics within the framework of COSAC.

However the Danish Parliament has not yet taken any position on this issue.

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

1. **Which committee/s deal with human rights issues in your Parliament/Chamber?**

Answer:

There is no committee specialised in human rights in the Danish Parliament. However the human rights issue is dealt with in various committees – including the Legal Affairs Committee, the European Affairs Committee, the Foreign Affairs Committee, The Immigration and Integration Affairs Committee, etc.

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?**

Answer:

There is no annual or regular debate in the Danish Parliament on the state of human rights in the world, but from time to time debates are held on more specific questions regarding human rights issues.

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?**

Answer:

The Danish Parliament does not publish reports on the human rights situation in the world.

However the issue is followed on an ad hoc basis and resolutions are passed occasionally on more specific human rights issues.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

Answer:

Through debates in the Chamber and in the various Committees and through oral and written questions to the Ministers.

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?

Answer:

Normally yes.

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?

Answer:

Human rights and democracy clauses as referred to above are supported by the Danish Parliament.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

Answer:

The Danish Parliament has over the past years been involved in several projects.

The Parliament has a standing agreement with the ministry of Foreign Affairs on providing parliamentary assistance to new and emerging democracies and is presently involved in four democracy projects in Bhutan, Yemen, Vietnam and Tanzania.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Answer:

The Danish Parliament has been involved in projects with other parliaments but only as a sub-contractor. The Danish Parliament does not have the capacity to enter into EU programmes as main contractor/coordinator.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

None. Our participation will normally be decided upon on the basis of a request from the Ministry of Foreign Affairs.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

Answer:

1991 – 1994: Peter Juul Larsen
1994 – 1999: Finn Skriver Frandsen
1999 – 2004 : Morten Knudsen
2004 – 2007: Richard Mongin Forrest
2007 - : Peter Juul Larsen

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

Answer:

In order to improve and supplement the information from and about the EU and to create a body of information exchange between the permanent representatives from national parliaments.

3. What is the title of the representative of your Parliament/Chamber?

Answer:

Permanent Representative of the Danish Parliament to the EU.

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?

Answer:

There is no fixed term but 3 – 4 years is normal. The term in office is 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?

Answer:

The Folketing is a unicameral parliament.

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.

Answer:

The main function is to report to the Danish Parliament about main topics being debated and decided in the EU institutions (mainly the EP). - Also the Danish representative is assisting MPs visiting the EU institutions.

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?

Answer:

See answer to question 6, using 95% of the time for the main function.

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?

Answer:

The reporting is on ad hoc basis taking into consideration the actual political priorities as they are seen by MPs and the EU administration.

- 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?**

Answer:

The Representative is accountable to the Head of the EU Department and the Secretary General of the Folketing.

- 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?**

Answer:

The Representative reports to the members of the European Affairs Committee and the EU Secretariat.

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

Answer:

At present: Yes

- 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?**

Answer:

Yes, the assistant is helping in dealing with the tasks of the Folketing's office in Bruxelles.

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

Answer:

A closer – still informal – cooperation with other national representatives in Brussels can be seen as beneficial.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

Answer:

The Biannual reports provide useful background information for the exchange of information and best practises between national parliaments when it comes to how parliamentary scrutiny of European matters is conducted.

- 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?**

Answer:

Not necessarily, the biannual reports are intended to be procedural reports and not reports on political issues.

- 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?**

Answer:

One important issue would be to explore how national parliaments are ensuring timely and effective scrutiny of European Union legislation concluded in dialogues through first or early second reading agreements.

- 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.**

Answer:

The reports should focus on procedural issues with the aim of promoting exchange of information and best practises on parliamentary scrutiny of European matters. More substantial political issues should be dealt with in separate reports prepared by the Presidency Parliament or the COSAC-Secretariat.

- 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.**

Answer:

The replies are prepared by staff of the European Affairs Committee Secretariat. Members are normally not involved, because it's a procedural report.

- 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?**

Answer:

The biannual reports are distributed to Members of the European Affairs Committee. It is only made available in English. The report is normally not discussed by the Committee due to its procedural nature.

Estonia: Riigikogu

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust? As a part of usual scrutiny process, i.e. no special procedures are envisaged at the moment.
2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how. The EU Affairs Committee is in the process of evaluating the internal scrutiny system, in addition the same is done by the Government (both have not finished this process yet)
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? *Ad hoc*
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? We could use the existing IPEX database, however the content would be valuable when translated into English/French
5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities? It could be a point on the agenda for example

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber? The Foreign Affairs Committee and the Constitutional Committee.
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? Once a year there is the foreign policy debate, including human rights and democracy issues, at the Plenary session of the Riigikogu. In addition, the Foreign Affairs Committee has parliamentary hearings depending on the current issues.
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? The Riigikogu may pass resolutions that are not directly binding to the Government.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy? Mostly through different hearings at the Committee meetings.
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? If relevant, yes.
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? Supportive, no objections.
7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify. Yes, the Riigikogu supports such activities through different projects directly or through different programmes of other institutions in Estonia or abroad.
8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe? Can be all of them.
9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects? The Riigikogu considers projects based on actual need, availability of resources and accordance with the foreign policy.

CHAPTER 3: Representatives of National Parliaments to the EU

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? 2005
Mr Arvi Karotam 2005-2008
Ms Malle Kuuler 2008-
2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU? Information exchange with the EP and other NPs
3. What is the title of the representative of your Parliament/Chamber? Counsellor of the EU Affairs Committee of the Riigikogu, Representative of the Riigikogu to the EP
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? 3 years, yes the term is renewable, but there is a competition for the position
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? Estonia has a unicameral Parliament

- 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? All the mentioned activities**
- 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?**
The representative focuses attention to EP committee meetings according to The Government's European Union Policy for 2007-2011 which is discussed and approved in the EU Affairs Committee of the Riigikogu. It is a strategic framework instrument stipulating the principles which are the basis for the Estonian's European Union policy, it is a set of principles which determines Estonia's position and vision in issues falling into the competence of the European Union which is considered to be important for Estonia.
Joint Parliamentary meetings, Joint Committee meetings, interparliamentary meetings at committee level, EP thematic visits.
- 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? Regularly + in case the person feels there is an urgent/interesting issue that needs to be reported in addition**
- 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? Head of the Secretariat of the EU Affairs Committee**
- 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? Head of the Secretariat of the EU Affairs Committee**
- 11. Does your Parliament's/Chamber's representative to the EU attend EU Speakers' Conferences, meetings of the Secretaries General and COSAC meetings? No**
- 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? No assistant(-s)**
- 13. Does your Parliament/Chamber have plans or ideas on future developments with regard to your representative to the EU? It is a position in permanent development, i.e. rather flexible approach**

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

- 1. What is the added value of the Bi-annual Reports with regard to the activities of COSAC and your parliamentary procedures and practices? Valuable information source**
- 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? It depends on the Agendas**
- 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. EU Affairs Committee staff prepares (if needed assisted by other relevant Committees’ staff) and the Committee approves the answers (usually)**
- 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? The Reports are not translated**

Finland: Eduskunta

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

Proposals concerning Europol and Eurojust are scrutinised through the normal EU scrutiny procedure according to which the Government is required to communicate to Eduskunta all EU proposals that fall within the competence of Eduskunta according to the Constitution. Last year there were several treaties (of Europol and Eurojust) with third countries that were scrutinised by Eduskunta to mention some examples. The general activities are scrutinised through the Government's Communication on the Yearbooks of Europol and Eurojust.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

No.

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?

No permanent communication. National Member of the Eurojust has appeared once in the Grand Committee as invited expert.

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?

The yearly existing joint parliamentary committee meetings between legal affairs committees and internal affairs committees could evaluate activities of Europol and Eurojust. No new forum should be created.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

Referring to our previous answer, we would rather see this duty left to other committees.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

Constitutional Committee, Foreign Affairs Committee and Legal Affairs Committee.

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?

Human right issues are considered as cross cutting principle and are thus involved in many other issues scrutinised by Eduskunta. Each government gives a White Paper on Human Right Issues to Eduskunta (app. every 4th year).

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?

Referring to the previous answer, Eduskunta scrutinises several issues yearly involving questions concerning human rights and democracy.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

According to normal parliamentary accountability.

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?

The information concerning human rights is often included in government's proposals. If not the Foreign Affairs Committee can request, according to the section 97 of the Constitution, reports on matters pertaining to foreign policy.

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?

We support this kind of clauses.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

In Eduskunta, there is a special human rights group that acts very actively in the field in connection with the Council of Europe as well as the United Nations.

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

- 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?**

The post was created and manned in early 1995. The reps to date: Mikko VALTASAARI (1995 - 1997); Ilkka SALMI (1997 - 2000); Sarita KAUKAOJA (2000 - 2008). The position has been vacant since 1 Nov. 2008 and a new rep is expected to take up his/her duties before the summer of 2009.

- 2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?**

In 1995, access to EU documents was an important and recurrent problem, and this was the justification at that time. Subsequently, the Brussels representative evolved into a useful reporting agent. When the post was reviewed in the autumn of 2008, the reporting function and the general political significance of a physical presence in Brussels were the main justifications for continuing the post.

- 3. What is the title of the representative of your Parliament/Chamber?**

The title depends on the context:

- (1) In day-to-day work in Brussels, and on EN/FR visiting cards, the title is "Representative".
- (2) In contacts with the Eduskunta and Finnish actors generally, the title is "Special Expert" ("erityisasiantuntija", "specialsakkunnig").
- (3) As a (pro forma) member of the diplomatic staff of the Finnish Permanent Representation to the EU, the rep is styled "Counsellor".

- 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?**

The standard contract length is four years. It was decided in connection with the recent administrative review that the target should be a single four year term, but flexibility was left for ad hoc adjustments in unforeseen situations.

- 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?**

Not applicable.

- 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.

All of these, with reporting as the major component. Please refer to qu 7.

- 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?**

As the focus will shift over time and between times of year, it is not possible to determine time allocations. Broadly speaking, the rep is aware that he/she is in a post that is viewed as symbolical and potentially useful, and is encouraged to show initiative in creating added value. Typically this involves reporting on subjects that are interesting, but overlooked by others; by tailoring analysis to the Eduskunta's special needs and tastes and by facilitating the work of the Eduskunta.

- 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?**

The rep provides a weekly analytical report and is expected to report ad hoc on high profile developments. The rep also maintains background fact sheets related to scrutiny dossiers at the Eduskunta. The rep is expected to use his/her discretion in choosing topics, having due regard to feedback and specific requests from Helsinki.

- 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?**

The rep's supervisor is the Director of the EU Secretariat. The term "priorities" may be a bit strong for a position lacking executive duties.

- 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?**

No. The regular and ad hoc reports are sufficient evidence of what the rep is doing.

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

As a rule, no.

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?

The rep is assisted by a trainee. These are recent or imminent graduates recruited for six month periods. The functions assigned depend very much on the skills of each trainee and are at the discretion of the rep: some write first-rate reports from day one, others might be assigned a particular research task, yet others are useful office resources.

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

The post was the subject of a comprehensive administrative review in the autumn of 2008. The outcome was that the current job description remains appropriate. It was remarked that the benefits of the post as such, are mainly in the realm of political symbolism. The actual value lies in having reps, which are able to identify ways to provide added value, i.e. the Brussels rep is useful only when talented. The role of the rep's office may grow, if the network of reps acquires some sort of facilitating or clearing-house role in terms of the subsidiarity procedure. On the other hand, the Eduskunta feels strongly that reps, in spite of the title, are not meant to "represent" their parliaments in terms of negotiating substantive issues – their job is to facilitate the communication and fact-finding of their respective institutions and political masters.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

Through the bi-annual reports we can receive some information of procedures and practices elsewhere, but they have not had any consequences in regard to our own 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?

In our opinion, these topics should be linked more closely to the discussion topics of the COSAC meetings and consider the papers more as background notes. We see very little use in having a discussion between the politicians for example of this bi-annual report. Everybody can read the results and conclusions of the reports and in certain cases results could be included in the Conclusions of the COSAC, but discussions should be reserved for more important and current topics.

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?

Topics were partly connected to the agenda of the COSAC (northern dimension) and priorities of the Finnish Presidency and partly suggested/decided by the previous COSAC meetings.

- 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?**

Referring to the previous answer, this should be dependent on the topics of the future COSAC meetings.

- 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.**

Reports should be more compact and analytical.

- 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.**

In majority of the cases, the answers have been prepared by the EU secretariat and no Members were 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?**

The bi-annual reports are mainly delivered to the COSAC delegations and in some cases also to the Members of the Grand Committee. The report is not translated, and has to date never been discussed by the committee.

France: Assemblée nationale

CHAPITRE 1: Contrôle parlementaire d'Europol et évaluation d'Eurojust

1. Comment votre Parlement/Chambre contrôle-t-il/elle les activités d'Europol et d'Eurojust ?

Le contrôle des activités d'Europol et d'Eurojust ne fait pas l'objet de procédures spécifiques.

La commission chargée des affaires européennes de l'Assemblée nationale examine les projets de textes qui lui sont transmis par le Gouvernement au titre de l'article 88-4 de la Constitution. La commission peut soit transmettre aux commissions permanentes ses analyses assorties ou non de conclusions, soit déposer un rapport d'information concluant éventuellement au dépôt d'une proposition de résolution.

Par ailleurs, même si un projet d'acte ou un sujet ne relève pas de l'article 88-4 de la Constitution, la commission exerce son devoir général d'information à l'égard des députés.

De plus, la révision constitutionnelle du 23 juillet 2008 a élargi le champ des textes transmis à l'Assemblée nationale et au Sénat. En effet, le Gouvernement soumet à l'Assemblée nationale et au Sénat les projets ou propositions d'actes des Communautés européennes et de l'Union européenne, sans que soit posée, comme précédemment, la limite tenant au caractère législatif des projets d'actes. Par ailleurs, l'Assemblée nationale peut adopter des résolutions sur tout document émis par les institutions européennes.

2. Est-ce que votre Parlement/Chambre envisage de développer le contrôle d'Europol et d'Eurojust? Veuillez préciser de quelle façon.

La commission chargée des affaires européennes utilisera les avancées de la révision constitutionnelle.

Par ailleurs, dans la perspective de l'entrée en vigueur du traité de Lisbonne, elle réfléchit aux nouveaux modes de contrôle d'Europol et d'Eurojust.

3. Quelle forme de communication directe – si elle existe – votre Parlement/Chambre utilise-t-il/elle avec votre membre national et/ou avec l'agent de liaison pour Europol et/ou Eurojust ?

Il n'existe pas de communication institutionnalisée entre l'Assemblée nationale et le membre national ou l'agent de liaison pour Europol ou Eurojust.

Néanmoins, la commission chargée des affaires européennes ou toute commission compétente peut auditionner ces responsables ainsi que le directeur d'Europol ou le président du collège d'Eurojust.

4. Le Traité de Lisbonne prévoit que les parlements nationaux et le Parlement européen s'impliquent dans l'évaluation des activités d'Eurojust et que le

Parlement européen conjointement avec les parlements nationaux examine les activités d'Europol. Selon votre Parlement/Chambre, quelle forme pourrait avoir cette coopération entre les parlements nationaux et entre les parlements nationaux et le Parlement européen ?

5. Quel rôle pourrait jouer la COSAC en ce qui concerne l'évaluation d'Eurojust et le contrôle des activités d'Europol ?

Pour la commission chargée des affaires européennes, plusieurs options sont possibles :

- le contrôle d'Europol et l'évaluation d'Eurojust pourraient avoir lieu au cours des réunions de la COSAC. Cela aurait l'avantage de ne pas nécessiter la création d'un nouvel organisme interparlementaire mais également l'inconvénient de représenter une charge importante sur l'ordre du jour de la COSAC qui n'est pas un organe spécifiquement dédié à ces questions. Dans ce cas, peut-être une délégation de parlementaires spécialisés de la COSAC pourrait-elle mener les débats ;
- une nouvelle structure interparlementaire dédiée pourrait être créée ;
- le Parlement européen pourrait organiser une réunion interparlementaire relative au contrôle d'Europol et à l'évaluation d'Eurojust.

La périodicité de ces réunions devrait être annuelle.

L'Assemblée nationale s'était d'ailleurs exprimée, dans sa résolution du 15 juin 2003, pour la mise en place d'une commission mixte composée de parlementaires européens et de parlementaires nationaux afin de contrôler Europol.

CHAPITRE 2: Le rôle des parlements européens dans la promotion des droits de l'Homme et de la démocratie dans le monde

1. Quelle(s) commission(s) traite(nt) des questions relatives aux droits de l'Homme dans votre Parlement/Chambre ?

Plusieurs commissions traitent des questions relatives aux droits de l'homme dans leurs champs de compétences respectifs. Deux commissions permanentes ont particulièrement la charge de ces questions : la commission des lois constitutionnelles, de la législation et de l'administration générale de la République, qui se concentre sur la législation française, et la commission des Affaires étrangères.

La commission chargée des affaires européennes est également chargée de ces questions au plan européen.

2. Est-ce que votre Parlement/Chambre débat de l'état actuel des droits de l'Homme et de la démocratie dans le monde? Si oui, de tels débats se déroulent-ils au sein de votre Parlement/Chambre régulièrement ou de façon ponctuelle ?

Il n'existe pas de débat spécifiquement dédié à l'état actuel des droits de l'Homme et de la démocratie dans le monde.

3. Est-ce que votre Parlement/Chambre adopte des résolutions ou publie des rapports sur les situations critiques en matière de droits de l'Homme et de démocratie dans le monde? Si c'est le cas, votre gouvernement est-il lié par ces résolutions ?

4. Comment votre Parlement/Chambre contrôle-t-il la politique de votre gouvernement dans le domaine de la promotion des droits de l'Homme et de la démocratie ?

L'Assemblée nationale n'a pas récemment adopté de résolutions ou publié de rapports portant uniquement sur les situations critiques en matière de droits de l'Homme et de démocratie dans le monde.

La commission des affaires étrangères auditionne chaque année la secrétaire d'Etat chargée des affaires étrangères et des droits de l'Homme. Les parlementaires interrogent le Gouvernement par le biais des questions orales ou écrites. D'une manière générale, les travaux réalisés en matière de droits de l'Homme sont partie intégrante des travaux parlementaires (travaux législatifs ou de contrôle).

5. Avant l'adoption d'un accord avec un pays tiers, est-ce que votre Parlement/Chambre est informé(e) de la situation des droits de l'Homme et de la démocratie dans ce pays ?

Cette information n'est pas systématique, notamment si le champ de l'accord international n'est pas en rapport avec les droits de l'Homme.

6. Les clauses relatives aux droits de l'Homme et à la démocratie sont devenues habituelles dans les accords entre la CE et les pays tiers. Quelle est la position de votre Parlement/Chambre par rapport à ce type de clauses ?

La commission des affaires européennes estime que ces clauses sont utiles en principe même si leur application concrète est loin d'être optimale.

7. Est-ce que votre Parlement/Chambre soutient ou participe à des initiatives ou des projets visant à promouvoir les droits de l'Homme et la démocratie? Si oui, veuillez préciser.

La coopération interparlementaire tendant à la promotion des droits de l'Homme et de la démocratie recouvre plusieurs types d'activités auxquelles participe l'Assemblée nationale :

- les programmes réguliers sur plusieurs années qui sont notamment financés par le PNUD ou l'Union européenne. Deux programmes européens sont actuellement en cours au Vietnam et en Moldavie ;
- les formations ponctuelles de personnels des assemblées étrangères ;
- les séminaires pour les fonctionnaires parlementaires du Maghreb et de l'Afrique subsaharienne, en coopération avec le Sénat, le ministère des affaires étrangères et l'Ecole nationale d'administration (ENA).

8. Ces initiatives ou projets sont-ils liés aux activités d'autres parlements nationaux, de l'Union européenne ou du Conseil de l'Europe?

Le plus souvent, ces projets sont liés aux activités du Sénat et des parlements de l'Union européenne, notamment s'agissant des programmes financés par l'Union pour lesquels les

pays répondent à plusieurs aux appels d'offres. Le programme auquel participe l'Assemblée nationale en Moldavie se fait ainsi en coopération avec l'Assemblée nationale hongroise et le Sénat français.

Pour plus de détails, vous pouvez vous référer au rapport sur l'assistance aux nouvelles démocraties émergentes (NEDs) figurant sur le site d'IPEX.

9. Quels sont les critères appliqués par votre Parlement/Chambre pour sélectionner ces initiatives et projets?

Il n'est pas possible de répondre très précisément à cette question, en dehors des critères tenant à la capacité de répondre aux appels d'offres ou à la sécurité du pays.

8. Ces initiatives ou projets sont-ils liés aux activités d'autres parlements nationaux, de l'Union européenne ou du Conseil de l'Europe?

9. Quels sont les critères appliqués par votre Parlement/Chambre pour sélectionner ces initiatives et projets?

CHAPITRE 3: Représentants des parlements nationaux à l'UE

- 1. Quand votre Parlement/Chambre a-t-il envoyé son premier représentant auprès du Parlement européen/des institutions européennes/de l'Union européenne (ci-après « auprès de l'UE »)? Veuillez indiquer les noms et les mandats de l'ensemble de vos représentants auprès de l'UE jusqu'à présent.**

Le premier représentant a été nommé le 1er mars 2003.

M. Jean-Pierre Mevellec du 1er mars 2003 au 30 novembre 2004 ;

M. François Duluc, le 1er décembre 2004 au 30 septembre 2007 ;

M. Frank Baron, à compter du 1er octobre 2007.

- 2. Pour quelles raisons votre Parlement/Chambre a-t-il décidé d'envoyer ou de ne pas envoyer de représentant permanent auprès de l'UE ?**

Pour assurer une présence permanente auprès des institutions européennes, exercer une mission de veille et assurer l'organisation des missions parlementaires à Bruxelles et Strasbourg.

- 3. Quel est le titre du représentant de votre Parlement/Chambre ?**

Représentant de l'Assemblée nationale française auprès de l'Union européenne.

- 4. Le mandat du représentant de votre Parlement/Chambre auprès de l'UE a-t-il une durée déterminée, ou la décision est-elle prise au cas par cas? Le mandat est-il renouvelable ?**

Le représentant de l'Assemblée à Bruxelles n'est pas nommé pour une durée déterminée. Comme l'ensemble des fonctionnaires de l'Assemblée nationale, la durée maximale de ses fonctions est de huit années.

- 5. Si un Parlement bicaméral a un seul représentant auprès de l'Union européenne, comment ce représentant coordonne-t-il ses activités avec les deux Chambres ? Si les deux Chambres ont chacune leur propre représentant auprès de l'UE, comment ces représentants coordonnent-ils leurs activités entre eux ?**

Les deux représentants échangent quotidiennement des informations sur leurs activités respectives de manière informelle.

- 6. Quelles sont les principales fonctions du représentant de votre Parlement/Chambre auprès de l'UE : établissement de rapports, coopération interparlementaire, contacts avec les députés européens, visites auprès des institutions européennes ou d'autres organes? Veuillez préciser.**

- organisation et accompagnement des missions parlementaires auprès des institutions européennes ;
- veille législative européenne au profit des services de l'Assemblée ;
- suivi des sessions plénières et des réunions des commissions du Parlement européen ;
- suivi des réunions interparlementaires ;
- suivi des groupes de réflexion (*think thanks*).

- 7. Sur quels sujets le représentant de votre Parlement/Chambre auprès de l'UE concentre-t-il ses activités ? Pourriez-vous indiquer les activités par ordre de priorité et, si possible, préciser le temps alloué aux différentes activités ?**

Pas de sujet privilégié. Pour l'ordre des priorités, se reporter à l'ordre présentant les principales fonctions du représentant permanent au point 6.

- 8. Le représentant de votre Parlement/Chambre auprès de l'Union européenne doit-il faire un rapport sur l'évolution des affaires européennes de façon régulière ou ponctuelle? Comment la décision concernant les thèmes du rapport est-elle prise ?**

Les rapports d'information sur les affaires européennes sont établis par la commission des affaires européennes. Le représentant permanent n'est pas chargé d'établir de tels documents.

- 9. De quelle autorité le représentant de votre Parlement/Chambre auprès de l'UE relève-t-il/elle au sein de l'administration de votre Parlement/Chambre ? Qui définit les priorités dans son travail ?**

Le représentant relève directement du directeur général des affaires européennes, internationales et de défense. Il travaille sous son contrôle et en étroite relation avec le directeur du service des affaires européennes.

- 10. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il le devoir de faire régulièrement un rapport sur ses activités ? Si oui, à qui : la commission**

des affaires européennes, une autre commission, le Secrétaire général, la Représentation permanente de votre pays auprès de l'UE ou une autre entité?

Le représentant rend régulièrement compte de son action au directeur général des affaires européennes, internationales et de défense. Il informe le directeur de la commission des affaires européennes, ainsi que les fonctionnaires des différents secrétariats de commission. Il établit un bilan d'activité annuel à l'attention du Secrétaire général de l'Assemblée nationale et de la Présidence.

11. Le représentant de votre Parlement/ Chambre auprès de l'UE assiste-t-il aux conférences des présidents des parlements, aux réunions des Secrétaires généraux et aux réunions de la COSAC ?

Non (sauf lorsque la France exerce la présidence de l'Union européenne).

12. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il un ou plusieurs assistants ? Si oui, quelles tâches supplémentaires l'assistant/les assistants accomplissent-ils pour votre Parlement/Chambre ?

Le représentant a un assistant doté du statut de fonctionnaire. La nomination de ce deuxième fonctionnaire a été décidée à l'approche de la présidence française de l'Union européenne, notamment pour l'exercice des fonctions de secrétariat de la COSAC et pour suppléer le représentant permanent dans ses différentes fonctions. L'assistant a en charge la prise de rendez-vous pour l'organisation des missions parlementaires ; il assure la transmission des informations en provenance de la Représentation permanente française et du Parlement européen vers les services de l'Assemblée intéressés ; il supplée le représentant permanent dans ses fonctions en cas d'empêchement de celui-ci. Cette équipe peut être ponctuellement renforcée par un stagiaire.

13. Votre Parlement/Chambre a-t-il des projets ou des idées visant à faire évoluer à l'avenir la fonction de votre représentant auprès de l'UE ?

L'Assemblée nationale a fait évoluer les fonctions de son représentant permanent auprès de l'UE en juillet 2007 : il a désormais pour mission d'informer l'ensemble des commissions permanentes et des services chargés du contrôle au sein de l'Assemblée nationale et non plus la seule commission des affaires européennes. Le représentant permanent sera en outre chargé d'un rôle de veille et de coordination avec ses homologues dans le cadre des nouveaux pouvoirs reconnus aux parlements nationaux par le traité de Lisbonne.

CHAPITRE 4: Evaluation des rapport bisannuels de la COSAC

1. Quelle est la valeur ajoutée des rapports semestriels au regard des activités de la COSAC et de vos procédures et pratiques parlementaires ?

Le rapport de la COSAC fournit un instrument utile de comparaison sur les thèmes à l'ordre du jour des réunions. Il apporte en particulier une forte valeur ajoutée pour la mise en œuvre du contrôle de la subsidiarité.

2. Selon votre Parlement/Chambre, dans quelle mesure les thèmes du rapport semestriel devraient-ils être liés à l'ordre du jour des réunions de la COSAC ?

Dans notre esprit, le rapport semestriel est principalement un document préparatoire aux réunions de la COSAC. Cela n'empêche cependant pas qu'il puisse se concentrer, à titre subsidiaire, sur d'autres questions dès lors qu'elles présentent un intérêt particulier pour la coopération interparlementaire. Il importe également à nos yeux qu'il comporte régulièrement une partie consacrée à l'échange d'expériences entre Parlements sur la mise en place des nouvelles prérogatives qui leur sont reconnues par les traités.

3. Question pour les Parlements/Chambres qui ont présidé la COSAC entre 2004 et 2008: Quels sont les critères que votre Parlement/Chambre a pris en considération lors du choix des sujets pour le rapport semestriel au cours de votre présidence ?

Voir réponse au 2.

4. Les rapports semestriels de la COSAC portant sur «l'évolution des procédures et des pratiques européennes concernant le contrôle parlementaire», quels sujets, selon votre Parlement/Chambre, mériteraient d'être traités dans les prochains rapports semestriels ?

Les prochains rapports semestriels pourraient utilement :

- faire le point sur les modifications apportées aux procédures parlementaires des Etats membres pour préparer la mise en œuvre des nouveaux pouvoirs reconnus aux Parlements nationaux par le traité de Lisbonne (réformes constitutionnelles et réglementaires, nouvelles pratiques, etc.) ;
- dresser un bilan d'ensemble de l'usage du contrôle informel de la subsidiarité en recensant le nombre d'avis émis sur les principales propositions d'actes européens examinées et en présentant brièvement leurs motivations ;
- établir un « rapport d'étape » sur le développement de la coopération interparlementaire en évaluant le rôle et l'influence des divers organes (Conférence des Présidents des Parlements de l'Union, COSAC, joint committee meetings, etc.) et les modalités pratiques de leur coordination.

5. Quel est l'avis général de votre Parlement/Chambre sur la forme des rapports semestriels ? En particulier, le nombre de chapitres, la longueur des chapitres, la présentation, etc. ? N'hésitez pas à proposer des modifications.

La forme des rapports semestriels apparaît aujourd'hui satisfaisante. Elle n'appelle pas de remarques particulières.

6. Quelle procédure est mise en œuvre au sein de votre Parlement/Chambre pour préparer et approuver les réponses aux questionnaires pour les rapports semestriels ? Veuillez préciser quels services administratifs de votre Parlement/Chambre sont concernés et si les membres de votre commission des affaires européennes sont impliqués.

Les réponses au questionnaire sont rédigées par les administrateurs du Secrétariat de la Commission chargée des affaires européennes concernés au fond et approuvées par le chef du Secrétariat. Les questions de fond les plus importantes peuvent toutefois être soumises, en tant que de besoin, à l'autorité politique.

7. Les membres de votre Parlement/Chambre sont-ils informés du contenu des rapports semestriels ? Plus précisément : le rapport semestriel est-il distribué aux membres de la commission des affaires européennes ? Si c'est le cas, le rapport semestriel qui est disponible en français et en anglais, est-il traduit dans votre langue ? Le rapport semestriel est-il débattu au sein de la commission des affaires européennes?

Le rapport semestriel n'est pas, à ce jour, distribué aux membres de la Commission chargée des affaires européennes, à l'exception des membres de sa délégation au sein de la COSAC. Une réunion de la Commission est cependant traditionnellement consacrée à un débat sur le déroulement et les conclusions de la COSAC, sur rapport du Président de la Commission. Il est désormais envisagé de fournir aux députés le rapport semestriel, en français, au cours de cette réunion.

France: Sénat

CHAPITRE 1 : Contrôle parlementaire d'Europol et évaluation d'Eurojust

1. Comment votre Chambre contrôle-t-elle les activités d'Europol et d'Eurojust ?

Pas plus la Convention institutive d'Europol que la nouvelle décision la remplaçant ne contient de disposition spécifique sur le pouvoir de contrôle des parlements nationaux. En outre, le remplacement de la Convention institutive d'Europol par une simple décision du Conseil a eu pour effet de supprimer la procédure de ratification parlementaire qui s'appliquait aux modifications apportées à la convention. La décision instituant Eurojust ne prévoit pas non plus l'information des parlements nationaux sur les activités et la gestion d'Eurojust.

Bien que la marge d'intervention des parlements nationaux soit, dans ces conditions, réduite, le Sénat peut néanmoins prendre position sur les projets de texte qui lui sont transmis, en application de l'article 88-4 de la Constitution, concernant Europol ou Eurojust, ce qu'il a fait pour la récente décision renforçant Eurojust.

La commission des affaires européennes a effectué, en mars 2007, une visite à La Haye pour rencontrer le membre national et les responsables d'Europol et d'Eurojust. Le compte rendu des entretiens menés à cette occasion a été publié.

Le Sénat utilise par ailleurs les moyens d'information et de contrôle à sa disposition, notamment la procédure des questions orales européennes avec débat prévues par son règlement. Il a ainsi tenu, le 12 décembre 2007, un débat sur les perspectives d'évolution d'Eurojust, en présence de la garde des Sceaux, ministre de la Justice. Il peut aussi interroger le Gouvernement dans le cadre des questions orales sans débat sur l'activité d'Europol et d'Eurojust.

2. Est-ce que votre Parlement/Chambre envisage de développer le contrôle d'Europol et d'Eurojust ? Veuillez préciser de quelle façon.

Le Sénat juge indispensable l'association des parlements nationaux au contrôle d'Europol et à l'évaluation d'Eurojust. Il a demandé à plusieurs reprises la création d'une commission mixte composée de parlementaires européens et nationaux pour assurer le contrôle d'Europol (Cf. réponse question 4). Il s'inscrit désormais dans la perspective de l'entrée en vigueur du Traité de Lisbonne qui prévoit expressément cette association.

3. Quelle forme de communication directe – si elle existe – votre Parlement/Chambre utilise-t-elle avec votre membre national et/ou avec l'agent de liaison pour Europol et/ou Eurojust ?

Il n'existe pas de communication directe institutionnalisée avec le membre national d'Eurojust et les représentants français au sein d'Europol. Mais des contacts sont noués chaque fois que nécessaire.

4. Le Traité de Lisbonne prévoit que les Parlements nationaux et le Parlement européen s'impliquent dans l'évaluation des activités d'Eurojust et que le Parlement européen conjointement avec les parlements nationaux examine les activités d'Europol. Selon

votre Parlement/Chambre, quelle forme pourrait avoir cette coopération entre les parlements nationaux et entre les parlements nationaux et le Parlement européen ?

Le Sénat s'est déclaré favorable à la création d'une commission mixte composée de parlementaires européens et nationaux qui serait chargée d'assurer le contrôle d'Europol. Il a adopté, le 25 novembre 2003, une résolution appelant le Gouvernement à s'opposer à l'adoption du protocole modifiant la convention Europol tant que n'aura pas été inscrite une disposition permettant la création d'une commission, composée en particulier de parlementaires nationaux, chargée d'examiner les questions liées à Europol et de procéder à la comparution du directeur d'Europol. Il a réitéré cette demande dans une résolution en date du 27 février 2007 portant sur le projet de décision modifiant la base juridique d'Europol. Rappelant que les parlements nationaux devaient être associés au contrôle des activités d'Europol, comme le prévoyait le traité constitutionnel, le Sénat avait demandé au Gouvernement d'oeuvrer au sein du Conseil afin que le texte prévoie la création d'une commission, composée de parlementaires européens et nationaux, chargée du suivi des activités d'Europol.

Actuellement, la décision du Conseil instituant Eurojust a seulement prévu une information du Conseil et du Parlement européen sur les activités et la gestion d'Eurojust. La perspective, ouverte par le traité de Lisbonne, d'association des parlements nationaux à ce mécanisme doit conduire à examiner un certain nombre de questions : l'extension aux parlements nationaux de l'information dont bénéficient aujourd'hui le Conseil et le Parlement européen, la mise en place d'une relation directe entre Eurojust et tous les parlements, Parlement européen et parlements nationaux, la faculté pour les parlements d'auditionner les responsables d'Eurojust et la mise en place éventuelle d'une structure commune sous la forme d'une commission mixte.

En outre, des mesures spécifiques destinées à assurer le contrôle d'Europol et l'évaluation des activités d'Eurojust par les parlements nationaux devraient se combiner avec les prérogatives plus générales reconnues à ces derniers par le traité de Lisbonne. Le protocole n° 1, qui prévoit l'existence d'une conférence des organes parlementaires spécialisés dans les affaires de l'Union (COSAC), lui permet de soumettre ses contributions au Parlement européen, au Conseil et à la Commission. Ce protocole prévoit en outre qu'« elle peut également organiser des conférences interparlementaires sur des thèmes particuliers ».

CHAPITRE 2 : Le rôle des parlements européens dans la promotion des droits de l'homme et de la démocratie dans le monde

1. Quelle(s) commission (s) traite des questions relatives aux droits de l'Homme dans votre Parlement/Chambre ?

La commission des Lois est compétente, à titre principal, pour ce qui concerne les questions relatives aux droits de l'homme au plan national. Les projets ou propositions de loi ainsi que les propositions de résolution européenne intéressant ces questions lui sont renvoyés. En outre, elle rend chaque année un avis sur le programme budgétaire « *Protection des droits et libertés* », qui a été créé à l'initiative du Sénat, et utilise les différents moyens d'information et de contrôle (auditions,...) pour approfondir ces questions.

La commission des Affaires étrangères traitent des questions relatives aux droits de l'homme dans leur dimension internationale. Elle est saisie des projets de loi tendant à autoriser la

ratification de traités ou accords internationaux. Elle assure un suivi de l'action des grandes institutions internationales dans ce domaine, en tout premier lieu l'Organisation des Nations Unies. Elle utilise en outre les moyens d'information et de contrôle à sa disposition, notamment les auditions et les missions à l'étranger.

La commission des affaires européennes est appelée à se prononcer sur les propositions d'actes communautaires, ainsi que sur tout document émanant d'une institution de l'Union européenne, qui intéressent les droits de l'homme. Elle peut proposer au Sénat d'adopter des résolutions européennes sur ces textes ou documents. Elle contribue aussi à l'information du Sénat sur ces questions. C'est ainsi qu'elle a entendu, le 4 février 2009, conjointement avec la commission des Affaires étrangères, une communication de M. Robert Badinter sur l'Union européenne et les droits de l'homme, dont elle a décidé qu'elle ferait l'objet d'un rapport d'information.

2. Est-ce que votre Parlement/Chambre débat de l'état actuel des droits de l'Homme et de la démocratie dans le monde ? Si oui, de tels débats se déroulent-ils au sein de votre Parlement/Chambre régulièrement ou de façon ponctuelle ?

Le Sénat peut être appelé à débattre de l'état actuel des droits de l'Homme et de la démocratie dans le monde. Ces débats peuvent se dérouler à l'occasion d'une déclaration du Gouvernement ou d'une question orale posée par un sénateur. C'est ainsi que, le 6 février 2008, il a débattu, à la suite d'une question orale, de la politique de la France pour promouvoir le respect des traités internationaux concernant les droits de l'homme. Par ailleurs, ces sujets sont régulièrement évoqués lors des questions d'actualité au Gouvernement qui ont lieu tous les quinze jours, par exemple : les droits de l'homme en Russie le 20 octobre 2006, la situation au Tibet le 20 mars 2008. Chaque Conseil européen donnant lieu à un débat préalable au Sénat, ce peut être l'occasion d'évoquer des questions relatives aux droits de l'Homme et à la démocratie dans le monde, qui figureraient à l'ordre du jour du Conseil.

3. Est-ce que votre Parlement/Chambre adopte des résolutions ou publie des rapports sur les situations critiques en matière de droits de l'Homme et de démocratie dans le monde ? Si c'est le cas, votre gouvernement est-il lié par ces résolutions ?

Le Sénat peut diligenter des missions d'information à l'étranger, dont les travaux donnent lieu à la publication d'un rapport d'information.

L'article 88-4 de la Constitution permet en outre aux assemblées de voter des résolutions européennes sur les projets ou propositions d'actes des Communautés européennes et de l'Union européenne, ainsi que sur tout document émanant d'une institution de l'Union européenne. Ces résolutions européennes peuvent donc notamment porter sur les questions intéressant les droits de l'homme et la démocratie dans le monde. Ces résolutions ne lient pas juridiquement le Gouvernement mais ont une portée politique incontestable.

En outre, la loi constitutionnelle n° 2008-724 du 23 juillet 2008 a inséré dans la Constitution un article 34-1 qui permet aux assemblées de voter des résolutions sur tout sujet dans les conditions fixées par une loi organique. Mais sont irrecevables et ne peuvent être inscrites à l'ordre du jour les propositions de résolution dont le Gouvernement estime que leur adoption ou leur rejet serait de nature à mettre en cause sa responsabilité ou qu'elles contiennent des injonctions à son égard.

4. Comment votre Parlement/Chambre contrôle-t-il la politique de votre gouvernement dans le domaine de la promotion des droits de l'Homme et de la démocratie ?

Le Sénat peut utiliser tous les moyens d'information et de contrôle à la disposition du Parlement pour contrôler la politique du Gouvernement dans ce domaine, notamment les questions d'actualité, les questions orales avec ou sans débat et les questions écrites. L'audition des ministres par les commissions compétentes, tout particulièrement la commission des affaires étrangères, permet un suivi régulier de ces questions. En outre, le Sénat est appelé à autoriser la ratification de traités ou d'accords internationaux concernant ces sujets.

5. Avant l'adoption d'un accord avec un pays tiers, est-ce que votre Parlement/Chambre est informée de la situation des droits de l'Homme et de la démocratie dans ce pays ?

Tout projet de loi tendant à autoriser la ratification d'accords avec des pays tiers est renvoyé à la commission des affaires étrangères qui publie un rapport préalablement à la discussion du projet de loi en séance publique. Le rapporteur peut requérir du Gouvernement tous les éléments d'information qui lui semblent nécessaires pour éclairer le Sénat, notamment sur la situation des droits de l'homme dans le pays concerné. Si elle le juge nécessaire, la commission des affaires étrangères peut entendre le ministre ou solliciter toute personne ou organisme susceptible de l'informer sur ces questions. En outre, en séance publique, les Sénateurs peuvent interroger le Gouvernement lors de la discussion générale sur le projet de loi.

6. Les clauses relatives aux droits de l'Homme et à la démocratie sont devenues habituelles dans les accords entre la CE et les pays tiers. Quelle est la position de votre Parlement/Chambre par rapport à ce type de clauses ?

Le Sénat est en principe très favorable à des clauses de ce type.

7. Est-ce que votre Parlement/Chambre soutient ou participe à des initiatives ou des projets visant à promouvoir les droits de l'Homme et la démocratie ? Si oui, veuillez préciser.

Le Sénat contribue, à parité avec l'Assemblée nationale, à la délégation française à l'Assemblée parlementaire du Conseil de l'Europe. A travers cette délégation, il peut contribuer à toute initiative ou projet de l'Assemblée parlementaire visant à promouvoir les droits de l'Homme et la démocratie.

Plusieurs délégations sénatoriales participent par ailleurs aux assemblées parlementaires internationales, en particulier l'Union interparlementaire (UIP), l'Assemblée parlementaire de la Francophonie (APF), l'Assemblée Parlementaire de la Méditerranée (APM), ainsi que l'Assemblée parlementaire pour la coopération économique de la Mer Noire (PABSEC), où le Parlement français a un statut d'observateur. La présence de sénateurs au sein de ces Assemblées leur permet d'exprimer leur propre appréciation sur les grands sujets internationaux qui sont débattus dans ces enceintes parlementaires.

A l'initiative du Sénat français, le Forum des Sénats du Monde a été réuni en mars 2000 à Paris. Il a pu dresser le constat de l'important essor du bicamérisme dans les parlements

contemporains. A l'invitation du Président du Sénat français, les Présidents de quatorze deuxième chambres européennes ont, au cours d'une réunion qui s'est tenue à Paris le 8 novembre 2000, décidé la création d'une Association des Sénats d'Europe. Cette Association regroupe aujourd'hui les secondes Chambres d'Allemagne, d'Autriche, de Belgique, de Bosnie et Herzégovine, d'Espagne, de France, d'Italie, des Pays-Bas, de Pologne, de Roumanie, de Russie, de Slovénie, de Suisse, de la République Tchèque et du Royaume-Uni, ainsi que le Conseil d'Etat du Luxembourg à titre d'observateur. L'Association, qui se fixe pour objectifs le développement des relations entre ses membres, la promotion du bicamérisme dans le cadre de la démocratie parlementaire et le renforcement de l'identité et de la conscience européennes, organise, chaque année, au moins une réunion des Présidents des Sénats sur des thèmes précis déterminés à l'avance d'un commun accord.

Le Sénat diligente également des missions d'observations électorales dans différents pays du monde. Il prend une part très active à la coopération interparlementaire. L'objet de son intervention au titre de cette coopération peut être général (organisation et fonctionnement d'une assemblée parlementaire), particulier (conseil pour l'organisation du bâtiment du parlement, mise en place d'un site internet, établissement des comptes rendus des débats en séance plénière, vote de la loi de finances et contrôle budgétaire, rédaction du règlement intérieur de l'assemblée ou du statut de son personnel,...) ou spécifique (aide à la mise en place de la nouvelle chambre créée, fonctionnement d'un parlement bicaméral, représentation des collectivités locales). La transmission de savoir-faire emprunte quatre voies : les missions et séminaires à l'étranger, l'accueil de stagiaires au Sénat, le suivi des relations avec les correspondants des parlements étrangers, l'établissement d'une documentation pédagogique.

8. Ces initiatives ou projets sont-ils liés aux activités d'autres parlements nationaux de l'Union européenne ou du Conseil de l'Europe ?

L'activité du Président du Sénat en matière de relations internationales peut être l'occasion de porter ou de soutenir des initiatives auprès d'autres parlements nationaux d'Etats membres de l'Union européenne ou du Conseil de l'Europe. Cette activité est marquée par de très nombreuses audiences au Sénat mais aussi par des déplacements à l'étranger en réponse à l'invitation de gouvernements ou de parlements, ainsi que par l'accueil de délégations parlementaires.

Les délégations sénatoriales dans les différentes assemblées internationales mentionnées ci-dessus sont naturellement appelées à nouer des contacts réguliers avec les délégations des autres États.

Les groupes interparlementaires d'amitié permettent par ailleurs d'établir des liens suivis avec les parlementaires et les autorités publiques du pays correspondant. Ces groupes ont un champ d'activités très large, puisqu'au delà des relations interparlementaires proprement dites, ils favorisent le lancement et le suivi de nombreux projets dans différents secteurs. En 2007, le Sénat comptait 79 groupes interparlementaires, couvrant la quasi-totalité des États du monde (il existe, en outre, un groupe d'information à vocation internationale sur le Tibet). Les groupes sénatoriaux d'amitié sont des instruments privilégiés de la diplomatie parlementaire.

9. Quels sont les critères appliqués par votre Parlement/Chambre pour sélectionner ces initiatives et projets ?

Si les actions bilatérales sont le plus souvent ponctuelles, elles peuvent aussi s'inscrire dans un cadre préétabli, à savoir un accord de coopération entre le Sénat français et une assemblée étrangère.

Avec la prise de conscience des liens entre développement économique et démocratie, les institutions internationales tendent, de plus en plus, à inclure un volet institutionnel d'appui à l'état de droit dans leurs programmes. Il s'agit à la fois d'apporter une aide financière et technique favorisant la création d'une économie de marché et de stabiliser les nouvelles démocraties en aidant à la modernisation de l'État. Partenaire de ces actions multilatérales, le Sénat français met régulièrement sa capacité d'expertise et son savoir-faire au service de plusieurs programmes de la Commission européenne, de la Banque mondiale, de la Banque interaméricaine de développement, du Programme des Nations-Unies pour le développement (PNUD), ou encore de l'Union Interparlementaire et d'institutions financières internationales. L'expérience montre que les deux niveaux d'intervention, multilatéral et bilatéral, sont souvent complémentaires.

CHAPITRE 3 : Représentants des parlements nationaux auprès de l'Union européenne

- 1. Quand votre Parlement/Chambre a-t-il envoyé son premier représentant auprès du Parlement européen/des institutions européennes/de l'Union européenne (ci-après « auprès de l'UE »)? Veuillez indiquer les noms et les mandats de l'ensemble de vos représentants auprès de l'UE jusqu'à présent.**

Le Sénat français a envoyé son premier représentant à Bruxelles en mai 1999, avec pour mission d'entretenir des relations avec la Représentation permanente de la France auprès de l'Union européenne, le Parlement européen, et plus généralement, l'ensemble des institutions de l'Union européenne, Commission européenne, Conseil et Parlement européen. Aucun mandat officiel de représentation ne lui a toutefois été donné, car il faut souligner que le représentant du Sénat français à Bruxelles est un fonctionnaire parlementaire et non un représentant politique. Les titulaires du poste depuis sa création ont été M. Marc Thoumelou (de mai 1999 à octobre 2005) et Mme Anne Marquant (de novembre 2005 à aujourd'hui), administrateurs des services du Sénat.

- 2. Pour quelles raisons votre Parlement/Chambre a-t-il décidé d'envoyer ou de ne pas envoyer de représentant permanent auprès de l'UE ?**

Le Président du Sénat français a pris la décision, en mai 1999, de créer une antenne administrative permanente à Bruxelles afin de disposer "*d'une information rapide, complète et à tous les stades sur les sujets débattus à Bruxelles*" comme le soulignait le président de la délégation pour l'Union européenne du Sénat de l'époque, M. Michel Barnier, dans sa communication sur la mise en place de l'antenne administrative permanente du Sénat à Bruxelles du 26 mai 1999. Il s'agissait ainsi de pouvoir intervenir "en amont" du processus de décision européen, afin que la position du Sénat français puisse être exprimée le plus tôt possible, avant que le processus décisionnel soit trop engagé. Il s'agissait également pour les sénateurs, en tant qu'élus proches du terrain, d'alerter les autorités de l'Union sur les inquiétudes des citoyens français, et d'appeler leur attention sur leurs aspirations. Afin de ne pas perdre le contact avec les sénateurs, le fonctionnaire du Sénat responsable de l'antenne à Bruxelles doit se rendre chaque semaine au Sénat à Paris. Il a pour mission autant d'informer les sénateurs sur les projets européens que d'informer les institutions européennes des travaux du Sénat.

3. Quel est le titre du représentant de votre Parlement/Chambre ?

Le représentant du Sénat français est l'administrateur du service des affaires européennes "responsable de l'antenne administrative du Sénat à Bruxelles".

4. Le mandat du représentant de votre Parlement/Chambre auprès de l'UE a-t-il une durée déterminée, ou la décision est-elle prise au cas par cas? Le mandat est-il renouvelable ?

Le représentant du Sénat français en poste à Bruxelles est un fonctionnaire qui n'a pas de mandat *stricto sensu*. Il s'agit d'un administrateur du service des affaires européennes, qui n'a pas de limitation de durée pour sa présence à Bruxelles, sous réserve des décisions individuelles prises par l'administration et des règles de mobilité interne qui s'imposent au cadre des administrateurs des services du Sénat.

5. Si un Parlement bicaméral a un seul représentant auprès de l'Union européenne, comment ce représentant coordonne-t-il ses activités avec les deux Chambres ? Si les deux Chambres ont chacune leur propre représentant auprès de l'UE, comment ces représentants coordonnent-ils leurs activités entre eux ?

Le Parlement français est un parlement bicaméral et chaque chambre dispose de son propre représentant à Bruxelles. Les représentants de l'Assemblée nationale et du Sénat agissent chacun en fonction des seules missions qui leur sont confiées par leurs assemblées respectives. Toutefois, une coordination de leurs activités a été nécessaire sous présidence française. Cette coordination s'est faite à travers un dialogue constant des autorités politiques des deux chambres qui s'est traduit par une coordination administrative à Paris et à Bruxelles. De manière plus pragmatique, une information constante et réciproque des deux représentants du Parlement français à Bruxelles existe, pour les réunions ou événements qui impliquent les deux assemblées.

6. Quelles sont les principales fonctions du représentant de votre Parlement/Chambre auprès de l'UE : établissement de rapports, coopération interparlementaire, contacts avec les députés européens, visites auprès des institutions européennes ou d'autres organes? Veuillez préciser.

Bénéficiant d'une implantation dans les locaux de la représentation permanente de la France et dans ceux du Parlement européen, le représentant du Sénat français apporte aux sénateurs un soutien technique à l'organisation de leurs déplacements auprès des institutions européennes. Il est également chargé de collecter des informations sur les projets européens auprès de la Commission, du Conseil ou de la représentation permanente de la France et de diffuser les travaux du Sénat en matière européenne aux différentes institutions. Il travaille avec la direction générale de la Présidence et la direction des parlements nationaux du Parlement européen et échange régulièrement des informations avec les autres représentants des parlements nationaux basés dans les locaux du Parlement européen à Bruxelles.

7. Sur quels sujets le représentant de votre Parlement/Chambre auprès de l'UE concentre-t-il ses activités ? Pourriez-vous indiquer les activités par ordre de priorité et, si possible, préciser le temps alloué aux différentes activités ?

Le représentant du Sénat français à Bruxelles concentre ses activités sur les thèmes intéressant les sénateurs, c'est-à-dire sur les thèmes en cours d'examen au Sénat ou qui lui ont été indiqués comme revêtant un intérêt particulier pour l'institution. Ces thèmes sont donc très nombreux et touchent à tous les domaines de l'activité législative européenne ainsi qu'à la question transversale de la subsidiarité.

8. Le représentant de votre Parlement/Chambre auprès de l'Union européenne doit-il faire un rapport sur l'évolution des affaires européennes de façon régulière ou ponctuelle? Comment la décision concernant les thèmes du rapport est-elle prise ?

Le représentant n'a pas d'obligation de faire un rapport sur l'évolution des affaires européennes.

9. De quelle autorité le représentant de votre Parlement/Chambre auprès de l'UE relève-t-il/elle au sein de l'administration de votre Parlement/Chambre ? Qui définit les priorités dans son travail ?

Le représentant du Sénat français en poste à Bruxelles est un administrateur du service des affaires européennes, placé sous l'autorité du directeur du service des affaires européennes, lui-même placé sous l'autorité du secrétaire général du Sénat. Le service des affaires européennes assure le secrétariat de la commission des affaires européennes, présidée par le sénateur Hubert Haenel. Le représentant à Bruxelles répond par ailleurs aux demandes formulées par tout sénateur ayant recours aux services de l'antenne du Sénat à Bruxelles.

10. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il le devoir de faire régulièrement un rapport sur ses activités ? Si oui, à qui : la commission des affaires européennes, une autre commission, le Secrétaire général, la Représentation permanente de votre pays auprès de l'UE ou une autre entité?

Le représentant du Sénat français à Bruxelles n'a pas d'obligation de faire régulièrement rapport de ses activités mais il rend compte de sa mission au moins annuellement auprès du directeur du service des affaires européennes et du secrétaire général du Sénat.

11. Le représentant de votre Parlement/ Chambre auprès de l'UE assiste-t-il aux conférences des présidents des parlements, aux réunions des Secrétaires généraux et aux réunions de la COSAC ?

Le représentant du Sénat français à Bruxelles assiste aux réunions plénières de la COSAC et a assisté ponctuellement au cours des dernières années à des réunions préparatoires aux conférences des présidents des parlements de l'Union européenne.

12. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il un ou plusieurs assistants ? Si oui, quelles tâches supplémentaires l'assistant/les assistants accomplissent-ils pour votre Parlement/Chambre ?

Le représentant du Sénat français à Bruxelles n'a pas d'assistant permanent.

13. Votre Parlement/Chambre a-t-il des projets ou des idées visant à faire évoluer à l'avenir la fonction de votre représentant auprès de l'UE ?

L'évolution de la fonction du représentant du Sénat français à Bruxelles dépendra de la décision du Président et des instances dirigeantes du Sénat. Aucune décision n'a été prise à ce jour.

CHAPITRE 4 : Évaluation des rapports semestriels de la COSAC

1. Quelle est la valeur ajoutée des rapports semestriels au regard des activités de la COSAC et de vos procédures et pratiques parlementaires ?

Le rapport semestriel de la COSAC est un outil précieux pour connaître les procédures et pratiques des chambres parlementaires des autres États membres en matière européenne. Il constitue une ressource documentaire importante pour effectuer des études comparatives, et peut fournir des informations intéressantes dans le cadre d'une réflexion sur l'évolution des procédures existantes au sein de notre assemblée.

2. Selon votre Parlement/Chambre, dans quelle mesure les thèmes du rapport semestriel devraient-ils être liés à l'ordre du jour des réunions de la COSAC ?

L'absence de lien direct entre les sujets retenus pour le rapport semestriel et l'ordre du jour des réunions de la COSAC devrait être la règle générale. Il existe en effet une différence claire entre les sujets évoqués dans les rapports et qui relèvent de l'échange des bonnes pratiques en matière de procédure parlementaire, et les points à l'ordre du jour des réunions qui sont en majorité de nature politique. Le rapport semestriel n'a pas vocation à préparer les débats ; en revanche, la Présidence en exercice peut préparer et distribuer avant les réunions des notes introductives (*background paper*) élaborés sous sa responsabilité, si elle le juge utile. Les travaux réalisés dans le cadre du rapport semestriel doivent cependant pouvoir donner lieu à un débat, comme c'est le cas actuellement, dans le cadre d'un point de l'ordre du jour réservé à l'examen du rapport.

3. Question pour les Parlements/Chambres qui ont présidé la COSAC entre 2004 et 2008: Quels sont les critères que votre Parlement/Chambre a pris en considération lors du choix des sujets pour le rapport semestriel au cours de votre présidence ?

Le choix des sujets pour le rapport semestriel a été déterminé tout d'abord par l'actualité de l'Union européenne (la ratification du traité de Lisbonne) et de la COSAC (constitution d'un groupe de travail sur l'application du Protocole 2 sur la subsidiarité par les parlements nationaux). Le choix a été également inspiré par la volonté de faire un bilan des pratiques et procédures parlementaires concernant un sujet prioritaire de la Présidence française (la Politique européenne de défense) et un sujet inédit (l'examen par les parlements des accords négociés par la Communauté européenne).

4. Les rapports semestriels de la COSAC portant sur «l'évolution des procédures et des pratiques européennes concernant le contrôle parlementaire», quels sujets, selon votre Parlement/Chambre, mériteraient d'être traités dans les prochains rapports semestriels ?

L'examen par les parlements des textes soumis à une procédure de comitologie.

5. Quel est l'avis général de votre Parlement/Chambre sur la forme des rapports semestriels ? En particulier, le nombre de chapitres, la longueur des chapitres, la présentation, etc ? N'hésitez pas à proposer des modifications.

Il faut lutter contre une tendance qui conduirait à faire des rapports semestriels de la COSAC des documents de type universitaire. Il faut privilégier un format court, en limitant autant que possible la longueur des chapitres ou en réduisant le nombre de chapitres, afin d'accroître la lisibilité.

6. Quelle procédure est mise en œuvre au sein de votre Parlement/Chambre pour préparer et approuver les réponses aux questionnaires pour les rapports semestriels ? Veuillez préciser quels services administratifs de votre Parlement/Chambre sont concernés et si les membres de votre commission des affaires européennes sont impliqués.

Les réponses aux questionnaires sont préparées par les fonctionnaires du service des affaires européennes du Sénat sous le contrôle du président de la commission des affaires européennes. Au besoin, si certains sujets l'exigent, il est fait appel à d'autres services.

7. Les membres de votre Parlement/Chambre sont-ils informés du contenu des rapports semestriels ? Plus précisément : le rapport semestriel est-il distribué aux membres de la commission des affaires européennes ? Si c'est le cas, le rapport semestriel qui est disponible en français et en anglais, est-il traduit dans votre langue ? Le rapport semestriel est-il débattu au sein de la commission des affaires européennes?

Le rapport est distribué en priorité aux membres de la commission qui assistent aux débats de la COSAC. Les autres membres de la commission sont informés de ce rapport et peuvent en obtenir communication à leur demande.

Le rapport en tant que tel ne fait pas l'objet d'un débat au sein de la commission. En revanche, les débats de la COSAC y sont régulièrement évoqués.

Germany: Bundestag

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The German Bundestag ratified the Europol Convention and its amendments. Moreover, the Bundestag agreed to the establishment of Eurojust through the Eurojust Act in 2002. As the activities of Europol and Eurojust are part of the police and judicial cooperation in criminal matters (third pillar) and belong to the intergovernmental structures of the EU, the activities of Europol or Eurojust are part of the general scrutiny in justice and home affairs. A concrete parliamentary scrutiny right concerning the activities of Europol or Eurojust themselves does not exist. Nevertheless, all relevant committees - the Committee on European Affairs, the Committee on Internal Affairs and the Committee on Legal Affairs of the German Bundestag - deal with Europol's and Eurojust's work. In June 2005, for instance, the current Europol director, Max-Peter Ratzel, took part in an EU-Committee's meeting. Moreover, Europol's activities have mattered in various motions and discussions also with the Federal Government in the three relevant Committees.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

The necessity of an improved parliamentary scrutiny of Europol and Eurojust is current political consensus. Future scrutiny rights have not yet been substantiated or elaborated.

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?

An institutionalized direct communication between the German Bundestag and Europol or Eurojust does not exist. The German Bundestag and its relevant committees, however, may request the institutions' presence at any time.

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?

The Committee on Affairs of the European Union of the German Bundestag is discussing the cooperation of national parliaments and the European Parliament as well as the enhanced parliamentary involvement in the evaluation of Eurojust or rather in the scrutiny of Europol after the entry into force of the Lisbon Treaty.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

COSAC should continue to be the discussion and exchange forum for national parliaments and the European Parliament concerning general political questions but especially concerning the parliamentary scrutiny and control of EU institutions.

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

Questions:

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The German Bundestag constituted a Committee on Human Rights and Humanitarian Aid which is the leading Committee on human rights issues. Since many human rights related questions, decisions or motions have a transnational reference the Foreign Affairs Committee and the Committee on European Affairs are regularly participating in the deliberations. Moreover, the Committee on Economic Cooperation and Development, the Defence Committee, the Legal Affairs Committee and the Committee on Internal Affairs are sometimes involved in the deliberations of motions on human rights related questions.

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?

Questions on human rights are in many cases part of the parliamentary debate. The members of the Bundestag often use their right to put questions to the Federal Government for questioning on human rights issues. The questions' focus often depends on current incidents, though questions and motions are also used to refer to general deficiencies (e.g. minority rights in certain countries) or to discuss institutional questions (e.g. European Union Fundamental Rights Agency). On a regular basis the parliament, especially the Committee on Human Rights and Humanitarian Aid, discusses human rights when the Federal Governments presents its annual human rights report to the German Bundestag, for Human Rights Day and on the occasion of the announcement of the EU annual report on human rights.

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?

Neither the German Bundestag nor the responsible committee publish a report on the human rights situation in the world. Human rights are, however, subject of an annual parliamentary resolution on the occasion of Human Rights Day as well as of motions, committee recommendations and debates.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

Beyond the Bundestag's general controlling rights the Members of Parliament and the parliamentary groups often use their right to put questions to the Federal Government especially in order to control its human rights policy. The Committee on Human Rights and Humanitarian Aid is not legislative, nevertheless, it is in continuous contact with the government and exercises its parliamentary control also by inviting members of the government regularly to its sittings.

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?

An obligation to inform the parliament (beforehand) on the human rights situation does not exist. The relevant committees and the plenary take note of governmental agreements. An

international treaty needs, however, to be ratified by the parliament on the basis of a law. The explanatory memorandum of the government as part of the legislative proposal might contain information on 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?

The fact that human rights and democracy clauses have become standard parts of agreements is welcomed. It is one measure to emphasise the unconditional validity of human rights.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

As described the German Bundestag and its committees are very actively dealing with human rights and their (worldwide) protection. One of its important initiatives is called "Parliamentarians protect Parliamentarians". For further information please refer to the enclosed information flyer.

The German Bundestag sends among others delegations to the following interparliamentary organisations and regional forums that bear upon human rights issues: the Council of Europe, the Inter-Parliamentary Union and the OSCE Parliamentary Assembly.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

There are several common projects and an intensive cooperation between the relevant institutions. Since for example the Chairwoman of the Committee on Human Rights and Humanitarian Aid, Dr. Herta Däubler-Gmelin, is also Chairwoman of the Committee on Legal Affairs and Human Rights of the Parliamentary Assembly of the Council of Europe, on March 23 and 24, 2009 a common committee meeting in Berlin takes place. Please also refer to question 7.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

A catalogue of criteria does not exist. The defence of human rights is the fundamental interest of all projects and initiatives.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

In November 2005 the German Bundestag opened its Liaison Office to the European Union and sent its first representative, Ms. Vesna Popovic. She has been the only representative 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?

Especially during the deliberations of the constitutional treaty it was regarded necessary to finally – as the 21. national parliament - institutionalize closer ties between the German

Bundestag and the EU institutions. Working experience had shown that the Bundestag needed an instrument to cooperate directly with the EU institutions, also in order to strengthen its positions in European Affairs.

3. What is the title of the representative of your Parliament/Chamber?

“Permanent Officer of the German Bundestag to the EU”

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?

No, a fixed term does not exist.

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?

Only the German Bundestag holds a representative to the EU institutions and a liaison office in Brussels.

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.

The main function is reporting. Besides the inter-parliamentary cooperation contacts to the EU-institutions, to the permanent representations of the Länder to the European Union, to special interest groups and to lobby groups belong to the important tasks of the Bundestag's representative.

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?

Especially in comparison to the activities of other parliament's representatives the focus of the Bundestag's representative lies in a balanced observation of the EU Commission's, the European Parliament's and obliquely the council's activities. Especially through observations at an early stage the representative and the other members of the liaison office find out which action, procedures or issue could be of high interest and importance for the German Bundestag as a national parliament.

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?

The representative reports on both a regular and an ad hoc basis. The decisions on the issues are taken by the representative. The topics are mostly selected by their topicality and their importance or significance as an EU topic for the Bundestag as a national parliament.

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?

As an administrative unit the representative's office belongs to the division PA 1 – Europe within the administration of the German Bundestag.

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?

The representative's reports are sent to the Members of the German Bundestag, each committee of the German Bundestag and their secretariats, to the Secretary-General of the German Bundestag, to various administrative units and to the parliamentary groups.

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

No.

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?

Besides the representative herself four other members of staff of the Bundestag's administration are working in the Liaison Office to the European Union. On an organizationally independent basis the parliamentary groups are represented in the Liaison Office, too.

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

No concrete plans have been drawn, yet.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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?

The subjects of the Bi-annual Reports are usually related to topical discussions on EU policy issues. Therefore, they offer an insight into particular positions of the 27 member states and become a useful basis for following debates on EU and national level as well as for the cooperation of the national parliaments.

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?

A link to the particular COSAC agenda should be provided in order to offer a basis for discussion for the COSAC. Especially procedure issues are, however, sometimes difficult to discuss in detail in the plenary. They can superiorly be evaluated on a written level. In those cases the link to the COSAC agenda is not essentially necessary.

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?

During the German Presidency of the EU in 2007 the topics of the COSAC Bi-annual Report were mainly chosen with reference to the work programme of the presidency and the agenda of the COSAC. Moreover, it derived from COSAC's role as a body for exchanging information, in particular on the practical aspects of parliamentary scrutiny.

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?

The future implementation and application of Protocol No.1 of the Lisbon Treaty, especially concerning subsidiarity checks, the future cooperation of parliaments in the European Union (Art.9) and the future role of COSAC (Art.10), should be part of prospect 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.

Introduction and executive summary are very important to give an overview and to guarantee that the main implications of the report achieve the reader.

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.

The answers of the COSAC questionnaires are usually prepared and approved by the Secretariat of the Committee on the Affairs of the European Union in cooperation with those administrative units, whose competences are also affected. Until now it had not been necessary to involve the EU-Committee's members. Whenever it would seem necessary the political level would certainly be 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?

Since the Bi-annual Report is basis of the debates held at each COSAC meeting, it is distributed to the German delegation members in advance to each COSAC. It is used in English. A detailed discussion in the EU-Committee on the report has so far not taken place.

Germany: Bundesrat

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The Bundesrat has examined the draft Europol Convention and its transformation into a Council Decision and has adopted an Opinion addressed to the German federal government in each instance. In addition, a Bundesrat representative attends meetings of the Europol Management Board and reports to the office of the Bundesrat's Committee on European Union Questions on the results of these meetings.

If Eurojust is addressed in the Article 36 Council Committee and/or in the Council Working Group on Cooperation in Criminal Matters, the Bundesrat representatives appointed to these two bodies also report back to the office of the Bundesrat's Committee on European Union Questions on the outcome of deliberations. The Bundesrat's debate on 4th July 2008 on the initiative by various Member States to strengthen Eurojust, and its adoption of an Opinion addressed to the German federal government is the most recent example of how the Bundesrat responds to information from the Bundesrat representative in the Council Working Group on Cooperation in Criminal Matters.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

A decision has not yet been taken on how scrutiny of Europol and Eurojust will be conducted in the future. The Bundesrat is waiting for the Commission to table proposals on how national parliaments are to be integrated into the procedure.

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?

There is no direct communication.

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?

A decision has not yet been taken on how cooperation should be organised between national parliaments and the European Parliament on the question of scrutiny of Europol's activities. One conceivable approach would be to utilise the coordination mechanisms envisaged in the context of the early warning system here as well.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

In keeping with its area of activities, an exchange of information and opinions on scrutiny of Europol and evaluation of Eurojust could be organised within COSAC, as discussed at the XL COSAC meeting in Paris.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

There is not a separate committee for human rights issues in the Bundesrat. The Legal Affairs Committee does however examine all draft bills to ensure the legislation complies with the constitution. In the process the committee also always checks that the legislation does not infringe civil liberties. In exceptional cases the Committee on Legal Affairs also examines whether a draft bill is in compliance with the provisions of the European Convention on Human Rights. If violation of the European Convention on Human Rights is identified, the legislative procedure currently in force provides that the Bundesrat may submit an Opinion to this effect to the federal government pursuant to Article 76 Sub-section 2, Basic Law.

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?

Once a year, the Bundesrat deliberates on the report from the federal government on the activities of the Council of Europe over the preceding year. In the past the Bundesrat has repeatedly argued that improvements need to be made to ensure the European Court of Human Rights is better able to do its work.

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?

In addition to the Opinions cited in the answer to Question 1, the Bundesrat can adopt Resolutions to draw the federal government's attention to violations of the European Convention on Human Rights, although such Resolutions are not binding on the federal government. To date however the Bundesrat has not availed itself of this possibility.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

Please refer to the answer to question 2.

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?

During deliberations in the committees on a ratification bill, the federal government reports on the situation in respect of human rights and democracy in the third country in question if there are any points that need to be raised.

- 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?**

The Bundesrat has not yet made any general statements on treaty clauses relating to human rights and democracy.

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

Please refer to the answer to question 8.

- 8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**

The Bundesrat does not run its own programmes to promote democracy and respect for human rights in third countries, but has in the past participated in programmes run by other institutions. However, Bundesrat representatives are regularly involved in information meetings at the political and civil servant level with government and parliamentary delegations from transition countries who are seeking to gain insight into the German federal system, and the activities and functioning of the Bundesrat as part of their endeavours to enhance democracy and decentralisation in their own countries. These meetings are either organised through direct contacts with the third country in question or are conducted as part of study and dialogue programmes organised by other organisations, including the German Foreign Office, the German Bundestag and the foundations run by the various German political parties.

- 9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?**

As a general rule the Bundesrat is very amenable to requests by third countries to arrange a meeting. The Foreign Office is consulted in individual cases should there be any uncertainty.

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

To date the Bundesrat has not been represented via a national representative to the European Parliament / to the EU institutions.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

So far it has not been felt that there was a need for the Bundesrat to send its own representative to the European Parliament / to the EU institutions. Ever since the EU was established, the *Länder* Observer to the EC has participated in Council meetings as a member of the German delegation. This observer represents all 16 German federal states (*Länder*). In addition, since the mid-1980s the federal states have had their own representative offices in Brussels, which work in cooperation with the *Länder* Observer and the Federation's Permanent Representative.

3. What is the title of the representative of your Parliament/Chamber?

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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?

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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?

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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?

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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?

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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?

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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?

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

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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?

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

The question of whether there is a need for a Bundesrat representative to the European Parliament/ to the European institutions could be re-evaluated against the backdrop of the planned early warning system.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The Bi-annual Reports summarise comparative information, which is otherwise not available or would be very difficult to find. These reports are extraordinarily useful in preparing COSAC meetings. That is the added value of the Bi-annual Reports.

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?

It is not essential for the topics of the Bi-annual Report to be linked to the points on the agenda of COSAC meetings, but has proved to be very expedient. In the interest of substantive debates that genuinely help us to move forward on the issues, the topics addressed in the Bi-annual Reports should continue to be guided by the agenda of COSAC meetings and make a well-prepared compendium of information available to those 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?

In choosing the topics for the 7th Bi-annual Report, which was drawn up under the German Presidency, the considerations cited in the answer to question 2 were crucial. The topics addressed in the 7th Bi-annual Report were intended both to serve as preparation for discussions at the Berlin COSAC meeting and to provide background information for that meeting.

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?

Against the backdrop of the answers to questions 2 and 3, generally speaking it seems appropriate to continue with current practice, with each Presidency deciding at its own discretion which topics will be addressed in the Bi-annual Report. The Bundesrat

considers "Better Lawmaking", a topic on which the Commission has recently tabled two Communications, to be of great importance.

- 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.**

The format of Bi-annual Reports devised by the COSAC-Secretariat has proved its worth. In this context practical layout issues for the Bi-annual Report should continue to be dealt with by the COSAC Secretariat.

- 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.**

Within the Bundesrat it is the office of the Committee on European Union Questions that draws up the answers to the questionnaire for the Bi-annual Reports. Where necessary, other Bundesrat divisions and units are also involved. Committee chairs are consulted if the answers to the questionnaire lay the groundwork for decisions and/or have an impact on key policy concepts.

- 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?**

The Bi-annual Report is not translated into German. Participants from the Bundesrat attending the COSAC meeting receive the reports with a summary and appraisal of the topics addressed in order to prepare for the meeting.

Greece: Vouli Ton Ellinon

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. **How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?**

The Hellenic Parliament has not yet started scrutinizing the activities of Europol and Eurojust on a regular basis.

2. **Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.**

The Committee for European Affairs is planning to hold joint sittings with the competent Standing Committee in order to discuss together with the Greek liaison officers for Europol and Eurojust and representatives from the Ministry for Interior and the Ministry of Justice, on any suggestions and ideas as how to formulate, in the best possible way, their cooperation in this field.

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?**

So far we are not in direct communication with the above mentioned liaison officers.

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?**

We believe that the dialogue between LIBE (Civil Liberties, Justice and Home Affairs) Committee of the European Parliament and the competent Standing Committees of National Parliaments should continue and their annual joint meetings could serve as a basis for cooperation in this field.

5. **What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?**

COSAC meetings should not deal with these issues on a regular basis, as we believe that the COSAC Meetings' agendas should be more flexible, in order to be able to discuss and examine matters of current concern or other issues of wider or major interest.

Instead it is the competent Justice and Home Affairs Committees that should be authorised to deal with issues that imply special technical knowledge. It should be

within the responsibility of those committees to evaluate regularly Europol's and Eurojust's reports in order to identify trends in criminal activity throughout EU, the possibilities of future prevention, cooperation in the fight against organised crime and so on.

The European Affairs Committees should be involved mostly in institutional issues, regarding Europol's and Eurojust's function, as for example their founding Acts and their Amendments.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Special Permanent Committee for Equality, Youth and Human Rights, is the competent committee in the Hellenic Parliament. Furthermore, according to our Standing Orders, ad hoc or Special Committees may be set up in order to deal with more specific issues. In this context, a Special Committee for the Examination of the Penitentiary System has been established and is actually elaborating its report.

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?

The aforementioned Committee deals mostly with the situation of human rights within the territory. Discussions on the state of human rights and Democracy in the world may have occurred in the framework of parliamentary committees' work either within the context of legislative elaboration or within the exercise of parliamentary control. The Chamber has on several occasions brought about the actual state of human rights (in general or more specifically) when debating on major political issues (eg external affairs, economic crisis etc). Finally, the worldwide situation of human rights comes also under the responsibility of the Standing Committee for National Defence and Foreign Affairs when performing its duties.

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?

There are no such resolutions or reports published in the recent years by the Committees of the Plenum of the Hellenic Parliament. All international conventions, however, including of course those on human rights, have to be ratified by law passed by the plenum of the House. In such cases the Bill ratifying the treaty/convention is debated by the House, giving rise to political debate in the field. Furthermore, the IPU declaration on Democracy voted in 1997 has been translated into Greek and published by the Parliament. It has been reproduced on the occasion of the celebration of the international day for Democracy in Sept. 2008 accompanied by the speeches delivered on the day by the President of the IPU and the Speaker of the Hellenic Parliament.

4. **How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

Mostly by organizing hearings with the participation of the Ombudsman and other agents, as well as with NGOs' representatives. It needs to be mentioned that parliamentary control often focuses on aspects of human rights and civil liberties.

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?**

Not in a formal way. The state of human rights and democracy may be mentioned during the debate, but the agreement which is submitted for ratification is not accompanied by any additional document concerning the above.

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?**

The Hellenic Parliament deems this clause as positive, on condition that it is not respected partially.

7. **Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

The Hellenic Parliament has set up an Institution for the Democracy and Parliamentarism, whose main objective is to promote the values of parliamentary democracy, by organizing conferences, exhibitions, publishing books etc.

Recently, the Hellenic Parliament celebrated the International Day of Democracy, by organizing an extraordinary sitting in the Plenary and a ceremony in Nauplion, at the seat of the first Parliament of Greece, after its independence.

8. **Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**

The Hellenic Parliament participates regularly in conferences and meetings organized at EU level, the Council of Europe, IPU or United Nations. Moreover in this context:

- We had translated and published the Declaration on Democracy, which was adopted on 1997 by IPU, and participated in the IDD celebration (see above).
- The Hellenic Parliament's competent committees hold meetings with the CoE Commissioner for Human Rights, whenever he visits the country.

Regarding cooperation with other Parliaments on this field, we have accepted to participate in seminars or other projects of assistance to emerging democracies, whenever we were asked to.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

True respect of Human Rights and Democracy and not using these fundamental values as a pretext for other purposes or political pressure.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

Our first representative Mr Harris Karabarbounis was dispatched on May 2005, and stayed since September 2006. He was succeeded by Mr George Papakostas, who still remains in office.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The growing involvement of National Parliaments in EU affairs, ever since the Constitutional Treaty was signed, made the necessity for fostering direct ties with the European Institutions evident. At the same time, European Parliament promoted and encouraged this kind of cooperation with national Parliaments.

3. What is the title of the representative of your Parliament/Chamber?

Head of the Hellenic Parliament's Liaison Office in the European Parliament

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?

There is not a fixed term.

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?

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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.

Our representative should:

- hold daily contacts with his counterparts, as well as with the European Parliament's committees staff and exchange information with them on issues of

mutual interest and particularly on issues regarding parliamentary scrutiny of European affairs.

- send reports and information obtained from debates in EP (both in Committee level and Plenary) as well as from the European Commission or from our country's Permanent Representation.
- hold contacts with Greek MEPs and their secretariats.
- assist delegations of the Hellenic Parliament participating in interparliamentary meetings in Brussels.

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?**

He performs the above mentioned tasks and his priorities are formulated according to the circumstances and the importance of the issues that are at stake.

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?**

He is expected to report on a regular basis. When there is a special interest on a topic he gets instructions accordingly.

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?**

According to the provisions of the Decision of Establishment of the Liaison Office of the Hellenic Parliament in the European Parliament he is accountable to the Diplomatic Advisors Office. However according to the new statute of the Hellenic Parliament's services this office will be placed under the Directorate for European Affairs.

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?**

His reports are addressed to all the above mentioned parties.

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

No

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

Yes. This task cannot be successfully accomplished without proper assistance and possibility for stand-in.

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

As mentioned in question 9 under our new statute our Representative will be more directly linked to the Directorate for European Affairs. However it is not known yet when these changes will come to force.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

COSAC's bi-annual reports provide useful information in many fields of parliamentary activity and a wide range of ideas for introducing best practices of one chamber in the functioning of another.

They are also interesting, not only for COSAC members but also for the EU citizens in general, as they provide means for evaluation and comparison of the parliamentary work with regard to EU affairs.

- 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?**

We deem positively the fact that some topics are linked to the agendas while others are of wider interest.

- 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?**

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- 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?**

There is a wide range of topics treated by past biannual reports. All of the important issues have been covered. However many of them may need updating, after a given amount of time, in order to incorporate possible changes, and developments.

- 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.**

The general opinion is positive. There should be flexibility concerning the number of chapters which should not be limited or prearranged.

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.

The answers are prepared by the Secretariat of the Committee for European Affairs under the supervision of the Bureau of the Committee.

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?

Some parts of the biannual reports are translated and distributed to members in case of a similar topic under discussion in the Committee for European Affairs.

Hungary: Országgyűlés

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The Hungarian National Assembly has not adopted a formal decision concerning the scrutiny of Europol and Eurojust yet. Amendments to the current scrutiny activities regulated by Act LIII of 2004 on the cooperation of the Parliament and the Government in European Union affairs is expected following the completion of ratification process of the Treaty of Lisbon. Nevertheless, in view of the rights and obligation conferred upon the national parliaments by the Treaty of Lisbon, the Committee on European Affairs of the Hungarian National Assembly has already begun its preparatory works.

The Committee held a public meeting on 24 February 2009, when the Hungarian national member of the Eurojust – Ms Ilona Lévai – had the opportunity to inform the Committee members about the role and tasks of the Eurojust. The Committee members raised numerous questions following the presentation, which contributed to a fruitful and vivid discussion concerning the activities of the Eurojust and the possible future role of the national parliaments in this regard.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

The Committee on European Affairs has already held a hearing in order to develop the scrutiny of Eurojust. (See reply no 1.)

In the near future, the Committee wishes to invite for a hearing the Hungarian member of Europol as well.

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?

See replies no 1 and 2.

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?

The Treaty of Lisbon foresees several amendments to the current role of national parliaments in EU affairs. Generally, the room for scrutiny of policies that at present fall under the so-called third pillar is rather limited yet.

Bearing in mind the cross-border character of organised crime, the effective scrutiny may require stronger cooperation between national parliaments.

The relevant articles of the Treaty of Lisbon confer primarily a regulatory and legislative power on the European Parliament with respect both to the Eurojust and the Europol. Probably the regular exchange of information would be the best form of cooperation.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

COSAC meetings provide an excellent forum for inter-parliamentary information exchange and discussions regarding the evaluation of Eurojust and the scrutiny of Europol.

COSAC may also contribute to the publication of the results of such meetings and consultations.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

Primarily the Committee on Human Rights, Minorities, Civil and Religious Affairs deals with human rights issues in the Hungarian National Assembly. The main task of the committee is to protect the fundamental rights laid down in the Constitution of the Republic of Hungary and in international human rights documents. The committee has the power to pass initiatives, proposals, publish reports in the field of equal treatment; data protection; criminal prosecution; refugee and immigration law and in relation to the enforcement measures which deprive or limit personal freedom. The committee also deals with national and ethnic minority rights; freedom of conscience religion and belief etc.

Other Committees also deal with human rights issues generally on an ad hoc basis. The Committee on European Affairs touches upon the above-mentioned subject in the course of its work as well, recently it has focused on data protection issues in relation to SIS and PNR proposals. (See also reply no 2.)

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?

The Hungarian National Assembly debates the actual state of human rights and democracy in the world at its plenary sessions on an ad hoc basis. Usually, these questions come up in the debates held on comprehensive political issues.

In fact standing committees are the ordinary fora of discussing such questions. For instance the Constitutional, Judicial and Standing Orders Committee and the Committee on Human Rights, Minorities, Civil and Religious Affairs organise a joint sitting to discuss the activities of the European Court of Human Rights each year. Besides, last year the Committee on European Affairs in course of a joint meeting with the Committee on Human Rights, Minorities, Civil and Religious Affairs discussed the yearly report both of Freedom House and Transparency International. Other committees also put such questions on their agenda from time to time.

- 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?**

The Hungarian National Assembly has the right to pass resolutions concerning human rights and democracy situations in the world.

- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

The Hungarian National Assembly has several rights concerning the control the policy of the government in the field of promotion of human rights and democracy. The MPs may organise political debates, pose interpellations, and ask questions, and the standing committees have the right to hold hearings in the field of promotion of human rights.

- 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?**

The Hungarian National Assembly is informed about such actions in form of a bill ratifying the agreement. In the preamble of such bill, there is no passage specifically relating to the actual state of human rights or democracy.

- 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?**

There is no official position by the Hungarian National Assembly on this subject.

- 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

- 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?**

Soon after the Hungarian EU-accession, the decision was taken in the Hungarian National Assembly to send a permanent representative to the European Parliament. Mr.

László Sinka, former head of unit at the EU Department of the Office for Foreign Relations has been representing the Hungarian National Assembly since August 2004.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The EU-accession has influenced directly the internal legislation and parliamentary control process. The continuously increasing level of EU-legislation required the Hungarian National Assembly to be better represented on EU-level and to establish effective channels for inter-parliamentary cooperation.

It was also expected from the representative to provide information on EU-matters regularly and to facilitate the work of the Hungarian National Assembly concerning EU-issues with special regard to the scrutiny procedure.

3. What is the title of the representative of your Parliament/Chamber?

The title of the representative is the following: Head of the Permanent Office to the EU of the Hungarian National Assembly

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?

The term of office of the representative is subject to the agreement between the Ministry of Foreign Affairs and the Hungarian National Assembly.

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?

The Hungarian National Assembly is a unicameral parliament.

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.

The representative's main functions are the following:

- to facilitate the EU-related activities of the Hungarian National Assembly and its Office by collecting and sending information from Brussels;
- to follow up developments in the EU institutions (main focus on EP) concerning dossiers that are under scrutiny in the Hungarian National Assembly. The representative produces weekly reports;
- to assist the mid- and long term strategic planning activity of the HNA concerning EU issues;
- to maintain contacts with the EU institutions (especially with the EP), other offices of national parliaments and diplomatic bodies in Brussels;

- to contribute to the visits of delegations of the Hungarian National Assembly to Brussels by participating in the preparation of their programs and the reception of the delegation;
- to contribute to the efforts of the EU Department of the Office for Foreign Relations in its information activity (i.e. newsletter) to MPs;
- to forward positions of the HNA to the EU institutions whenever this is needed.

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?

Regarding the priorities, see the order of reply no 6.

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?

The representative is expected to report on developments in the EU on a regular basis. Regarding the topics for reporting, see reply 6.

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?

The representative is accountable in both aspects to the Head of the Office for Foreign Relations.

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?

Yes, it is the duty of the representative to report regularly. The reports are sent to the members of the Committee on European Affairs, Constitutional, Judicial and Standing Orders Committee, Foreign Affairs and Hungarian Minorities Abroad Committee and the chairpersons of the standing committees.

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

No.

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?

Yes, the representative has an assistant. The assistant has no additional functions delegated to him/her by the Assembly. The assistant performs activities that are given to him/her by the representative.

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

The Office for Foreign Relations constantly adapts the activity of the Office to meet the challenges.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The Bi-annual reports provide EU-wide information on current parliamentary issues and contribute to the better understanding of the different constitutional frameworks of the national parliaments in EU affairs. These reports also summarise semester by semester the most important elements of the ongoing institutional issues which may directly influence the everyday work of national parliaments.

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?

The Hungarian National Assembly considers that the main topics of the Bi-annual Report should be linked to the main points of the agenda of the COSAC meetings. This synergy might facilitate more effective inter-parliamentary information exchange.

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?

The Hungarian National Assembly is scheduled to preside over COSAC as a member of the next trio-presidency, in the first half of 2011.

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?

The future Bi-annual Reports might focus on issues which are directly linked to parliamentary activities in EU affairs, such as models of scrutiny, application of the subsidiarity principle, institutional reforms etc.,

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.

The Hungarian National Assembly finds the Bi-annual Reports very informative, easy to understand and well structured. The latest reports reflect a proportionate share of each chapter. Regarding the content, beside the summary, chapters and conclusions, an added

general part of the reports might be a brief presentation of the activities of the presiding Parliament concerning EU/Presidency issues.

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.

The replies to the questionnaires are prepared by the staff of the secretariat of the Committee on European Affairs. The Members of the Committee are not involved but the Chairperson is informed about it.

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?

The Bi-annual reports are not discussed by the Committee on European Affairs.

Ireland: Houses of the Oireachtas

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The scrutiny of the activities of Europol and Eurojust fall under the normal scrutiny and oversight functions of the Oireachtas, which are carried out by the Joint Committees on European Affairs, European Scrutiny and Justice, Equality, Defence and Women's Rights. In addition, the Oireachtas has a role in approving Ireland's participation in measures under the area of Justice and Home Affairs.

Any draft Council Decision pertaining to Europol's or Eurojust's mandate and powers are scrutinised by the Joint Committee on European Scrutiny on the basis of information received from the Government. The Joint Committees on European Affairs and Justice, Equality, Defence and Women's Rights are free to examine the activities of Europol or Eurojust at any time in accordance with their orders of reference.

Article 29.4.6 of the Irish Constitution provides that "The State may exercise the options or discretions provided by or under Articles 1.11, 2.5 and 2.15 of the [Treaty of Amsterdam] and the second and fourth Protocols set out in the said Treaty but any such exercise shall be subject to the prior approval of both Houses of the Oireachtas." Where participation in a Title VI measure, such as those pertaining to the mandate of Europol or Eurojust, constitutes the exercise of an "option or discretion" within the meaning of Article 29.4.6 of the Constitution, the prior approval of both Houses of the Oireachtas is required to allow Ireland to agree to the adoption of the measure.

Specific Example of Oireachtas Procedures

A specific example will show how this operates in practice. As set out above, the Government cannot commit Ireland to take part in Justice and Home Affairs measures without the prior approval of the both Houses of the Oireachtas (in accordance with Article 29.4.6 of the Irish Constitution). The Government recently sought approval from the Oireachtas for Ireland to take part in the adoption of the Council Decision on strengthening the role of Eurojust (ref JAI 2008/3).

- a. The first step was that both Houses of the Oireachtas agreed motions referring the proposal to be considered by the Joint Committee on Justice, Equality, Defence and Women's Rights*
- b. that Committee held a meeting in public session on 26 November, 2008 with the Irish Minister for Justice to discuss the proposal in detail*
- c. the Committee reported back and both Houses agreed motions that the Government could confirm that Ireland would take part in the measure.*

The Council Decision was adopted on 16th December, 2008.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

The Joint Committee on European Affairs and Joint Committee on European Scrutiny are currently considering how best to implement the provisions of the Lisbon Treaty should it enter into force in respect of the Protocol on the application of Subsidiarity and Proportionality as well as Articles 85 and 88 in relation to parliamentary oversight of Europol and Eurojust. However, no decisions have been made as regards the exact modalities for the implementation of these provisions.

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?

There is no direct, regularised communication between the Oireachtas and Ireland's member and liaison officer with Europol and Eurojust respectively. However, the Joint Committee on European Affairs and/or the Joint Committee on Justice, Equality, Defence and Women's Rights are free to request information from Government on the role and function of the national member and/or liaison officer as part of their function to oversee and scrutinise EU policies in the Justice and Homes Affairs area.

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?

It should be up to each individual parliament to decide how best to fulfil their enhanced role under the relevant provisions of the Lisbon Treaty in accordance with their procedures and practices. However, it is also important that EU national parliaments and the European Parliament actively share information and views on issues pertaining to important EU policy areas, and in this case the activities of Europol and Eurojust. To this end, any scrutiny or evaluation reports completed by a national parliament on the role of Europol or Eurojust should be shared with other national parliaments and the European Parliament, possibly via IPEX. The European Parliament and its Committees should also be encouraged to systematically share its reports in this with national parliaments.

In addition, it appears that COSAC and Joint Parliamentary Meetings are the appropriate forums to share information and views between national parliaments and between national parliaments and the European Parliament on the activities of Europol and Eurojust. Perhaps, COSAC should decide to hold at least one debate a year on the activities of Europol and Eurojust which would include the participation of representatives from the respective institutions. Also, the activities of Europol and Eurojust could be the subject of a least one Joint Parliamentary meeting per year.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

Please see reply to question 4.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Joint Committee on Justice, Equality, Defence and Women's Rights has an oversight function in respect of Government policy on domestic human rights questions as it shadows the work of the Department of Justice, Equality and Law Reform. The Joint Committee on Foreign Affairs examines international human rights issues and has established a Sub-Committee on Human Rights. Specifically, the Sub-Committee on Human Rights considers such aspects of international human rights, including the role of the United Nations in this field, as the sub-Committee may select or as may be referred to it by the Joint Committee on Foreign Affairs.

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?

The Dáil or Seanad are free to debate issues pertaining to human rights if they so wish. This debate could be on the basis of a report from the Joint Committee on Justice, Equality, Defence and Women's Rights and/or the Sub-Committee on human rights. Questions of the human rights situation in the world or specific countries would also be raised regularly by way of Parliamentary questions. However, there is no specific time set aside for regular plenary debates on the actual state of human rights and democracy in the world.

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?

The Houses of the Oireachtas, either in plenary or through its Joint Committees, regularly pass motions on human rights issues. The relevant Joint Committees have also published reports on critical human rights and democracy situations in the world. For example, the Joint Committee on European Affairs and the Joint Committee on Foreign Affairs recently adopted motions and a statement on the human rights situation in Gaza in the context of the recent conflict. In a motion of the Joint Committee on European Affairs, the Committee has undertaken to evaluate Israel's commitment to Article 2 of the EU-Israel Association Agreement which related respects for human rights as a basis of the agreement. This work is ongoing.

Given that the executive has sole responsibility for foreign affairs under the Irish constitution, these motions and reports are not binding on the government. However, they do help to inform government decision making in respect of critical human rights issues.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

As outlined in the reply to question 3 above, the Oireachtas, through its committee system, fulfils its role in scrutinising the Government's policies in respect of the promotion of human rights and democracy and holds it to account for the decisions it takes in this field.

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?

If a committee is tasked with examining an agreement with a third country, it would be free to examine issues in respect of the human rights situation in that country, before reporting back to plenary. However, when plenary is asked to approve an international agreement, which it must do under the Irish constitution, there is no obligation on the government to inform it about the 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?

The Joint Committee on European Affairs believes that human rights and democracy clauses between the EC and third countries is essential. Any agreements between the EU and third countries should have as their basis the values of the Union, especially in terms of respecting human rights and promoting democracy. As referred to in question 4 above, a demonstration of how seriously the Joint Committee takes the commitment under these clauses is the recent adoption of a motion on the situation in Gaza and Israel's commitment to respecting Article 2 of the EU-Israel Association Agreement.

The motion states:

“That this Committee invite either the UN High Commissioner for Human Rights or the United Nations Special Rapporteur on the situation of human rights on Palestinian territories occupied since 1967, or their representative and the European Union Commissioner for External Relations and European Neighbourhood Policy and any other persons which this Committee deems necessary, as quickly as possible, with a view to assisting this Committee in determining whether or not as a matter of fact there has been a breach of Article Two of the EU / Israel EURO-MEDITERRANEAN Association Agreement of 1995.

Article 2

Relations between the Parties, as well as all the provisions of the Agreement itself, shall be based on respect for human rights and democratic principles, which guides their internal and international policy and constitutes an essential element of this Agreement.”

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.
N/A

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of <Europe>?
N/A

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?
N/A

CHAPTER 3: Representatives of National Parliaments to the EU

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?

The Houses of the Oireachtas sent its first representative on 1 September 2003.

(i) Mr. Kevin Leyden, 1 September 2003 to 1 July 2007.

(ii) Mr. John Hamilton, 1 July 2007 to date.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The Houses of the Oireachtas decided that a representative was required in Brussels as part of the preparation for the Irish EU Presidency in 2004 and while a member of the COSAC troika, and because of the changing and deepening relations between the EU institutions and the National Parliaments.

3. What is the title of the representative of your Parliament/Chamber?

The official title of the representative is "Permanent Representative of the Houses of the Oireachtas to the EU". The administrative title is "EU Liaison Officer".

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?

The term of office of the current representative is 3 years. The term is not renewable under present arrangements. At the end of this period, it is likely (subject to a formal decision by

the Houses of the Oireachtas Commission) that the post will be advertised internally in the Office of the Houses of the Oireachtas and filled via a competitive selection process.

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?

The Oireachtas is a bicameral Parliament. Both Chambers are however supported by a common body of staff. Most of the work of the representative involves supporting the activities of the Joint Oireachtas Committee on European Affairs and Joint Committee on European Scrutiny and, to a lesser extent, the work of other Oireachtas Committees. The membership of these Committees is drawn from both Chambers and consequently the question of coordination of activities with both Chambers does not arise.

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.

The specific functions of the representative include:

- Monitoring and reporting on political and legislative developments in the European Institutions.*
- Fostering communication with representatives of other EU national parliaments and publicising the activities of the Houses of the Oireachtas and its Committees in EU affairs.*
- Provision of assistance (both logistical and material) to Houses of the Oireachtas delegations attending EU related meetings in Brussels and elsewhere, including COSAC and Conference of Speakers.*
- Logistical support and input into Houses of the Oireachtas EU related training.*

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?

See response to Q,6 above. The first item occupies most of the representative's time.

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?

The representative produces a "digest" of EU developments every 2-3 weeks. Topics are selected based on the representative's knowledge of the work programmes of Oireachtas Committees, current priorities and issues of specific interest to Ireland. Reports on emerging developments are prepared on an ad-hoc basis for the relevant Committees.

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?

The representative is accountable to the Director of Committees, who sets overall priorities. Specific priorities are agreed with the secretariats of the European Affairs and European Scrutiny Committees.

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, and the Permanent Representation of your country to the EU or other body?

For administrative purposes, the representative is expected to report on his activities on a regular basis to the Director of Committees (or his Deputy). This is part of a formal performance management/review process. Also for administrative purposes, the representative is attached to the Irish Permanent Representation in Brussels. A memorandum of understanding has been drawn up between the Oireachtas and the Department of Foreign Affairs and the arrangements respect the principle of the separateness of the Oireachtas and Government. Consequently there are no formal reporting arrangements with the Representation.

The representative also meets with the Oireachtas European Affairs Committee and European Scrutiny to discuss his activities and EU developments.

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

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?

No

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

The role of the representative is constantly evolving to meet the needs of the Oireachtas. The position will be formally reviewed by the Houses of the Oireachtas Commission at the completion of the term of office of the current representative.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

COSAC Bi-annual can add value in a number of ways:

- *they offer an insight into the procedures and practices of other parliaments which can provide best practice examples for parliaments as they review and seek to improve their own procedures and practices;*
- *they give an insight into the views of other national parliaments and parliamentarians across Europe on key EU policies and issues of the day;*
- *they enable national parliaments to exchange information and experiences on the procedural aspects of scrutinising and overseeing EU policies and legislation (particularly useful in respect of the future possible implementation of the provisions of the Lisbon Treaty on enhancing the role of national parliaments);*
- *they can help focus the discussion on issues within national parliaments as well as at COSAC and joint parliamentary meetings.*

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?

The Joint Committee on European Affairs and the Joint Committee on European Scrutiny believe that the topics of the Bi-annual report should be linked to the agenda of the COSAC meeting. This can help to prepare the debate at COSAC and focus the discussion on the key issues under the selected topic. In this regard the Joint Committees believe that the bi-annual reports should be refocused on their original purpose, which is to provide the basis for debates in COSAC. The reports should be considered as a discussion paper with no formal status.

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?

The XXXI COSAC in May 2004 in Dublin received the presentation of the first biannual report of the COSAC Secretariat and gave a description of developments in the European Union likely to have a direct impact on the role and tasks of national parliaments. It was considered that since biannual reports were intended to be

“a factual report on developments in EU procedures and practices relevant to the parliamentary scrutiny”

and since Article 7.1.A. of COSAC's Rules and procedures states that

“The principal business on every draft Agenda shall be derived from COSAC's role as a body for exchanging information, in particular on the practical aspects of parliamentary scrutiny”

the first biannual report would provide information on current scrutiny procedures in place in national parliaments represented in COSAC. In this context the report provided up to date information on scrutiny procedures in national parliaments including in the then ten new member states.

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?

In this regard, the following issues could be dealt with by future COSAC Bi-annual reports:

- *a stocktaking of the EU scrutiny procedures in each national parliament;*
- *a comprehensive evaluation of the COSAC Subsidiarity checks to date in order to identify best practices and assess ways to improve communication and cooperation between national parliaments in the context of effectively implementing the Protocol on the application of subsidiarity and proportionality;*
- *a study of the principle of subsidiarity including the interpretation of the principle by the EU institutions, including the ECJ and by national governments and courts as well as national parliaments’ understanding of the principle of subsidiarity with a view to developing a common understanding of the principle;*
- *an examination of the co-decision procedures for adopting EU legislation and how best national parliaments can scrutinise the draft legislation which is adopted by this procedure, especially in the context of an increase in the number of first reading decisions.*

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.

The Joint Committee on European Affairs and the Joint Committee on European Scrutiny are generally happy with form of COSAC Bi-annual reports. However, we think that national parliaments should be given a formal opportunity to propose amendments to the bi-annual report before it is finalised. Therefore, we would ask that the draft report is circulated to national parliaments well enough in advance of the COSAC plenary session so to enable national parliaments to properly consider the report, to offer their views on its content and to propose any amendments.

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.

The reply to the questionnaires for Bi-annual reports is first drafted by the Secretariats to the Joint Committee on European Affairs and the Joint Committee on European Scrutiny. The draft reply is then considered by the Committees when individual members have an

opportunity to make amendments. Following agreement among the members, the draft reply is formally adopted by the Committees and a decision is taken to submit it to the COSAC Secretariat.

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?

The COSAC Bi-annual reports are distributed to the Joint Committee on European Affairs and the Joint Committee on European Scrutiny, and there is an opportunity for the Committees to debate the report.

Italy: Camera dei Deputati and Senato della Repubblica

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The Italian Parliament doesn't have a specific procedure for scrutinising the activities of Europol and Eurojust. Therefore the general scrutiny procedures can be carried out to this end.

In addition - according to law n. 93 of 23.03.1998 concerning the ratification of Europol Convention - a specific competence of monitoring the activity of the Europol national unit has been attributed to a bicameral Committee, composed of ten deputies and ten senators appointed by the Chairmen of the two Chambers, taking into account the proportions between the various political groups. According to the same law, every year the Italian Government is due to submit a report to the Committee on the implementation of Europol Convention.

The Committee has also competences on issues concerning the implementation of Schengen *acquis* and the immigration policies.

The instruments generally used by the Committee in its supervisory activity are hearings and fact-finding investigations. Between 2002 and 2003., during the XIV parliamentary term (2001-2006), a fact finding investigation on Europol was carried out in order to assess the prospects for its reinforcement, the interaction between different information systems in the field of justice and internal affairs and the functioning of our national unit.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

The Italian Parliament wishes that the provisions of the Lisbon Treaty concerning their association to the evaluation of Europol and Eurojust activities are fully operational in order to enhance the democratic control over the two bodies.

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?

None.

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?

The Italian Parliament thinks that Parliamentary meetings, to be held regularly between National Parliaments and European Parliament, constitute a good format to exercise the evaluation of Eurojust and Europol activities. In this context, the participation of the Director of Europol and the President of the College of Eurojust should be necessary.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

COSAC meetings should have on the agenda, on a regular basis, the evaluation of Eurojust and the scrutiny of Europol's activities, as the XL COSAC of Paris gave a good example.

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

(Chapter 2) SENATE

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Italian Senate has long been committed to human rights.

This commitment dates back to 1996 and the death penalty issue. In its 13th term, the Italian Senate established a Committee against the Death Penalty to follow the development of the world-wide death penalty ban.

Established by decree of the Senate President, the Committee was chaired by a Senate Vice President and included one senator from each Senate Parliamentary Group.

Senators established links with authorities and fellow parliamentarians in third countries and reported regularly to the Senate.

In the 14th Parliament, starting in 2001, the Senate decided to broaden the scope of the death penalty committee by establishing a Special Committee for the Protection and Promotion of Human Rights. The committee was established by a motion passed in the Senate and came to an end at the end of that Parliament. It was established again at the beginning of the 14th Parliament (2006) and yet again during the present Parliament (15th term, 2007).

It consists of 25 senators and seats are allocated to groups in proportion to their overall size in the Senate.

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?

Operating under Senate Rule 48, the Senate Human Rights Committee is conducting a fact-finding enquiry on how and how far human rights are protected in Italy and abroad.

Several hearings have been conducted, with ONG leaders and officers of the main international human rights organisations. By way of example, on 15 January 2009 the Committee heard the Council of Europe's Human Rights Commissioner, Mr Thomas Hammarberg.

A verbatim report is kept of hearings. The collection of verbatim reports will be published in early 2010.

Among the issues dealt with by the Committee throughout the years, mentions should be made of the following: the introduction of the crime of torture in Italian codes; a world-wide death penalty ban; the tragedy of child soldiers; racism, xenophobia; trafficking in human beings (on this topic, the Committee played a key role in the passage of Law 228 of 2003, "Measures against Trafficking in Human Beings", which is considered one of the most advanced in Europe).

The Committee has also scrutinised the Annual Report of the EU on Human Rights.

3. Does your Parliament/Chamber pass resolutions or publish reports on critical rights and democracy situations in the world? If so, are those resolutions binding on your government?

The 13th Parliament's Committee against the Death Penalty sponsored and ensured passage through the Senate of several motions against the enforcement of capital punishment in the world. In the same way, the 14th Parliament's Human Rights Committee sponsored several motions and resolutions, which were passed by the Senate. Just to mention a few such measures:

MEASURE	SITTING NO. - DATE	OBJECT	INDEXING
Motion	1/00047 - 29/10/2008	Combating discrimination against Christian communities in the world and establishment of a Prime Minister's Office on the Condition of Christians in the World	Human rights, religious discrimination, freedom of religion
Motion	1/00048 - 29/10/2008	Combating the persecution of Christians in India and ethnic and religious cleansing, in order to ensure the security of Christian religious minorities	Human rights, religious discrimination, freedom of religion
Motion	1/00049 - 29/10/2008	Combating discrimination, violence and ethnic and religious persecution fuelled by fundamentalism. Promotion of the role of the EU as a forum for the protection of human rights, peace and secular values.	Human rights, religious discrimination, fundamentalism, peace, cultural pluralism
Motion	1/00069 - 02/12/2008	Settlement of migrant foreign children in the Italian educational system with a view to integration in a multiethnic and balanced society	Human, children's and migrants' rights; right to education
Motion	1/00046 - 30/10/2008	Combating the persecution of	Human rights, religious

		Christian communities in India, Iraq and other countries.	discrimination, fundamentalism, peace, cultural pluralism
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4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

The Human Rights Committee has conducted inspections in the field ☐ followed by hearings of members of the Government ☐ on the protection of human rights in Italy. By way of example, the Committee visited Lampedusa island on 11 February 2009, to check conditions at the hospitality camp for illegal migrants. On 3 March 2009, the Committee summoned the Junior Interior Minister, Mr Alfredo Mantovano, for a hearing. Similarly, the Committee inspected a number of penitentiaries in Sicily on 12 and 13 March 2009 and has summoned the Justice Minister.

Through its members, the Committee has promoted the submission of questions and recommendations to the Government on the protection of human rights in the world. Just to mention a few such measures discussed recently:

MEASURE	SITTING NO. - DATE	OBJECT	INDEXING
Senate Recommendation (Measures 1/00046, 1/00047, 1/00048, 1/00049)	9/00046/01 30/10/2008	- Protection of the fundamental rights of the individual and religious freedom; fight against violence and persecution fuelled by ethnic and religious fundamentalism; promotion of measures combating the persecution of Christian communities in India, Iraq and other countries by fundamentalist and radical groups	Human rights, religious discrimination, fundamentalism, peace, cultural pluralism
Senate Recommendation	9/01108/020 23/10/2008	- Teaching of «Citizenship and Constitution», with a European perspective, so as to forge European, intercultural and tolerant citizens	Human Rights Charter, European Charter of Fundamental Rights, European Human Rights Convention, human rights, rights of the individual, professional

			training
Senate Recommendation	9/00759/006 23/07/2008	- Cloning, stem cells, respect for and protection of life from conception to death	Human Rights Charter, European Charter of Fundamental Rights, cloning, European Court of Justice
Question requesting written reply a	4/00801/ 13/11/2008	- Human rights situation in Zimbabwe. What can the EU and Italy do to make the Zimbabwean Government respect human rights?	Human rights, dictatorship, international role of the EU
Question requesting written reply a	4/00800 - 13/11/2008	Repression in Burma. What is to be done, in the framework of the EU's common foreign policy, to make the Burmese Government respect human rights?	Human rights, dictatorship, international role of the EU
Question requesting written reply a	4-00713 - 23/10/2008	Mine clearing	Human rights

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?

Yes. Consideration of a bill to ratify a treaty does include scrutiny of human rights aspects. The Senate Human Rights Committee is called to give an opinion.

6. Human rights and democracy clauses have become standard parts of the EC and third countries. What is the position of your Parliament/Chamber towards this type of clause?

In opinions rendered in relation to the consideration of bills to ratify treaties, the Human Rights Committee has firmly requested the inclusion of human rights protection clauses. This was the case of the bill to ratify a friendship, partnership and cooperation treaty between the Italian Republic and the Great Socialist People's Libyan Arab Jamahirya (Senate Doc. 1333) and the bill to ratify a friendship, partnership and cooperation treaty between the Italian Republic and Iraq (Senate Doc. 1406).

7. Does your Parliament/Chamber Human participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

The 13th Parliament's Senate Committee against the Death Penalty has conducted many visits abroad: Russia (1996), United States (1997, 1999), Philippines (1998), El Salvador, Guatemala, Cuba (1999), Kyrgyz Republic and Uzbekistan (2000). Following the visit to Uzbekistan, the lives of two people in death row were saved.

The Committee flew to Geneva yearly to promote passage of a UN death penalty moratorium.

In 1999, two senators visited Canada to request Canadian authorities not to extradite two US nationals back to the US, where they might be sentenced to death. In spring 2002, the Canadian Supreme Court rejected the extradition.

In this context, the Senate □ through the initiative of the Committee □ has unanimously passed several motions against the enforcement of capital punishment in the world.

The Senate Human Rights Committee has dealt with a number of issues during the years. Just to mention a few: the introduction of the crime of torture in the Italian codes; a world-wide death penalty ban; the tragedy of child soldiers; racism; xenophobia, trafficking in human beings. On this issue, the Committee played a crucial role in the passage of Law 228 of 2003, "Measures against Trafficking in Human Beings", which is considered one of the most advanced in Europe.

On the question of the death penalty, the Committee successfully campaigned for the adoption of a United Nations death penalty moratorium.

The Committee has also operated through the Italian Government to achieve the number of 60 ratifications, which was necessary for the entry into force of the International Criminal Court treaty.

Among the world-wide activities of the Senate Human Rights Committee, mention should be made of the visit to Nigeria to save the life of Ms Amina Lawal, who had been sentenced to death for adultery. She later received a full acquittal in December 2003.

Of paramount significance were the relations with civil society developed through hearings and through the involvement of entertainment and sporting figures as human rights testimonials. This was also made possible by the cooperation with UNICEF.

In 2004 in Zambia, children of the Marine Shrine Orphanage in Chelstone, Lusaka, were given a Senate Human Rights Committee football produced under the UN rules against child labour.

Similarly, the Committee organised concerts on specific human rights issues in Perugia in 2003 and 2004. In 2004, on the occasion of the first anniversary of the massacre of Italian soldiers in Nassiriya, Iraq, a commemorative concert was held in Rome, which was attended by the present Senate President.

During this parliamentary term, the Human Rights Committee has dealt with the protection of fundamental rights also in our country: in early February, the Committee visited Lampedusa island off Sicily, where many illegal migrants land in Italy and where a camp is located to house them. The Committee has also visited a number of Italian penitentiaries. One of the Committee's goals for this parliamentary term is the establishment of an independent human rights authority, as requested by UN resolution 48/134.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

The Senate Human Rights Committee and the Committee against the Death Penalty have always collaborated closely with European human rights institutions (European Union, Council of Europe, OECD, etc).

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

The business of the Senate Human Rights Committee (and of the Committee against the Death Penalty before it) is set by the Committee's chairperson, who gathers proposals, suggestions and ideas from all Committee members. Initiatives often emerge as a result of

humanitarian emergencies. The Committee also takes initiatives following proposals from human rights organisations operating in civil society.

(Chapter 2) CHAMBER OF DEPUTIES

10. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Committee on Foreign and European Community Affairs of the Chamber of Deputies is responsible for issues concerning human rights and the promotion of democratic values in third countries. Since our 10th parliamentary term (1987-1992) a Subcommittee on Human Rights, established within the Committee on Foreign and European Community Affairs, assists the Committee in examining issues related to the protection of human rights at international level. The Subcommittee is also responsible for the preliminary scrutiny of EU proposals or reports on this matter.

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?

Since October 1st 2008, the Committee on Foreign and European Community Affairs has been carrying out a fact finding investigation (under article 144 of the Chamber of Deputies Rules of Procedure) on human rights violations around the world.

In this framework, between October 1st 2008 and February 24th 2009, the Committee held hearings involving representatives of the government and of NGOs which deal with human rights.

The fact finding investigation is expected to end in december 2009 and a report will be most likely published at that time.

The actual state of human rights and democracy in the world is also being debated by the Subcommittee in the framework of the scrutiny of the EU annual report on human rights (2008), which started on February 11th, 2009.

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?

Yes. During the present parliamentary term, the Chamber of deputies, referring to cases of persecutions against religious communities in many countries in Asia and Africa, approved (November 10th 2008 joint motions n. 1-00058, 1-00017, 1-00052) a motion urging the Italian Government to take actions at international level to assure the respect of religious freedom and the fight against any form of violence and discrimination on religious grounds around the world. The Chamber of deputies also approved motions concerning the participation of Italy to the World Conference against racism, racial discrimination, xenophobia and intolerance (December 4th, 2008 joint motions 1-00055 and 1-00072) and the promotion of human rights and democracy in Myanmar (February, 11th, 2008, 1-00086) A Motion on the situation of human rights in Tibet was approved by the House on March 10th 2009 (1-00089), a resolution on the same issue having been adopted on July 10th 2008 by the Committee on Foreign and European Community Affairs. The Committee is now discussing two resolution proposals respectively concerning the situation of Christian communities in India (7-00057) and the situation of human rights in Laos (7-00058).

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

The competent parliamentary bodies can use to this end all the procedures provided in the Rules of procedure, for parliamentary scrutiny, supervision and policy setting toward the government. In the field of the promotion of human rights, during the present parliamentary term, the deputies asked the government about the reasons and intentions of its conduct on issues regarding the violation of human rights in South Darfur (2-00299, February 4th, 2009); the protection of religious freedom (2-00151, October 1st 2008, 2-00197, November 20th, 2008). Questions have been submitted about the government activities concerning the respect of the rights of migrants (3-00335, January 27th 2009), the promotion of religious freedom (3-00393, February 18th, 2009- 5-00218, November 5th, 2008), the situation of children in roma communities (3-00070, 1st July 2008), the state of human rights in China (5-00050, May, 29th 2008), Libya (5-00399, 1st October 2008), Somalia (5-00776, December 17th 2008), Iran (3-00299, January 5th, 2009), Senegal (5-00830, January 21st, 2009).

On February 11th, 2009, the Subcommittee on Human rights started the scrutiny of a report concerning the activity of the Interdepartmental Committee on Human rights and the respect and protection of human rights in Italy (2007).

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?

During the preliminary scrutiny of bills concerning the ratification of international treaties at the reporting stage, the Committee on Foreign and European Community Affairs collects any necessary information about the relevant countries, taking into account also issues related to the respect of human rights.

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?

The introduction of human rights clauses in bilateral cooperation agreements with third countries - similar to those provided in EU agreements - has been recommended to the government by some deputies, during recent debates held in the House about ratification of international treaties (eg. Order containing guidelines to the Government n. 9/2037/1, February 24th, 2009 – ratification of Italy-Iraq cooperation agreement).

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

Yes. Since a long time, within the framework of Parliament to Parliament cooperation, the Chamber of Deputies has been involved in promoting many cooperation initiatives with other Parliaments, specifically aimed at promoting human rights and democracy.

The partnership with the United Nations Department of Economic and Social Affairs (UNDESA), originally started in 2003 with the denomination “Strengthening Parliaments’ Information Systems in Africa”, targeted at some African countries (Angola, Cameroon, Ghana, Kenya, Mozambique, Uganda, Rwanda and Tanzania) and at the Pan-African Parliament. It is based on the idea that ICT development can play a crucial role in strengthening parliamentary democracies.

As result of the cooperation with UNDESA in Africa and in the aftermath of the Nairobi Conference, the Italian Chamber of Deputies was involved along with the Egyptian National Assembly, UNDESA and IPU in the launch of the Global Centre for ICT in Parliament (www.ictparliament.org) at the World Summit on Information Society in Tunis (November 2005). The Centre promotes a structured dialogue on the use of new technologies in parliamentary processes through conferences, seminars and workshops, coordinates

initiatives of cooperation among parliaments in the field of ICT applications and strategies, publishes the “World e-Parliament Report”, an authoritative baseline of how parliaments are using, or planning to use ICT.

Initiatives of technical assistance are carried out in favour of a number of the Parliaments in South-Eastern Europe. The purpose of these programs is to set up technical-administrative structures to support parliamentary functions in countries involved in the process of constitutional reform or in the reorganization of the technical-administrative apparatus.

There have been visits, seminars, fact-finding missions, political-institutional meetings, training periods for groups of officials, organized with the Albanian Parliament, the Parliament of the Republic of Serbia, the Chamber of Representatives of Bosnia and Herzegovina. Particularly, a *Centre for the training of the parliamentarians of the South-Eastern Europe* was launched by the President of the Chamber of Deputies, the President of the Albanian Assembly and the Chancellor of the Tirana’s University “Our Lady of Good Counsel”. The Italian Chamber of Deputies is also a partner of the Institute for the Relations between Italy and Africa, Latin America and the Middle and Far East (IPALMO) in the “Western Balkan Action”, funded by the Italian Ministry of Foreign Affairs, aimed to train and inform parliamentary representatives of the area and administrative staff of those Parliaments.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Yes, see answer 7.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

CHAPTER 3: Representatives of National Parliaments to the EU

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?**

Senate of the Republic	Chamber of deputies
<p>The Italian Senate has had a Permanent representative to the European Union since 31 August 2006.</p> <p>Ms Beatrice Gianani, who is still on secondment in Brussels, has been a Senate staff member since December 1991. She has worked with the Senate International Affairs Service since 2006.</p>	<p>The Italian Chamber of deputies set up its representation to the EU institutions on March 1998. Since the beginning the representative has always been an official of the Department of EU Affairs of the Chamber.</p> <p>Since 1998 the following officials have alternated:</p> <p>Gianfranco Neri (from 1998 to date)</p> <p>Sebastiano Fiume Garelli (from 2000 to date)</p> <p>Antonio Esposito (from 2004 to date)</p> <p>Maria Giovanna Cappellino (from 2004 to 2007)</p> <p>Debora Ciccotti (from November 2008 to</p>

	date) Massimiliano Eleonori (from November 2008 to date)
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2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

Senate of the Republic	Chamber of deputies
The Italian Senate has been one of the last chambers of National Parliaments to have a Permanent representative in Brussels. The main reasons for such decision have been following the EU decision-making process at an early stage and the debates on the Reform of EU Treaties.	The main reason for the Italian Chamber of deputies decision to send representatives was the awareness of the importance to follow the EU decision-making process at an early stage as well as the opportunity to catch information and to strengthen the cooperation with the EP and national Parliaments.

3. What is the title of the representative of your Parliament/Chamber?

Senate of the Republic	Chamber of deputies
Permanent Representative of the Italian Senate to the European Union.	The representative is an official of the Department of EU Affairs of the 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?

Senate of the Republic	Chamber of deputies
The Permanent representative of the Italian Senate was appointed by decree of the Senate President and no deadline has been established. This being the first such case, no rotation provisions exist, though the principles of turnover and introduction of a deadline is considered positively by the Italian Senate.	There is not any fixed term, as long as the official acting as representative alternate.

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?

Senate of the Republic	Chamber of deputies
Both Chambers of the Italian Parliament, the <i>Camera dei Deputati</i> and the <i>Senato della Repubblica</i> , have their own Representatives. Ordinary matters are normally carried out in parallel and the exchanges of views with the colleague of the other Chamber in Brussels and with Rome-based colleagues are frequent.	The representative of the Italian Chamber of deputies, taking into account the political autonomy of each Chamber and within the framework of a method of general cooperation on EU Affairs between the Chambers, fully cooperates with colleagues of the Italian Senate.

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.

Senate of the Republic	Chamber of deputies
<p>The Permanent Representative of the Italian Senate follows the EU decision-making process □ from the European Commission stage to the <i>navette</i> between the Council and the European Parliament □ of the most sensitive European dossiers, in order to promptly inform Senate standing committees.</p> <p>The Representative also liaises with different players in Brussels and the Representatives of other national parliaments, in coordination with the officer responsible for IPEX publication of opinions given by standing committees on European draft proposals and, more broadly, of the work of the Italian Senate.</p> <p>The Representative also participates in all relevant meetings of NP Representatives, European Institutions and the Italian Permanent Representation.</p> <p>She also liaises with the EU in relation to the daily business of all Senate political and administrative bodies (hearings, information requests, scrutiny, etc) in the framework of interparliamentary cooperation in Brussels and Rome (JCM, JPM, missions, conferences, etc.). She organises meetings in Brussels between Italian Senators and Commissioners or officers of the three European Institutions (including the Committee of the Regions and the Social and Economic Committee) and with other Brussels players (EU Agencies, NATO, Permanent representations, think-t a n k s , lobbies, academics, etc.).</p> <p>She is also responsible for planning and organising the training <i>stages</i> of her colleagues (funded by the EP), and coordinating the participation of her colleagues in the Study visits organised and funded by the EP.</p>	<p>The main activity of the representative of the Italian Chamber of deputies is to follow the activities of the EP Committees as well as the inter-parliamentary initiatives, both at political and administrative level. In addition, he/she assists Members of national Parliament involved in meetings at EU level and cooperates in the organization of Chamber's staff study visits to the EP. He/she gets in touch with Members of the EP, especially when the Italian Chamber of deputies decides to hear them within the scrutiny process of EU legislative and non-legislative proposals.</p>

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?

Senate of the Republic	Chamber of deputies
<p>The time spent by the Italian Senate Permanent Representative in Brussels on interparliamentary cooperation at political and administrative level is constantly increasing, following the new perspectives developed by the Treaty of Lisbon (40 per cent of the whole working time).</p> <p>Senate scrutiny of EU proposals, its dissemination and explanation takes 20% of her time and another 20% goes to following the EU decision-making process.</p> <p>10% is spent on planning the above-mentioned <i>stages</i> and the remaining 10% goes to networking and meetings on EU matters with academics and students.</p>	<p><u>See answer to question 6</u></p>

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?

Senate of the Republic	Chamber of deputies
<p>Oral reporting is regular and written reporting is on an <i>ad hoc</i> basis. Written notes are the normal means of communication with officers in Rome.</p>	<p>The representative is responsible for providing the Department of EU Affairs of the Chamber of deputies with any kind of information related to the EU Institutions and interparliamentary activities on <i>ad hoc</i> basis, depending on the political and administrative priorities. The Department of EU Affairs, as focal point, is responsible for collecting, selecting and delivering information to all political and administrative bodies of the Chamber.</p>

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?

Senate of the Republic	Chamber of deputies
<p>The Permanent representative is accountable to the Head of the Office for Relations with EU Institutions and the Head of the Senate International Affairs Service.</p>	<p>The representative is accountable to the Head of the Department of EU Affairs, who sets priorities of his/her work.</p>

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?

Senate of the Republic	Chamber of deputies
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<p>The Permanent Representative of the Italian Senate submits a yearly written report on her work in Brussels to the Director of the International Affairs Service. Such report is attached to a yearly general report on the work of the whole Service, submitted by the Head of the Service to the Secretary-General of the Senate.</p> <p>Less formal reports on specific fields of activity are frequently sent by the Permanent Representative to the Head of the Office for the Relations with EU Institutions (which is part of the Senate International Affairs Service).</p>	<p>The representative, being an official of the Department of the EU Affairs of the Chamber of deputies, works for all the political and administrative bodies of the Chamber. In the framework of the usual administrative practices, the Head of Department of EU affairs draws up an yearly report about the Department activities, which includes the activity of the representative.</p>
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11. Does your Parliament's/Chamber's representative to the EU attend EU Speakers' Conferences, meetings of the Secretaries General and COSAC meetings?

Senate of the Republic	Chamber of deputies
<p>Although she is not presently attending such meetings, her future participation might be considered.</p>	<p>Within the actual division of tasks among the staff of the Department of UE Affairs normally the officials acting as representative to the EU normally do not attend the EU Speakers' Conferences, COSAC and the Secretaries General meetings. However, it can happen that he/she attends such meetings, and in any case he/she is fully informed about the developments occurred at the Speaker's Conference, COSAC and Secretary General meetings.</p>

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?

Senate of the Republic	Chamber of deputies
<p>The Italian Senate Permanent representative to the EU has no assistants.</p>	<p>Not at the moment.</p>

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

Senate of the Republic	Chamber of deputies
<p>Having a Senate officer in Brussels, who has deep knowledge of the working mechanisms of the EU Institutions, is perceived as increasingly important by the Senate political and administrative leaderships.</p> <p>The entering into force of the Treaty of Lisbon may create conditions for a stronger</p>	<p>Not at the moment. Probably a new structure of the representative of the Italian Chamber could be examined in perspective of the next Italian Presidency (July-December 2014).</p>

role of NPs in the fields of scrutiny and interparliamentary cooperation. If this is the case, the Italian Senate may consider enhancing the structure and functions of its Permanent Representation.	
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CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The Bi-annual reports constitute a good instrument of knowing other parliaments positions on EU related matters.

The Biannual report is the most important and valuable tool for providing COSAC and EU Parliaments with factual information about their respective scrutiny procedures and practices. Therefore the added value of the Biannual report is supporting an updated exchange of information and best practices within COSAC.

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?

The Bi-annual Report should provide all the relevant factual information about the EU scrutiny procedures and practices in the EU Parliaments concerning the sectors/topics included in the COSAC agenda. However the Bi-annual report topics should not be linked only to the agenda of COSAC meetings. They should cover also topics of general interest of national parliaments, especially related to European Union Law.

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?

The Italian Parliament – as a member of the Presidential Troika in 2004 (together with the Irish and the Dutch Parliaments) – proposed to focus the first Biannual report on the factual information on EU scrutiny procedures and practices in the EU Parliaments, in compliance with the Rome decision on the establishment of the secretariat.

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?

The future Bi-annual Reports should deal mainly with procedures and practices adopted by the EU Parliaments as well as by the EU Institutions for implementing the provisions of the Lisbon Treaty concerning the role of the NPs.

This would be very helpful also for the NP which are still shaping the approach and the amendments to their Rules of procedure/practices in order to implement the Treaty.

In this framework an interesting topic could be a general operational framework for the subsidiarity check.

Another topic could be the monitoring and control of the transposition and implementation of Community Law in EU Member States.

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.

The opinion of Italian Parliament is that the format of Bi-annual reports is adequate to their aim.

However the length and detail of the Biannual Report - while intended to ensure a in deep and complete information – can make sometimes the document very difficult to be read by the Members who should be the main target of this document. It would be therefore very useful to make the future reports shorter and simpler by including in the annexes the detailed information.

In compliance with the Rome Decision on the establishment of the Secretariat and with the COSAC Rules of Procedures the Biannual report should contain only factual information by avoiding any political or discretionary consideration.

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.

The European Affairs Department of both Chambers prepare the answers collectively. When there are differences between the Chamber and the Senate, they are separately mentioned. Members of European affairs Committee are not involved in the preparation, except some topics which require a political approach.

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?

Members of European affairs Committee are regularly informed of COSAC activities.

The Biannual report is always distributed to Members of Italian delegation to COSAC in EN and/or FR. The main findings of the Biannual report can be summarized and underlined in the notes and the facts sheet that the EU Affairs Department prepares for the delegation before all the COSAC meetings.

In some cases the Biannual report (or specific section) was distributed also to other members of the EU Affairs Committee when providing information on issues which were relevant for the parliamentary works.

Latvia: Saeima

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

Currently the Saeima scrutinizes the activities of Eurojust. Scrutiny has been carried out by the Defence, Internal Affairs, and Corruption Prevention Committee of the Saeima. It involved discussions on the Eurojust Annual Report with Mr. Gunārs Bundzis, National Member of Latvia to Eurojust.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

It is planned to organise joint meetings of the European Affairs Committee and the Defence, Internal Affairs and Corruption Prevention Committee of the Saeima for assessing annual reports of Europol and Eurojust.

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?

So far, direct communication has been established with Mr. Gunārs Bundzis, National Member of Latvia to 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?

Evaluation of the activities of Europol and Eurojust foreseen in the Treaty of Lisbon could be carried out during joint meetings of the European Parliament and the relevant committees of the national parliaments.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

COSAC could review annual reports of Europol and Eurojust during the plenary meeting in the second half of each year by inviting the heads of both organisations.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Human Rights and Public Affairs Committee is responsible for human rights issues in the Saeima. However, certain human rights issues are reviewed by the European Affairs Committee, the Foreign Affairs Committee, and the Legal Affairs Committee.

- 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?**

There is no tradition of organizing regular debates on human right issues at the plenary. However, the Human Rights and Public Affairs Committee addresses issues related to human rights in the world on a regular basis, while other committees discuss human rights issues only on *ad hoc* occasions.

- 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?**

Usually the Saeima does not publish resolutions or reports on human rights situations in the world. However, sometimes a committee drafts a declaration which contains a reference to human rights norms.

- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

The Human Rights and Public Affairs Committee of the Saeima forwards draft laws containing norms related to human rights for the approval in the plenary meeting of the Saeima. The Human Rights and Public Affairs Committee of the Saeima also urges the government to pay attention to the need to incorporate certain human rights norms in the regulations issued by the Cabinet of Ministers.

- 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?**

If the relevant country has specific problems with observing human rights, the process of agreement ratification involves discussions on human rights aspects; however, it depends on the content of the agreement and the country with which the agreement is concluded.

- 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?**

In general, the Saeima welcomes the clause on human rights because it allows the European Union to terminate certain agreements unilaterally if violations of human rights are determined.

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

So far, the Saeima as a body has not participated in any project aimed at promoting human rights and democracy. However, individual members of parliament participate in various projects as experts, for example, in solving issues relative to the equality of women.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

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9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

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CHAPTER 3: Representatives of National Parliaments to the EU

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?

The first representative of the Parliament of Latvia (Saeima) to the EU was appointed in November 2001. The office was first located at the Mission of the Republic of Latvia to the EU. In June 2002 Saeima's representative moved offices to the European Parliament.

List of representatives so far:

November 2001 - November 2002: Ms Inese KRISKANE

November 2002- January 2003: Mr Ilmars SOLIMS

May 2003 - second position of the representative to the EU established - Ms Inese KRISKANE takes up this position

February 2003 - March 2007: Mr Gundars OSTROVSKIS (after March 2007 no one was appointed for this position and a decision has been taken to keep only one representative in Brussels office)

March 2007 - October 2008: Ms Simona MEGNE replaces Ms Kriskane during her maternity leave

October 2008 until present: Ms Inese KRISKANE.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

This decision was taken whilst Latvia was still a candidate country to the EU. The main reason was to receive firsthand information about processes and proceedings at the EU level, mainly for the work of the European Affairs committee. The decision stemmed from the fact that at the time the European Affairs committee had a strong role in the EU accession negotiations of Latvia to the EU.

3. What is the title of the representative of your Parliament/Chamber?

Special attaché of the Saeima of the Republic of Latvia in the Permanent Representation of the Republic of Latvia to the European Union (henceforth: "Saeima's representative to the EU").

- 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?**

So far decisions have been taken on a case-by-case basis. Since Saeima's representative to the EU operates under the Law on Diplomatic and Consular Services, his/her term in office should not exceed three years, renewable once. Therefore the maximum time period of Saeima's representative to the EU in office should not exceed six years.

- 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?**

The Saeima is a unicameral parliament.

- 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.**

The primary task of the Saeima's representative to the EU is to facilitate the timely exchange of information between the Saeima and the EU institutions or other national parliaments and to represent the Saeima, the European Affairs Committee and any other committees of the Saeima, and departments of the Saeima at EU institutions, namely, the European Parliament, the European Commission, the Council, the representations of other EU member states, as well as the Permanent Representation of the Republic of Latvia to the European Union.

- 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?**

1) Saeima's representative to the EU follows the development of legislative dossiers at the EU institutions according to the priorities set by the European Affairs Committee of the Saeima and reports back to the Committee. Currently most of the time is given over to the proceedings at the European Parliament. The progress of priority issues is however also monitored at the European Commission, the Council and the other national parliaments as time allows. This is done in close cooperation with the Permanent Representation of Latvia to the EU.

2) He/she contributes to setting priorities for the work of the European Affairs Committee of the Saeima.

3) Saeima's representative to the EU, further to issuing regular reports, studies and analyses upon request by the European Affairs Committee, other line committees, or members of the Saeima, certain issues more in-depth.

4) He/she facilitates cooperation between the committees of the European Parliament and the committees of the Saeima by acting as a liaison officer. A fair amount of time is given over to interparliamentary cooperation, namely, providing smooth exchange of information prior to joint parliamentary meetings, joint committee meetings and other forms of interparliamentary cooperation; Preparing background information for those MPs, who participate in meetings; Taking part in those meetings and reporting back on content, etc.

5) At the request of other national parliaments or the European Parliament, he/she provides the requisite or sought-after information, as well as prepares information on topical issues at the Saeima, if necessary.

6) At the request of the European Affairs Committee of the Saeima, he/she participates in developing parliamentary cooperation and experience exchange programmes between the Saeima and non-EU parliaments, the preparation of draft documents and the implementation of projects. He/She regularly informs the European Affairs Committee of the Saeima on developments regarding the EU policy and assistance programmes for third countries.

7) He/She assists the members and delegations of the Saeima who visit the European Parliament.

8) He/She cooperates with the members of the European Parliament from Latvia and facilitates more active involvement in matters relevant to Latvia. He/She acts as a coordinator between the members of the European Parliament from Latvia and Permanent Representation of the Republic of Latvia to the European Union (ensures the exchange of information, organises meetings with ambassadors).

9) He/She carries out other tasks given by the Chairperson or the Senior Advisor of the European Affairs Committee of the Saeima (tasks are coordinated with the Chairman of the Committee), as well as the head of the Permanent Representation.

The precise schedule of the Saeima's representative to the EU work cannot be determined because the agenda for each day is different; however, undoubtedly the greatest attention is devoted to monitoring the progress of the Saeima's priorities and preparation of reports (information).

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?

Saeima's representative to the EU reports on as-needed basis. Selections of topics is made following the broad priorities set by the European Affairs Committee, consultations with the Chairperson of the Committee and colleagues at the Committee Secretariat, as well as under the representative's own initiative.

- 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?**

Saeima's representative to the EU is accountable to the Chairperson and the Senior Advisor to the European Affairs Committee of the Saeima.

- 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, and the Permanent Representation of your country to the EU or other body?**

According to the Regulation on The special attaché of the Saeima in the Permanent Representation of the Republic of Latvia to the European Union, he/she should submit annual progress reports to the Saeima European Affairs Committee and the Ministry of Foreign Affairs, as well as interim reports whenever requested by these institutions.

Saeima's representative to the EU should regularly inform the Chairman and the Senior Consultant of the European Affairs Committee of the Saeima about his/her activities. But because he/she is a Saeima's representative to the EU, relevant information can be also requested by any department of the Saeima. Upon the request of the head of the Permanent Representation, the Saeima's representative to the EU should provide information also to the Permanent Representation of the Republic of Latvia to the European Union.

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

Saeima's representative to the EU usually attends COSAC meetings unless requested otherwise and may attend EU Speakers' conferences and meetings of the Secretaries General whenever needed.

- 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?**

Saeima's representative to the EU does not have an assistant.

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

It is planned to introduce the post of assistant to the Saeima's representative to the EU. This position would be offered to the advisors to the parliamentary line committees for specific time periods. This would facilitate greater involvement of line committees in EU matters since the duties of an assistant would involve helping the special attaché of the Saeima, thus raising awareness about the work of the EU institutions in general, and paying increased attention to EU matters related to the work of the represented line committee.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

Preparation of these Reports serves as an additional tool for the European Affairs Committee of the Saeima to structure its work priorities. These Reports help to raise the level of awareness of the other parliaments' activities and procedures, as well as to exchange best 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?**

Reports of the COSAC meetings should continue to 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?**

The Saeima has not presided over COSAC in the above-mentioned period.

- 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?**

Reports should consider including in the agenda issues which are topical in the EU at given moment. The experience of the last two years reveals that during each presidency there are certain issues that could not be foreseen but about which a discussion should be held at the COSAC meeting.

If the Treaty of Lisbon is accepted, one of the subjects could be related to changes in parliamentary scrutiny system.

- 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.**

The number of addressed issues and the number of the chapters in the Bi-annual Report of the COSAC are appropriate for the scope of the study on the relevant subject.

- 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.**

Mainly the answers to the COSAC Report are prepared by the Advisor to the European Affairs Committee of the Saeima who is responsible for COSAC matters. If needed, he/she consults with colleagues from the European Affairs Committee of the Saeima,

the special attaché of the Saeima in the Permanent Representation of the Republic of Latvia to the European Union, or other departments of the Saeima. The final version of the answers given by the Saeima is approved by the Chairperson of the European Affairs Committee of the Saeima.

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?

A summary of the COSAC Report is usually not distributed to all members of the European Affairs Committee of the Saeima; However, if any of the questions included in the Report are directly linked to a specific issue discussed at the meeting of the European Affairs Committee of the Saeima, the Chairperson of the Committee informs other members of the Committee thereof.

The COSAC Bi-annual Report, which is compiled by the Secretariat of COSAC, is not translated into Latvian.

Lithuania: Seimas

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinize the activities of Europol and Eurojust?

The mechanism for Lithuanian parliamentary scrutiny of EU legislation provides MPs with access to diverse sources of information on EU matters. It makes possible to invite and question Lithuanian national representatives in Europol and Eurojust or those from the executive branch that they are accountable to. In the context of the relevant provisions of the Lisbon Treaty, the Committee on European Affairs is keen to use this opportunity more actively.

Moreover, Prosecutor General is accountable to the Seimas. The annual report of the activities of the Prosecution Service of the Republic of Lithuania is deliberated in the parliamentary plenary sitting and the committee meetings. The aforementioned annual report stresses the main activities and results of Eurojust.

The activities of the Lithuanian institutions responsible for the work in Europol, are scrutinized on the *ad hoc* basis, because these institutions are not directly accountable to the Seimas.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

From the procedural point of view, activities of Europol and Eurojust could be evaluated within the framework of regular European affairs scrutiny procedures. Thus, the solid legal basis has been already created. However, the Committee on European Affairs has just started the discussion on procedures how the activities of Europol and Eurojust could be deliberated more broadly in the future after the Lisbon Treaty will be enforced. It is important to stress that the Lithuanian parliament sees the possibility to scrutinize at both national (information from the National Representatives) and European (deliberation of Europol and Eurojust annual reports) level. The Committee on European Affairs has just adopted the decision to initiate the aforementioned deliberations since 2010.

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?

National Representatives in Europol and Eurojust have contributed actively to several debates within the framework of annual European weeks which are regularly organized by the specialized committees in the Seimas in April – May (for example, in the discussion *Cooperation in the EU for the Fight Against Crimes and Terrorism and the Potential Violations of the European Citizens Rights and Freedoms* arranged in 2006, and in the discussion *Legal Cooperation in Criminal Cases in the EU. Lithuania's Experience and Future Perspectives of the Cooperation with Europol and Eurojust* arranged in 2005). However, to date this kind of activities was rather oriented to obtaining information and getting better understanding of the nature of these European bodies rather than parliamentary scrutiny of their activities.

The Committee on European Affairs is going to consider the matter from the point of view of parliamentary scrutiny in the nearest future and will organize a committee meeting with the Lithuanian National Member and Liaison Officer to Europol and Eurojust in Autumn 2009 (the Committee on National Security and Defense and the Committee on Legal Affairs will be associated with that process).

- 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?**

National Parliaments will be involved in the political monitoring of the Europol and evaluation of Eurojust's activities. According to the Treaty of Lisbon, the initiative lies on the European Parliament to lay down the procedures for Europol scrutiny and Eurojust evaluation. Thus, European Parliament as itself could decide on the means of cooperation with the national parliaments in order to secure sufficient and justified communication.

Notwithstanding the provisions of the Treaty of Lisbon, we strongly believe that the competence to deliberate the annual reports of the Europol and Eurojust should rest to the national parliaments.

- 5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?**

Considering the role of COSAC in this regard it might be relevant to exchange experience (if any) among the national parliaments in a form of debate. These debates could be organized on the results of the deliberations on Europol and Eurojust annual reports in the national parliaments. It could be relevant to start such debates in Spring 2010.

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

- 1. Which committee/s deal with human rights issues in your Parliament/Chamber?**

These are the Committee on Human Rights, Committee on European Affairs, and Committee on Foreign Affairs.

- 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?**

Such debates at the plenary sittings are usually held on *ad hoc* basis and are closely linked to debates on relevant resolutions, and ratification of multilateral or bilateral agreements.

The Committee on Foreign Affairs debates regularly and submits its conclusions on progress reports of the countries participating in the EU enlargement process as well as Eastern partners of the European Neighborhood Policy. The Committee conclusions, among other things, also provide a regular assessment of the state of democracy and respect for

human rights in these states. Apart from that, the Committee takes an active part in debating various aspects of implementation of the Eastern Partnership initiative, including the promotion of democratic reform and human rights, which are considered the most important subjects. Furthermore, the Committee conclusions highlight the role of parliamentary diplomacy in involving foreign political parties and parliamentarians into discussions on the issues on the European agenda and thus bringing the idea of Europe and the values advocated by the EU closer to the public of the states pursuing policies towards European integration.

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?

Over the recent years, the Seimas of the Republic of Lithuania has adopted a number of resolutions and statements, which express support for the spread of democratic values and the promotion of human rights.

The largest share of documents has been adopted while assessing the situation in Belarus – Lithuania's neighbor, which is labeled as undemocratic. Its policy in the area of human rights and recurring severe violations of human rights draw regular criticism of the democratic states in Europe. Among the key documents adopted by the Seimas on Belarus, the following may be mentioned: *Resolution of 10 March 2006 on the Situation in Belarus Before the Upcoming Elections*, *Resolution of 16 March 2006 on the Situation in Belarus Before the Upcoming Presidential Elections*, *Resolution of 23 March 2006 on the Belarus Presidential Election*, *Resolution of 27 April 2006 on Intensified Political Repressions in Belarus*.

Considering Lithuania's foreign policy, the Seimas pays a special attention to the situation in Georgia and Ukraine and democratic developments there. The documents adopted constantly express support for the ongoing democratic reforms in these neighboring countries, urge and encourage them to proceed on the way to democratic change. In this context, the following documents could be mentioned: *Resolution of 24 November 2005 on the Importance of Democratic Changes in Eastern Europe*, *Resolution of 20 November 2007 on the Situation in Georgia*, *Statement of the Committee on Foreign Affairs on the So-called Parliamentary and Local Elections in Georgia's Territory of Abkhazia*, as well as the documents adopted by the Committee and the Seimas assessing Russia's aggression against Georgia in August 2008 and supporting Georgia's and Ukraine's aspirations for NATO membership. These documents of the Seimas are not binding upon the Government, but they are very important politically.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

In accordance with the Constitution, the President of the Republic shall decide the basic issues of foreign policy and, together with the Government, conduct foreign policy. The Seimas shall ratify and denounce international treaties (submitted by the President) of the Republic of Lithuania and consider other issues of foreign policy.

As regards EU policies in the field of promotion of human rights and democracy in the world, the Seimas Committee on European Affairs, in cooperation with the Committee on Foreign Affairs, considers the positions submitted by the Government ministers or agencies both before the meetings of the European Council and the Council of the European Union. This provides for the major areas of the Government's policies to be regularly presented and approximated with the Seimas. If necessary, specific issues may also be included on *ad hoc*

basis into the agenda of the respective Committees and the agenda of the plenary sitting with a view to explaining the Government policy and actions on the respective issues.

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?

Normally, the information about the actual state of human rights and democracy in the given country constitutes a part of the information file submitted to the Parliament.

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?

The role of the EU is of key importance in promoting human rights and democracy in the world. The Seimas of the Republic of Lithuania attaches particular significance to that issue. For instance, taking into consideration the situation in Russia concerning the promotion of human rights and values of democracy, the Seimas expressed strong support to the position of the Government regarding the negotiating mandate for the new Partnership and Cooperation Agreement between the EU and Russia.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

In an effort to develop parliamentary cooperation and assist the creation of parliamentary and other institutions in accordance with the European standards in the Eurasian region, the Seimas has established the Centre for Parliamentary Cooperation. The principal mission of the Centre is to assist parliamentary cooperation aimed at transferring Lithuania's experience of integration and democratic reforms to the staff and members of parliaments of the countries aspiring to democratic reforms. Particular attention has been paid to cooperation with the parliaments of Georgia, Moldova, and Ukraine. Prior to the establishment of the Centre, the Foreign Affairs Committee jointly with the International Republican Institute ran exchange programmes, in which MPs and the staff of the Office of the Seimas took part.

The Seimas Groups for Inter-Parliamentary Relations operate to enhance dialogue between the parliaments of the respective states and provide an opportunity to share experience.

Notably, in 2008 the Office of the Seimas was announced the winning bidder in the EC tender for Twinning Project Aimed to Transfer the Experience of Reform to the Parliament of the Republic of Azerbaijan.

In addition, MPs and the staff of the Office of the Seimas regularly participate in election observation missions in third countries.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Yes. For more details see reply to Question No. 7.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

The Seimas mainly focuses its attention on the developments in Eastern countries of the European Neighborhood Policy, as well as countries where Lithuania participates in peacekeeping or similar missions.

Through its activities, the Committee on Foreign Affairs seeks to make a significant parliamentary contribution to the Lithuanian development cooperation policy.

The Committee on Foreign Affairs regularly deliberates on the priorities and funding of the Lithuanian development cooperation policy, submits recommendations to the executive, and contributes to raising public awareness by organizing conferences and discussions on the development cooperation policy.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

1. Our first representative to the European Parliament was Ms Rūta BUNEVIČIŪTĖ (January 2003 – January 2006).
2. Ms Loreta RAULINAITYTĖ held the position of the Permanent Representative of the Seimas to the EU from February 2006 until April 2008.
3. Ms Živilė PAVILONYTĖ has been appointed to the position of the Permanent Representative to the EU since April 2008.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The basic idea was to provide the Seimas with more information about the activities of the EP and to enhance the co-operation between the EP and the Seimas.

3. What is the title of the representative of your Parliament/Chamber?

According to the *Law on the Permanent Representative of the Seimas of the Republic of Lithuania to the European Union* (hereinafter referred to as the Law), passed on 20 December 2005 (No X-454), the title is the Permanent Representative of the Seimas of the Republic of Lithuania to the European Union. Until the revised version of the Law the title was a Representative of the Seimas to the European Parliament.

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?

It is a three-year term, but it may be prolonged up to one year.

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?

NA.

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.

Under the provisions of the Law the main functions are as follows:

- 1) to regularly inform the Seimas of the Republic of Lithuania, the Committees of the Seimas, the Board of the Seimas about the activities of the European Parliament, Council, Commission, Court of Justice and the Court of Auditors;
- 2) to inform the Seimas of the Republic of Lithuania, the Committees of the Seimas, the Board of the Seimas about the activities of other institutions of the European Union with regard to the issues topical to Lithuania;
- 3) to provide information to the institutions of the European Union about the activities of the Seimas of the Republic of Lithuania;
- 4) to participate in sessions of the European Parliament, sittings, hearings held by the Committees, meetings of political groups, other events and, in cooperation with the appropriate Committees, Commissions and divisions of the Seimas of the Republic of Lithuania and within his competence, organize the cooperation of the Seimas of the Republic of Lithuania and the European Parliament;
- 5) to participate in hearings, deliberations held by other institutions of the European Union, meetings of working groups dealing with important political issues;
- 6) to cooperate and coordinate his activities with the Permanent Representation of Lithuania to the European Union;
- 7) to participate in meetings of speakers of European Union parliaments, meetings of the secretaries general of European Union parliaments, meetings of the Conference of Community and European Affairs Committees of Parliaments of the European Union (COSAC), and other important joint events of the institutions, as well as in events and working groups, organized by the Seimas of the Republic of Lithuania;
- 8) in cooperation with the appropriate divisions of the Seimas of the Republic of Lithuania and within his competence, to organize visits of the members of the Seimas of the Republic of Lithuania in institutions of the European Union;
- 9) following the end of a regular session of the Seimas, to prepare a report on his own activities and submit it to the Seimas Committee on European Affairs, the Seimas Committee on Foreign Affairs, the Secretary General of the Seimas, the Permanent Representation of Lithuania to the European Union;
- 10) at the request of the Ministry of Foreign Affairs and other institutions of the Republic of Lithuania, to provide them with the information on his own activities;
- 11) to be responsible for rational use of the funds appropriated for his activities in the institutions of the European Union.

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?

The Permanent Representative of the Seimas to the EU mainly focuses on the following activities:

1. Provision of information for the Seimas mostly from the plenary sessions of the European Parliament, sittings, hearings held by the Committees of the European Parliament

on the issues of strategic importance to Lithuania, as well as institutional issues and activities of the European Parliament. This activity constitutes the biggest part of the work done by the Permanent Representative.

2. Organization, in cooperation with the appropriate divisions of the Seimas of the Republic of Lithuania and within his/her competence, of visits of members, in some cases of delegations of the Committees of the Seimas of the Republic of Lithuania, as well as of the delegations of the officials of the Seimas of the Republic of Lithuania to the European Union institutions.

3. Provision of information for the EU institutions and other national parliaments on the activities of the Seimas in the field of EU affairs.

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?

There is a regular flow of information. The content of the information needed is defined by the joint decision of two Seimas Committees, namely the Committee on European Affairs and the Committee on Foreign Affairs, and can be supplemented on the ad hoc basis.

For example, after hearing the report of 9 February 2007 of the Permanent Representative to the EU, the Seimas Committee on European Affairs and the Seimas Committee on Foreign Affairs adopted a joint decision on issues to be considered the most relevant for the purposes of relations between the Seimas and the EU institutions.

The decisions on the topics for reporting are taken in view of Lithuania's priorities in the EU-related matters as well as the Conclusion on the Priorities as specified by the Seimas under the annual European Commission's Legislative and Work Programme.

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?

The Permanent Representative is directly accountable to the Secretary General of the Seimas of the Republic of Lithuania.

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?

Yes. Following the end of a regular session of the Seimas (i.e. twice a year), the Permanent Representative submits a report on his/her activities to the Seimas Committee on European Affairs, the Seimas Committee on Foreign Affairs, the Secretary General of the Seimas, and the Permanent Representation of Lithuania to the European Union.

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

According to the Law, the Permanent Representative has the right to 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?**

Yes. The Law provides that a deputy representative may be assigned to the Permanent Representative. It also provides that the Permanent Representative may have an assistant (assistants).

At the very beginning this position was taken by a permanent assistant but in the year 2006 a new model was introduced. At the moment, the functions of the assistant are performed by civil servants of the Office of the Seimas on rotational basis. Every year 3-4 civil servants are chosen from proposed candidates belonging to different units of the Office of the Seimas, namely secretariats of the committees, departments or units. Each of them works in the office of the Permanent Representative in Brussels in one-month-long rotations (their total term as an assistant amounts to 3 month a year on average). This enables the civil servants of the Office of the Seimas to acquire comprehensive knowledge of the key principles of work of the EU institutions, as well as to establish contacts, share best practice, and gain experience of working in a multicultural and multilingual environment.

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

Managing information flow to selective distribution would be worth considering in the future.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

Bi-annual reports facilitate discussions at COSAC meetings. It is also a valuable tool for exchanging information on national scrutiny systems and best practices, which is particularly important in the light of provisions of the Lisbon Treaty and its protocols.

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?

Preferably, the topics of the Bi-annual Report should be linked as much as possible to the agenda of the COSAC meeting as it constitutes a valuable background information to the discussions.

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?

Not relevant.

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?

It could be very useful to compile the information on national practices regarding openness of considerations of EU matters (i.e. deliberation of national positions) in national parliaments, and the instrument of parliamentary reservation and its effect on the EU decision-making.

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.

In our opinion, in pursuance of the best results the Bi-annual reports should not exceed four chapters.

5. 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.

The secretariat of the Committee on European Affairs coordinates the preparation of the replies. The rest contribute on case-by-case basis in accordance with the topics of the questionnaires. The prepared draft replies are approved by the Committee on European Affairs.

6. 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?

Traditionally, the Bi-annual Report is disseminated to the Members of the Committee on European Affairs.

Luxembourg: Chambre des Députés

CHAPITRE 1: Contrôle parlementaire d'Europol et évaluation d'Eurojust

- 1. Comment votre Parlement/Chambre contrôle-t-il/elle les activités d'Europol et d'Eurojust ?**

Réponse : Les activités d'Europol et d'Eurojust peuvent être discutées soit en commission, soit en séance publique.

- 2. Est-ce que votre Parlement/Chambre envisage de développer le contrôle d'Europol et d'Eurojust? Veuillez préciser de quelle façon.**

Réponse : Lors de sa réunion du 10 novembre 2008, la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration a été informée par la délégation auprès de la COSAC sur la XLème COSAC qui s'est déroulée les 3 et 4 novembre 2008 à Paris. Dans ce contexte, la commission a discuté sur Europol et sur Eurojust et a constaté qu'il serait opportun d'analyser au moins le rapport annuel de ces organes. Les membres ont envisagé d'inviter le représentant luxembourgeois soit à une réunion de la Commission des Affaires européennes, soit à une réunion de la Commission juridique. Il serait également pertinent d'organiser une visite auprès d'Europol et d'Eurojust, comme réalisé lors de la période législative précédente.

- 3. Quelle forme de communication directe – si elle existe – votre Parlement/Chambre utilise-t-il/elle avec votre membre national et/ou avec l'agent de liaison pour Europol et/ou Eurojust ?**

Réponse : Il n'existe pour le moment pas de communication directe entre la Chambre des Députés et l'agent de liaison pour Europol et / ou Eurojust, mais l'idée d'un contact est envisageable (cf. question précédente).

- 4. Le Traité de Lisbonne prévoit que les parlements nationaux et le Parlement européen s'impliquent dans l'évaluation des activités d'Eurojust et que le Parlement européen conjointement avec les parlements nationaux examine les activités d'Europol. Selon votre Parlement/Chambre, quelle forme pourrait avoir cette coopération entre les parlements nationaux et entre les parlements nationaux et le Parlement européen ?**

Réponse : Les Parlements pourraient profiter des réunions interparlementaires existantes pour faire régulièrement le point sur la matière, en reprenant ce sujet à l'ordre du jour d'une de ces réunions, en présence de hauts responsables desdits organes.

- 5. Quel rôle pourrait jouer la COSAC en ce qui concerne l'évaluation d'Eurojust et le contrôle des activités d'Europol ?**

Réponse : La COSAC devrait s'intéresser aux meilleures pratiques qui existent dans les différents Etats membres à propos de l'évaluation d'Eurojust et l'Europol et la conférence

pourrait inclure le sujet régulièrement à l'ordre du jour de ses réunions (cf. question précédente).

CHAPITRE 2: Le rôle des parlements européens dans la promotion des droits de l'Homme et de la démocratie dans le monde

1. Quelle(s) commission(s) traite(nt) des questions relatives aux droits de l'Homme dans votre Parlement/Chambre ?

Réponse : Les questions relatives aux droits de l'homme sont en principe dans la compétence de la Commission juridique, mais il arrive que la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration analyse aussi certains aspects, notamment en relation avec les dossiers traités par l'Assemblée parlementaire du Conseil de l'Europe ou en relation avec les relations extérieures.

2. Est-ce que votre Parlement/Chambre débat de l'état actuel des droits de l'Homme et de la démocratie dans le monde? Si oui, de tels débats se déroulent-ils au sein de votre Parlement/Chambre régulièrement ou de façon ponctuelle ?

Réponse : La Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l'Immigration inscrit systématiquement un échange de vues sur la situation internationale comme premier point à l'ordre du jour de ses réunions ordinaires. L'objectif est de discuter de thèmes d'actualité qui pourraient aboutir à l'adoption d'une résolution ou d'une motion en séance publique, et ce en particulier en matière de violation des droits de l'homme dans le monde.

3. Est-ce que votre Parlement/Chambre adopte des résolutions ou publie des rapports sur les situations critiques en matière de droits de l'Homme et de démocratie dans le monde? Si c'est le cas, votre gouvernement est-il lié par ces résolutions ?

Réponse : Il arrive que la Chambre des Députés adopte des motions ou des résolutions en séance publique sur la situation des droits de l'homme et sur des violations constatées dans certains cas concrets. Ainsi, à titre d'exemple, une résolution sur la situation des détenus du camp de Guantanamo a été adoptée lors de la séance publique du 14 mars 2006 et une motion sur la violation des droits de l'homme dans la prison d'Abou Ghraib a été approuvée lors de la séance publique du 19 mai 2004.

Une motion invite le gouvernement à prendre une certaine initiative ou à adopter une certaine position, alors qu'une résolution constitue un texte adopté par la Chambre des Députés et adressé à elle-même, par lequel elle prend une décision ou adopte une position.

4. Comment votre Parlement/Chambre contrôle-t-il la politique de votre gouvernement dans le domaine de la promotion des droits de l'Homme et de la démocratie ?

Réponse : La Chambre des Députés contrôle la politique du Gouvernement dans le domaine de la promotion des droits de l'homme et de la démocratie par les moyens qui sont traditionnellement à sa disposition : question parlementaire, question avec débat, débat d'actualité, motion, etc.

5. Avant l'adoption d'un accord avec un pays tiers, est-ce que votre Parlement/Chambre est informé(e) de la situation des droits de l'Homme et de la démocratie dans ce pays ?

Réponse : La situation des droits de l'homme et de la démocratie est en général analysée dans le cadre de la préparation et de la présentation du rapport de la commission parlementaire compétente et évoquée ensuite en séance publique.

6. Les clauses relatives aux droits de l'Homme et à la démocratie sont devenues habituelles dans les accords entre la CE et les pays tiers. Quelle est la position de votre Parlement/Chambre par rapport à ce type de clauses ?

Réponse : La Chambre des Députés y est favorable.

7. Est-ce que votre Parlement/Chambre soutient ou participe à des initiatives ou des projets visant à promouvoir les droits de l'Homme et la démocratie? Si oui, veuillez préciser.

Réponse : Non.

8. Ces initiatives ou projets sont-ils liés aux activités d'autres parlements nationaux, de l'Union européenne ou du Conseil de l'Europe?

Réponse : ---

9. Quels sont les critères appliqués par votre Parlement/Chambre pour sélectionner ces initiatives et projets?

Réponse : ---

CHAPITRE 3: Représentants des parlements nationaux à l'UE

1. Quand votre Parlement/Chambre a-t-il envoyé son premier représentant auprès du Parlement européen/des institutions européennes/de l'Union européenne (ci-après « auprès de l'UE »)? Veuillez indiquer les noms et les mandats de l'ensemble de vos représentants auprès de l'UE jusqu'à présent.

Réponse : La Chambre des Députés a désigné un premier représentant auprès des institutions européennes qui est en fonction depuis le 1^{er} janvier 2006. Il s'agit de M. Yves Carl, qui est actuellement encore en fonction, mais qui retournera prochainement au Luxembourg. M. Carl sera remplacé par un collègue de travail.

2. Pour quelles raisons votre Parlement/Chambre a-t-il décidé d'envoyer ou de ne pas envoyer de représentant permanent auprès de l'UE ?

Réponse : Dans le cadre de la stratégie européenne de la Chambre des Députés, le Bureau a décidé que le Parlement devrait s'impliquer davantage dans les dossiers européens. La

désignation d'un représentant en est un des éléments, l'objectif étant de suivre le plus près possible et le plus tôt possible l'élaboration des dossiers.

3. Quel est le titre du représentant de votre Parlement/Chambre ?

Réponse : Le représentant porte actuellement le titre de « représentant permanent de la Chambre des Députés auprès des institutions européennes ».

4. Le mandat du représentant de votre Parlement/Chambre auprès de l'UE a-t-il une durée déterminée, ou la décision est-elle prise au cas par cas? Le mandat est-il renouvelable ?

Réponse : Le premier représentant est nommé à durée indéterminée, mais retournera au Luxembourg prochainement (à sa propre demande).

5. Si un Parlement bicaméral a un seul représentant auprès de l'Union européenne, comment ce représentant coordonne-t-il ses activités avec les deux Chambres ? Si les deux Chambres ont chacune leur propre représentant auprès de l'UE, comment ces représentants coordonnent-ils leurs activités entre eux ?

Réponse : Le Parlement luxembourgeois est monocaméral.

6. Quelles sont les principales fonctions du représentant de votre Parlement/Chambre auprès de l'UE : établissement de rapports, coopération interparlementaire, contacts avec les députés européens, visites auprès des institutions européennes ou d'autres organes? Veuillez préciser.

Réponse : Le représentant luxembourgeois participe à certaines réunions du Parlement européen (réunions de commissions, séances plénières, rencontres interparlementaires, etc.) et établit des rapports sur les sujets y discutés qui intéressent particulièrement le Luxembourg. Il encadre également les délégations de la Chambre des Députés qui se rendent au Parlement européen (et accessoirement celles qui visitent une autre institution européenne) dans le cadre de réunions interparlementaires, de visites ou d'entrevues. Il établit le cas échéant aussi un contact avec les députés européens luxembourgeois et avec les représentants des autres Parlements nationaux respectivement du Parlement européen.

7. Sur quels sujets le représentant de votre Parlement/Chambre auprès de l'UE concentre-t-il ses activités ? Pourriez-vous indiquer les activités par ordre de priorité et, si possible, préciser le temps alloué aux différentes activités ?

Réponse : L'accent est mis particulièrement sur le suivi des travaux du Parlement européen. Les sujets étudiés sont fonction de l'actualité politique et de l'intérêt du Luxembourg, mais il est difficile de préciser le temps alloué aux différentes activités ou aux différents sujets.

8. Le représentant de votre Parlement/Chambre auprès de l'Union européenne doit-il faire un rapport sur l'évolution des affaires européennes de façon régulière ou ponctuelle? Comment la décision concernant les thèmes du rapport est-elle prise ?

Réponse : Des rapports appelés « Bulletins de Bruxelles » sont élaborés de manière régulière et en cas de besoin, aussi de manière ponctuelle (sur des sujets particulièrement importants ou sur certains entretiens).

- 9. De quelle autorité le représentant de votre Parlement/Chambre auprès de l'UE relève-t-il/elle au sein de l'administration de votre Parlement/Chambre ? Qui définit les priorités dans son travail ?**

Réponse : Le représentant appartient au Service des Relations internationales. Les priorités sont fixées en principe par ses propres soins, à moins d'une demande expresse notamment de la supérieure hiérarchique ou du Secrétaire général.

- 10. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il le devoir de faire régulièrement un rapport sur ses activités ? Si oui, à qui : la commission des affaires européennes, une autre commission, le Secrétaire général, la Représentation permanente de votre pays auprès de l'UE ou une autre entité ?**

Réponse : Les « Bulletins de Bruxelles » réguliers sont adressés à tous les membres de la Chambre des Députés, aux députés européens et aux secrétaires de commission. Un rapport sur les activités générales au Parlement européen est inclus dans le rapport d'activités annuel de la Chambre des Députés.

- 11. Le représentant de votre Parlement/ Chambre auprès de l'UE assiste-t-il aux conférences des présidents des parlements, aux réunions des Secrétaires généraux et aux réunions de la COSAC ?**

Réponse : Non.

- 12. Le représentant de votre Parlement/Chambre auprès de l'UE a-t-il un ou plusieurs assistants ? Si oui, quelles tâches supplémentaires l'assistant/les assistants accomplissent-ils pour votre Parlement/Chambre ?**

Réponse : Non.

- 13. Votre Parlement/Chambre a-t-il des projets ou des idées visant à faire évoluer à l'avenir la fonction de votre représentant auprès de l'UE ?**

Réponse : La question est étudiée dans le cadre de l'élaboration d'un document traçant les grandes orientations de l'administration en général et des objectifs des différents services en particulier pour la période législative à venir.

CHAPITRE 4: Evaluation des rapport bisannuels de la COSAC

- 1. Quelle est la valeur ajoutée des rapports semestriels au regard des activités de la COSAC et de vos procédures et pratiques parlementaires ?**

Réponse : Les rapports sont particulièrement intéressants pour connaître les procédures et pratiques parlementaires des autres pays. En revanche, ils pourraient être mieux ciblés pour servir davantage de préparation aux débats.

- 2. Selon votre Parlement/Chambre, dans quelle mesure les thèmes du rapport semestriel devraient-ils être liés à l'ordre du jour des réunions de la COSAC ?**

Réponse : Voir question 1.

- 3. Question pour les Parlements/Chambres qui ont présidé la COSAC entre 2004 et 2008: Quels sont les critères que votre Parlement/Chambre a pris en considération lors du choix des sujets pour le rapport semestriel au cours de votre présidence ?**

Réponse : Lors de la présidence luxembourgeoise de 2005, le choix des sujets a été opéré par le Président de la Commission des Affaires européennes, en concertation avec le secrétariat de la COSAC.

- 4. Les rapports semestriels de la COSAC portant sur «l'évolution des procédures et des pratiques européennes concernant le contrôle parlementaire», quels sujets, selon votre Parlement/Chambre, mériteraient d'être traités dans les prochains rapports semestriels ?**

Réponse : ---

- 5. Quel est l'avis général de votre Parlement/Chambre sur la forme des rapports semestriels ? En particulier, le nombre de chapitres, la longueur des chapitres, la présentation, etc ? N'hésitez pas à proposer des modifications.**

Réponse : Il n'est pas indispensable que les rapports renferment systématiquement quatre chapitres. Par contre, la présentation des rapports est bonne.

- 6. Quelle procédure est mise en œuvre au sein de votre Parlement/Chambre pour préparer et approuver les réponses aux questionnaires pour les rapports semestriels ? Veuillez préciser quels services administratifs de votre Parlement/Chambre sont concernés et si les membres de votre commission des affaires européennes sont impliqués.**

Réponse : La réponse au questionnaire est préparée par la secrétaire de la délégation auprès de la COSAC et soumise à l'approbation du Président de la délégation respectivement du Président de la commission. En principe, les autres membres de la commission ne sont pas saisis des questionnaires.

- 7. Les membres de votre Parlement/Chambre sont-ils informés du contenu des rapports semestriels ? Plus précisément : le rapport semestriel est-il distribué aux membres de la commission des affaires européennes ? Si c'est le cas, le rapport semestriel qui est disponible en français et en anglais, est-il traduit dans votre langue ? Le rapport semestriel est-il débattu au sein de la commission des affaires européennes?**

Réponse : Généralement, le rapport semestriel n'est pas communiqué aux membres de la Commission des Affaires européennes. S'il est distribué, c'est la version française qui est distribuée. Le rapport est rarement discuté en commission.

Malta: Kamra tad-Deputati

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The Maltese Parliament does not have a procedure in place for scrutinising 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.

Yes, the Maltese Parliament is forging an appropriate procedure in the process of its scrutiny functions.

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?

Currently none.

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?

Information-sharing is essential.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

Similar to COSAC's role on the issue of subsidiarity national parliaments, should, together with the EP, act as shields of citizens' rights in the whole EU territory.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

There is no Committee specifically dealing with human rights issues, but these issues are discussed, as they arise, in each Committee.

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?

No.

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?

No.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

It is always within the capacity of the House to intervene in any such matter.

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?

No.

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?

No position has been taken.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

Yes, whenever the case arises on an occasional basis.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

N/A

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

N/A

CHAPTER 3: Representatives of National Parliaments to the EU

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?

So far the Maltese Parliament has not appointed a representative in EU institutions.

- 2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?**

Although the importance for national parliaments of having a permanent representative to the EU is recognised, it is felt that at the moment the priority of the Maltese Parliament is to direct its limited resources to strengthening its current scrutiny procedure, especially due to new requirements and functions that will arise when the Lisbon Treaty comes into force, involving national parliaments at a much earlier stage.

- 3. What is the title of the representative of your Parliament/Chamber?**

N/A

- 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?**

N/A

- 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?**

N/A

- 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.**

N/A

- 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?**

N/A

- 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?**

N/A

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?

N/A

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?

N/A

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

N/A

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?

N/A

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

N/A

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The fact that the Bi-annual Reports are compiled from information collected directly from the national parliaments makes them a relevant document for parliaments seeking to establish best practice on issues that are of current importance in the European Union.

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?

The issues explored in the Reports should be closely linked to the items of upcoming 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?

N/A

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?

It would be appropriate if the Bi-annual Reports deal with the new requirements on national parliaments as set out in the Lisbon Treaty.

Subsidiarity should remain a subject which is revisited regularly to keep up with developments taking place in national parliaments on this issue.

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.

The COSAC Bi-annual Reports are a useful point of reference to evaluate and review current procedures relating to scrutiny and practices in other national parliaments. The current two-part format, i.e. the overview and analysis part and the Annex containing the replies of the individual parliaments, is appropriate.

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.

The questionnaire is replied in a preliminary manner by the Research Analyst of the Foreign and European Affairs Committee in liaison with other Parliament officials as necessary. The replies are vetted and confirmed by the Chairman of the Foreign and European Affairs Committee and by the Clerk to the House before being forwarded to the COSAC Secretariat.

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?

The Bi-Annual Report is made available to the Members of the Foreign and European Affairs Committee when published. It is also made available to the rest of the Members of the House against request.

The Netherlands: Tweede Kamer

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The House of Representatives scrutinizes these activities in the course of scrutinizing the JHA-Council, when the annual reports of Europol and Eurojust are put on the agenda.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

Not yet, possibly this will change when the Treaty of Lisbon has entered into force.

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?

There is no established form of direct communication. The national member of Eurojust was invited by the committee on Justice for a briefing once. Furthermore, the committee on Justice visited Eurojust to inform itself about Eurojust's activities. There has been no direct communication between (a committee of) the House of Representatives with the liaison officer for Europol.

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?

The House of Representatives did not take a position on this issue yet.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

COSAC can be a platform for the exchange of information about the various positions of the national parliaments on Europol's and Eurojust's activities

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The committee on Foreign Affairs is the main responsible committee, though other committees like the committee on Justice also deal with the issue.

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?

Human rights and democracy are fundamental principles of the foreign policy of the Netherlands. The Netherlands also has an Ambassador at large for human rights. The

standing committee on Foreign Affairs discusses on a regular basis the reports of government on the human rights situation in third countries. On an ad-hoc basis the standing committee on Foreign Affairs discusses human rights issues in the framework of the preparations for GAERC-meetings, e.g. regarding imposing sanctions, the European Neighbourhood Policy, the situation in the Middle East and EU-relations with third countries like China or Russia.

- 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?**

No.

- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

Control takes place in the regular parliamentary way.

- 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?**

Yes, the responsible member of Government informs the House of Representatives, usually in the form of an annotated agenda of the Council where the agreement is put on the agenda. Prior to that Council Government the House of Representatives organizes a so-called Europe-debate, where the Government accounts for the proposed position of The Netherlands in the Council.

- 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?**

The House of Representatives is strongly in favour of these clauses.

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

In general, the House of Representatives supports such initiatives or projects. Members of Parliament participate on an occasional basis in election monitoring missions of international organisations (like the EU and OSCE) in third countries.

- 8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**

They could be very well linked to the activities of other bodies like national parliaments, the EU or the Council of Europe.

- 9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?**

Criteria are set on an ad hoc basis.

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?

September 2004, Jan Nico van Overbeeke

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The House of Representatives has adopted in 2002 a report on the improvement of the procedures to enhance democratic control and political influence on the European decision making processes. One of the recommendations in this report was sending an "EU-liaison" to Brussels.

3. What is the title of the representative of your Parliament/Chamber?

Permanent Representative of the States-General to the EU.

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?

No fixed term.

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?

Through sending reports and news letters to both Chambers, exchange (oral and written) information with (staff from) both Chambers, respond to requests and facilitate delegations.

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.

1. Providing information, reporting and early warning on relevant political developments in the EU decision making process.
2. Developing network with (Members of) the EP, European Commission, Permanent Representation, European Council, representatives of other national parliaments and other relevant sources of information on the EU.
3. Facilitate incoming delegations.
4. Participate in interparliamentary meetings.

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?

1. Collect and provide information on EU developments in the earliest possible phase:
 - drafting of EU legislation by the European Commission
 - 1st and 2nd readings in the EP+/- 60% of the time
2. Exchange information with the representatives of other national parliaments and MEP's i.a. regarding subsidiarity checks on new proposals and positions of national parliaments.
+/- 10% of the time

3. Prepare and facilitate incoming visits from MP's and staff
+/- 10% of the time

4. Attend and report on interparliamentary meetings
+/- 10% of the time

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?

Regular and ad-hoc:

Regular through a weekly newsletter to all MP's, ad-hoc on topical issues.

Both Houses draft lists of priority topics on the basis of the EC Legislative and Work Programme. These lists are the basis for the selection of topics for reporting.

The representative shares his weekly agenda with the colleagues in the capital to better synchronise the mutual activities.

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?

Administrative: the Head of the Department for Committee Support (International Affairs) of the House of Representatives;

Work priorities: shared responsibility with clerk and staff of EU-Affairs Committees of both Chambers

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?

See question 8

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

On an ad-hoc basis.

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?

One assistant/trainee, changing every 6 months, sometimes an intern.

The assistant participates in the regular activities of the representative.

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

Continuation of the representation in Brussels, with a regular evaluation of the tasks and priorities.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

Bi-annual Reports provide a useful overview of the national parliaments' positions/activities/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?

The Bi-annual reports could be linked more to the topics of the COSAC-agenda's; furthermore they should stay focussed on national parliaments' positions/activities/practices.

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?

The topics were chosen on the basis of the main issues of the debate in the EU in 2004, such as the ratification of the Constitutional Treaty and the implications for national parliaments.

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?

- The organisation of scrutinising government in position-taking in the Council
- The application of the subsidiarity check

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.

Bi-annual Reports provide useful information on positions/activities/practices of other national parliaments, but in the course of the years the reports tend to be to extensive.

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.

The questionnaires are answered by a member of the EU-staff, after consultation of the other staff-members. After approval of the clerk of the committee on European Affair the replies are sent to the COSAC-secretariat. The members of the European affairs committee are not 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?

The Bi-annual reports are distributed to the members of the COSAC-delegation.

The Netherlands: Eerste Kamer

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The Senate of the Netherlands does not actively scrutinise all the activities of Europol and Eurojust. However, all documents regarding these two agencies discussed in the Justice and Home Affairs (JHA) Council, are discussed in the Senate's standing committee dealing with JHA. If wishful, the committee gives its opinion on the documents to the Netherlands government.

Furthermore, on average once every parliamentary term, meetings are planned with representatives of both Europol and Eurojust, to discuss their activities.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

Since it is as yet unsure whether the Treaty of Lisbon will enter into force, the Senate has not yet decided if and how the new competences regarding Europol and Eurojust may be exercised. Such a discussion is expected to take place in the second half of 2009.

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?

The communication between the Senate and the National Member and/or Liaison Officer for Europol and/or Eurojust is as good as non-existing. In april, the Senate will have a meeting with the Netherlands Member of Eurojust for the first time.

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?

Please refer to the answer to question 2.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

COSAC offers a good forum for (firstly) the exchange of best practices.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Senate does not have a specific committee dealing with human rights issues. Depending on the actual matter, the issue can be dealt with by the standing committee on European Cooperation Organisations, the committee on the JHA-Council, the committee on Justice or the committee on Home Affairs. The Senate and the House of Representatives have a special delegation to the Parliamentary Assembly of the Council of Europe that deals with human right issues.

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?

The Senate often debates the state of human rights and democracy in the world on an *ad hoc* basis. For example, this topic is debated on the basis of the report of the Parliamentary Assemblée of the Council of Europe. The topic was also discussed in 2008 during the debate on human rights and development policy.

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?

In general, the Senate does not pass resolutions or publishes reports. Regarding the topic of human rights and democracy often the committees address the government with written questions.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

The normal instruments and procedures of the Senate are used to control the policies of the government, also in the case of human rights and democracy. Due to the very active delegation of the Senate to the Parliamentary Assembly of the Council of Europe the topic of democracy and human rights is often debated.

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?

The Senate is not pro-actively informed on this matter. The members of the Senate however incorporate the state of human rights and democracy in a third country into their deliberations on the draft piece of legislation regarding a third 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?

The Senate supports these clauses. The Senate is of the opinion that the EU should make more use of the knowledge, experiences and instruments of the Council of Europe regarding human rights, democracy and the rule of law.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

As stated above, the Senate has a very active delegation to the parliamentary Assembly of the Council of Europe and the members support the initiatives and projects of the Council of Europe. The delegation is at the moment considering celebrations for the 60th anniversary of the Council of Europe in 2009 and the 50th anniversary of the Court on Human Rights in Strasbourg. The Senate would like to propose the other EU-parliaments to also celebrate these anniversaries.

The Senate is of the opinion that the EU should accede to the European Convention for Human Rights. Over the last years, the Senate has brought this matter to the attention of different actors on both the national and European level. Accession should be realised as soon as possible.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Yes, to the Council of Europe.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

Not applicable.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

September 2004, Jan Nico van Overbeeke

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The House of Representatives has adopted in 2002 a report on the improvement of the procedures to enhance democratic control and political influence on the European decision making processes. One of the recommendations in this report was the sending of an "EU-liaison" to Brussels.

3. What is the title of the representative of your Parliament/Chamber?

Permanent Representative of the Dutch Parliament to the EU

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?

No fixed term

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?

Through sending reports and news letters to both Chambers, exchange (oral and written) information with (staff from) both Chambers, respond to requests and facilitate delegations.

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.

- 1. Providing information, reporting and early warning on relevant political developments in the EU decision making process.*
- 2. Developing network with (Members of) the EP, European Commission, Permanent Representation, European Council, representatives of other national parliaments and other relevant sources of information on the EU.*
- 3. Facilitate incoming delegations.*
- 4. Participate in interparliamentary meetings.*

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?

- 1. Collect and provide information on EU developments in the earliest possible phase:*
 - drafting of EU legislation by the European Commission*
 - 1st and 2nd readings in the EP**+/- 60% of the time*
- 2. Exchange information with the representatives of other national parliaments and MEP's regarding subsidiarity checks on new proposals and positions of national parliaments.*
+/- 10% of the time
- 3. Prepare and facilitate incoming visits from MP's and staff*
+/- 10% of the time
- 4. Attend and report on interparliamentary meetings*
+/- 10% of the time

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?

Regular and ad-hoc:

Regular through a weekly newsletter to all MP's, ad-hoc on topical issues.

Both Houses draft lists of priority topics on the basis of the EC Legislative and Work Programme. These lists are guiding the selection of topics for reporting.

The representative shares his weekly agenda with the colleagues in the capital to better synchronise the mutual activities.

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?

Administrative: the Head of the Committee Assistance Department (International Affairs) of the House of Representatives;

Work priorities: shared responsibility with clerk and staff of EU-Affairs Committees of both Chambers

- 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?**

See question 8

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

On an ad-hoc basis

- 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?**

*One assistant/trainee, changing every 6 months, sometimes an intern.
The assistant participates in the regular activities of the representative.*

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

Continuation of the representation in Brussels, with a regular evaluation of the tasks and priorities.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The bi-annual reports of the COSAC give a good overview of "best practices" on a variety of issues. If the Senate is (re)considering a new approach, the bi-annual reports are often studied to learn about the way other parliaments deal with specific matters.

- 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?**

The topics should not be limited to the agenda of the COSAC meetings, it should remain possible (as is the current practice) to integrate matters of parliamentary procedures. The added value of the reports can be found in providing an overview of the different approaches and methods used by parliaments.

- 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?

The topics were mainly chosen on the basis of the discussions regarding the stance of the EU at that time (new treaty) and the topics that were to be discussed at the COSAC.

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?

- The democratic control on the (national) management of the EU-budget
- The democratic control on European agencies
- A better cooperation between the EU and the Council of Europe

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.

No specific remarks. The executive summary is very convenient. There is variation in the length of the questionnaires. The questions in the questionnaires should be as limited as possible.

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.

The answers to the questions are prepared by the staff of the Senate. The draft answers are then put on the agenda of the standing committee on European Cooperation organisations for comments and approval.

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?

The outline of the bi-annual report is placed on the agenda of the committee on European Cooperation organisations for the preparation of the COSAC. The draft answers are also put on the agenda of this committee. An executive summary of the bi-annual report is distributed to the members of this committee, and –if it relates to policy areas of other standing committees – also to other committees. A member can receive the entire rapport upon request.

Poland: Sejm

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

In the current legal structure both Europol and Eurojust are EU executive agencies (though with different legal base) responsible to the EU Council of Ministers for Justice and Home Affairs. The Council of Ministers contains governments' representatives from all Member States, and the requirement for unanimous decisions helps ensure a democratic control of Europol. In that respect the Sejm scrutinises activities of Europol and Eurojust through regular examination and approval of the Government's (especially Minister of Internal Affairs and Administration and Minister of Justice) activities performed and positions presented during the Council meetings towards documents regarding Europol and Eurojust.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

In relation to the answer to question no 1, the Sejm executes its scrutiny mainly through the European Union Affairs Committee (EUAC) and if necessary through Administration and Internal Affairs Committee (responsible for public security issues) and through regular mechanisms of parliamentary control over Minister of Internal Affairs and Administration and Minister of Justice. In current legal environment the activities of Europol and Eurojust remain in general competence of the Government thus executive branch and there is little margin left for more direct control of legislative branch over activities of Europol and Eurojust. However if that situation changes (as foreseen by the Lisbon Treaty) the Sejm is ready and prepared to adjust its structures and procedures to enhance parliamentary prerogatives in that respect.

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?

Due to the specificity of the legal structure outlined above currently there is no direct communication envisaged between the Sejm and National Member and Liaison Officer for Europol and Eurojust (however working contacts are always possible). At the same time, taking into account that persons fulfilling these functions are subordinate to the Minister of Internal Affairs and Minister of Justice respectively, scrutiny of their activities is possible through the parliamentary mechanisms of control over Ministers.

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?

The co-operation among national parliaments could be, on a multilateral dimension, realised through existing forms like i. e COSAC. It could be done by including Europol and Eurojust to regular agenda of COSAC or by creating a special committee, group etc. which could serve as the a forum for exchange of views and opinions. The co-operation between parliaments could also be realised within the bilateral co-operation between parliaments.

The co-operation between national parliaments and European Parliament could take place through regular co-operation between members of European Parliaments and member of respective national parliaments. It could be done through existing channels of co-operation or again if needed new mechanism could be created.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

First of all COSAC could play a coordination role as a forum for exchange of views and opinions between national parliaments on the issues regarding Eurojust and Europol. Secondly COSAC could take a role of coordinative body where issues of Eurojust and Europol would require a common initiative of parliaments. In that context COSAC could also promote those initiatives and promote the debate on those issues.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Rule of Law and Human Rights Committee is responsible for these issues.

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?

No, the Sejm of the Republic of Poland has not hold a debate about the actual state of human rights and democracy in the world.

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?

No, but the Foreign Affairs Committee of the Sejm adopted at the 64th sitting on October 2nd 2008 the Statement concerning the lack of democracy standards of the parliamentary elections in Belarus.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

The Sejm controls the government's actions in the field of promotion of human rights and democracy on the basis of rules of cooperation with government.

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?

According to the Act of 11th March 2004 on Cooperation of the Council of Ministers with the Sejm and the Senate in matters related to the Republic of Poland's membership in the European Union, EUAC deals with all legislative proposals and draft international agreements to which the UE, the European Communities or their member states are to be the parties. The Council of Ministers presents to the Committee the provisional position regarding the legislative proposal. The government has to justify its position and the assessment of the actual state of human rights and democracy in the given country may be a part of the governmental position.

The information about the actual state of human rights and democracy may also be presented during the debate.

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?

The Sejm is open towards promotion of human rights and endeavours to take them into account while a particular topic falls within the scope of these clauses.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

The Sejm participates and supports many projects aimed at promoting human rights and democracy, especially on the forum of the Parliamentary Assembly of the Council of Europe (the Council of Europe Forum on the Future of Democracy, moreover deputies of the Sejm are participants of the Political Affairs Committee of the Parliamentary Assembly of the Council of Europe and observe all elections in the developing countries).

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Yes, to the Council's of Europe activities.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

It is upon decision of the Presidium of the Assembly Committee.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

The first Representative of the Secretary General of the Chancellery of the Sejm to the EU was sent in July 2003.

Ms. Kaja Krawczyk, August 2003 – September 2005

Ms. Agnieszka Krawczyk, September 2005 – August 2006

Mr. Tomasz Kapera, July 2006 – March 2008

Ms. Magdalena Skrzyńska, March 2008 – onwards

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

There were two main goals of sending first representative in 2003 to Brussels. A short term goal was to facilitate the beginning of Polish observers in the EP. A long term goal was to begin a closer inter-parliamentary cooperation on the official level.

3. What is the title of the representative of your Parliament/Chamber?

The title is: Polish Sejm Chancellery Representative to the EU.

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?

The decision is taken on a case-by-case basis and the term of office can be 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?

Each representative reports back to their own parliament. There is no coordination of the activities between representatives of two chambers, since each representative is accountable to a different superior. However, a different case is cooperation, based on collegial relations between representatives. Such cooperation exists, primarily in cases of inter-parliamentary activities, related to visits of members of parliaments and staff in Brussels.

However, it has to be noted that there will be a need for an increased cooperation and coordination of the representatives' activities during the Polish Presidency.

In case of the Polish Sejm Chancellery Representative to the EU, before the Senate's representation was established, Sejm Representative was co-operating with a Chancellery of the Senat providing information on the most important issues from the area of inter-parliamentary cooperation.

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.

The Sejm finds national parliaments representatives in Brussels the most effective channel of inter-parliamentary cooperation on the official level, which gives the possibility of quick exchange of information and views. With this regard the inter-parliamentary cooperation is the main task of the representative of the Chancellery of the Sejm.

However, following works of the Committees, reporting and contacts with MEPs are also very important in day to day work of the representative.

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?

The representative focuses his attention on the following issues:

- inter-parliamentary cooperation on the official level, cooperation with colleagues from other parliament, creating good relations with colleagues from other parliaments, reporting;
- following works of the Committees, reading reports, meeting MEPs working on specific proposals, following Committees meetings, reporting;
- following plenary sessions, reading reports, meeting MEPs working on specific proposals, following Committees meetings, reporting;
- following JPMs, JCM and other inter-parliamentary meetings, reporting;
- organisation of visits of the delegations from the Sejm to the EU institutions, reporting;
- special requests from the Sejm.

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?

The Representative of the Chancellery of the Sejm prepares weekly reports on what has taken place in the EP. These reports are sent to all members of the EUAC, to the Secretary General, to staff of the EU Department in the Chancellery of the Sejm and some other officials in the Chancellery of the Sejm.

Additionally, if asked, the representative sends reports on specific issues to one who asked for.

The decision on topics to be reported is up to the representative, who suggests what is important and what should be reported. The representative is expected to be independent and proactive in her activities. If the EUAC is interested in a particular topic among those signalled in the reports then it can ask for more detailed report on specific issues.

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?

The representative is accountable to the head of the EU Division from the administrative side and the Chairman of the EU Affairs Committee, as far as the setting priorities is concerned.

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?

According to the rules, the Representative of the Chancellery of the Sejm to the EU is obliged to send semi-annual reports to the Secretary General dealing with all the activities concerned with the post.

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

The Representative of the Chancellery of the Sejm to the EU does not attend EU Speakers' Conferences or meetings of the Secretaries General. The decisions on the attendance at the COSAC meetings are taken on a case-by-case basis.

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?

The representative does not dispose of an assistant on a regular basis. From time to time representative employs trainees who assist her in day to day work.

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

Future developments are to be decided before the Polish presidency.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The majority of topics which are the subject of the Bi-annual reports are foreseen in the working programme of the European Union Affairs Committee. According to the answers to the question No 7 from this part of Report other topics can be added to the Committee agenda which are considered valuable. The added value of the Bi-annual Report could be focusing the national parliaments'/European Affairs Committees' (EAC) attention to the broad scope of the European issues.

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?

Yes, they should be partially linked to the COSAC agenda. From our point of view – referring to the answer to question No 7, the necessity to discuss issues in order to replay to the Report are facilitating in-depth discussion during the COSAC meeting.

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?

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- 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?**

Such topics should be, for instance, an assessment of the IPEX system and on procedures on presenting national parliament's/EAC's position to the relevant European institutions.

- 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.**

The current form of the Reports is satisfactory. However, more yes/no questions with a possibility to add additional comments will facilitate the comparison of the answers.

- 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.**

The Research Bureau is the administrative service involved in the preparation of the report. It provides with an expertise and information on the Sejm's activities which are not in the EUAC responsibilities. With all questions dealing directly with the Committee activities the Secretariat of the Committee is responsible for, as well as for the final answers for the questionnaire. The Secretariat of the European Union Affairs Committee consults also branch committees and other parliamentary bodies i.e. Delegation to the Council of Europe in case of this report.

- 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?**

The bi-annual report is firstly distributed to the members of the COSAC delegation. The Report is also translated into Polish (only the report, not the replays for the questionnaire) and is published on the website of the European Information and Documentation Centre of the Chancellery of the Sejm and broadly accessible. It is also published in the paper version on the regular basis (2 or 3 reports in one volume).

The Report is accepted by the Chairperson of the European Affairs Committee and is not discussed at the Committee level, however, the report is prepared on the basis of the discussions hold by the EUAC on its meetings, i.e. to the scrutiny of the activities of Europol and Eurojust there was dedicated a separate Committee meeting.

Poland: Senat

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

At this moment, the Polish Senate does not scrutinise activities of Europol or Eurojust. However, it must be perceived that the Senate, in particular the European Union Affairs Committee may request the government to provide it with information on activities of Europol and Eurojust. Such a practice is based on the so-called Cooperation Act, which regulates daily cooperation between the Polish government and Parliament in the EU decision-making process.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

In the view of the delays in the ratification process of the Treaty of Lisbon, it is currently not foreseen to develop parliamentary scrutiny of Europol and Eurojust in the Polish Senate. This approach shall be adapted in accordance to progress obtained in the ratification procedure.

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?

So far there have been no direct contacts between the Polish Senate and the Polish members of Europol and 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?

According to the Article 88 (2) TFEU, procedures for scrutiny of Europol's activities by the European Parliament, together with national parliaments shall be laid down by the regulation. It may be assumed that access to the information on Europol and Eurojust activities (e.g. annual progress reports) will be the utmost important question in this respect, therefore specific provisions on data exchange and protection of data must be included in the above-mentioned regulation. In addition it may be worth considering whether the both European Parliament and national parliaments should be obliged to debate on the annual progress reports of Europol and Eurojust. A possibility of drafting a common opinion by the EP and the national parliaments is another option. It seems appropriate that COSI Committee (Article 71 TFEU) be involved in these works.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

Before the Treaty of Lisbon enters into force and the role of national parliaments and the EP in the evaluation of Eurojust and the scrutiny of Europol's activities is clearly defined, it is rather difficult to envisage the exact form of participation of COSAC in this area.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The committee competent in human rights issues is the Human Rights, the Rule of Law and Petitions Committee.

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?

*Senate's debates on the world's current human rights and democracy issues are mostly of *ad hoc* nature. In December 2008 the Senate hosted Tibet's spiritual leader, the 14th Dalai Lama, Tenzin Gyatso, who had been invited by Bogdan Borusewicz, the Senate Speaker, in March 2008, following the dramatic protests in Tibet.*

To celebrate the 20th anniversary of the free elections to the Senate which prompted democratic transformation process in Poland, the Senate adopted a resolution of November 7 2008 declaring the year 2009 the Year of the Polish Democracy. Throughout this year the Senate is going to co-host a great variety of events, including conferences, debates, competitions and exhibitions.

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?

No

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

The Senate does not control the government's policy, but the chamber may require the government to submit necessary information in any field, including the 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?

Whenever the Senate is involved in the ratification procedure of international agreements the chamber is informed about the actual state of human rights and democracy in the country concerned.

- 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?**

Human rights and democracy clauses should be an inherent element of agreements between the EC and third countries.

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

For the time being the Senate is not involved in any such initiative/project.

- 8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**

Does not concern.

- 9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?**

Does not concern.

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

The first representative of the Chancellery of the Senate of the Republic of Poland to the European Union, dr. Magdalena Skulimowska, started her work on 1st April 2008. She has been working as a permanent representative ever since.

- 2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?**

The primary reason for taking a decision to send a permanent representative to the EU was to ensure that the Senate has access to information about the functioning of the EU institutions, the legislative process taking place within the EU and the current EU affairs.

- 3. What is the title of the representative of your Parliament/Chamber?**

Permanent Representative of the Chancellery of the Senate of the Republic of Poland to the European Union

- 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?**

There is no fixed term in office of the representative. A decision to terminate representative's contract is taken by the Secretary General of the Chancellery of the Senate.

- 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?**

Each representative reports back to their own Chamber. There is no coordination of the activities between representatives of two chambers, since each representative is accountable to a different superior. However, a different case is cooperation, based on collegial relations between representatives. Such cooperation exists, primarily in cases of inter-parliamentary activities, related to visits of members of parliaments and staff in Brussels. However, it has to be noted that there will be a need for an increased cooperation and coordination of representatives' activities during the upcoming Polish Presidency.

- 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.**

The functions of the representative include all the above-mentioned. However, the key function is reporting: on the legislative process, on the activities in the European Parliament, the European Commission and other institutions, on the inter-parliamentary meetings, etc.

- 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?**

- *reporting to the Senate about the activities of the European Parliament and other European institutions, especially about the legislative process, the committee meetings, the Commission's initiatives and on the joint parliamentary meetings and other meetings between parliamentarians from the Member States – 50% and more;*
- *providing assistance in the contacts between the European Parliament and the Senate, including both organizational aspects and professional expertise – 20%;*
- *providing assistance in cases of visits of the senators in the European Parliament – on a case by case basis, but when such visit takes place it occupies 100% of the representative's time.*
- *cooperation with permanent representatives of other parliaments in the European Parliament – 15%;*
- *cooperation with DG Presidency – 10%;*
- *participation in the preparation of the training programmes in the EU institutions for both the senators and the employees of the Chancellery of the Senate – on a case by case basis, when there is a need for such trainings;*

- *cooperation with the COSAC secretariat – 5% (but it will increase during the Polish Presidency);*
- *representation of the Chancellery of the Senate in the European Parliament, European Commission, the Council, and in the Permanent Representation of the Republic of Poland – 5% .*

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?

There is no written rule as far as the frequency of reporting is concerned. Therefore it can be concluded that the representative to the EU is expected to report on an ad hoc basis, when there is something important to report back to the Senate. However, the representative sends regular reports on a weekly basis. A decision on the topics for reporting is taken by the representative.

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?

The representative to the EU is directly accountable to the director of the Bureau of International and EU Affairs. Indirectly, the representative is accountable to the Secretary General of the Chancellery of the Senate.

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?

The representative has a duty to report twice a year on her activities to the Secretary General of the Chancellery of the Senate of the Republic of Poland.

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

*The representative to the EU **does not** attend EU Speakers' Conferences. Neither does she attend the meetings of the Secretaries General.*

*The representative to the EU has a duty to **attend** COSAC meetings – twice a year.*

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?

No.

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

This post is relatively new. A number of developments have been introduced so far, as a reaction to the needs arising in the process of everyday work. As for the future developments, there is a conviction that the representative to the EU should be able to maintain closer relations with the members of the Senate and the officials through the regular meetings held in Warsaw. On the one hand, it will help the representative to structure her/his work better in terms of its usefulness to the Senate. On the other hand, the members and officials will be better informed about the current activities of the representative to the EU. Such exchange of views and ideas will be beneficial for both sides. Apart from those, the representative to the EU will be able to maintain collegial relations with other officials from the Senate and will keep track of all the changes taking place back home.

Secondly, due to the amount of work and abundance of activities within the European Union, the Senate recognises the need for an assistant of the representative to the EU. In particular, such assistant would be essential during the Polish Presidency, when a number of duties of the representative to the EU increases, especially in the sphere of inter-parliamentary cooperation.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The Bi-annual reports provide information on competences, decision-making processes and procedures in EU national parliaments. Such a comprehensive publication allows the potential users to make a comparative approach to a given area, as well as to have a deeper insight into other parliaments' experiences. Collecting diverse yet selected information on 27 EU national parliaments in one paper, together with summaries of research results in each particular area may be a valuable working tool both for parliamentarians and parliamentary staff. The materials provided by the reports may be helpful in working out the best 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?

The topics of the Bi-annual Report should be mostly linked to the COSAC meetings' agenda. But they should also contain other additional information, which – even if not suitable for the COSAC forum - might be useful while assessing parliamentary procedures and practices.

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?

Future Bi-annual Reports might focus on the following topics:

1. National parliaments as the budgetary and political controllers of the EU funds spent in their respective states.

2. Effectiveness of the EU law (Article 10 TEC). Does the national parliaments take account of the jurisprudence of the Community courts in their legislative works?

3. The role of European Parliament and national parliaments in the EU struggle for economic recovery.

- 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.**

Closed questions (Yes/No questions) are very helpful in the publications which cover information from so many contexts (27 parliaments), because they allow a better analysis and interpretation. Questions that require more elaborate answers should be formulated very clearly. Covering 4-6 chapters, as it has been practiced so far, seems most suitable. Tables are a highly user-friendly format to present data/information.

- 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.**

Draft replies to the questionnaires for Bi-annual Reports are prepared by the staff of the European Union Unit (analysts and the Secretariat staff) and approved by the chairman of the EU Affairs Committee.

- 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?**

The Bi-annual Reports are distributed electronically among the members of the EU Affairs Committee immediately after the COSAC meeting, together with a report from that meeting. The Bi-annual Reports are not debated upon. They are translated into Polish and published both in print and on the Internet, which is the responsibility of the European Information and Documentation Centre of the Sejm Library.

Romania: Camera Deputaților and Senatul

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The scrutiny of the activities of Europol and evaluation of Eurojust has the same status and takes place in the same way as the scrutiny of proposals and initiatives in other fields. Once a certain draft is deemed important by the European Affairs Committee, it may be examined.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

Yes. In its capacity to represent the Parliament in most EU issues, the European Affairs Committee intends to set in place a particular scrutiny mechanism adapted to the relevant provisions in the Lisbon Treaty.

First, the EAC will examine the Regulations mentioned in art. 85 and 88 TFEU, with a view to clarifying the meaning of the "evaluation" of Eurojust and the "scrutiny" of Europol, establishing the purpose of the evaluation or scrutiny and describing the particular measures, actors involved and flow of information and decision, better defining the relation between Eurojust and Europol, identifying the constitutional implications of the Regulations at national level.

In the same time, since the Regulations will be adopted under the co-decision procedure, with qualified majority vote, the European Affairs Committee will have to ensure that the country's core competencies would not be passed over to Europol, that the accountability of Europol will be at least at the same level as that of the National Police and to find means preventing Europol to improperly extend its' competencies.

Second, a "co-operation link" (including contact persons, cooperation protocols, action plans) will be set up with the Europol and Eurojust structures in Romania, and the national member / liaison officer, as well as with relevant parliamentary committees, Home Affairs Ministry, Justice Ministry, in order to maintain a permanent dialogue on how to ensure their better functioning.

Third, informal exchange of views, with European Affairs Committees in other member states and Romanian MEP's in the relevant committees of the European Parliament.

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?

There has not been any form of direct communication so far.

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?

The mechanism of interparliamentary cooperation in the EU, set up starting with the 2004 „Hague Guidelines”, adopted by the Speakers Conference and the COSAC’s own contributions, can and should become instrumental in managing the matter in question.

Meetings and study trips can be organised by National Parliaments on bilateral or multilateral basis, depending on the availability of funding.

The European Parliament is expected to decide whether it wishes to adopt a formal procedure for the scrutiny of Europol’s activities and the evaluation of Eurojust and whether, and if so how, to involve the National Parliaments of the member states. It would be highly desirable though, that such a decision be made only after consultation with National Parliaments.

In the same time, since both Regulations will be subject to co-decision, the European Parliament could organize a series of joint meetings with National Parliaments with a view to share possible mutual concerns and get contributions to draft amendments.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol’s activities?

National Parliaments can consult each other and prepare their position in COSAC’s framework, preferably in a dedicated meeting, about the drafts of the Regulations.

Extraordinary COSAC meetings would be welcome, to solve practical matters, or try to unify members’ strategic approaches, methods and actions.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Committee for Human Rights, Cults and National Minorities Issues in the Chamber of Deputies, the Committee on Human Rights, Cults and Minorities, in the Senate, the Committee for Equal Opportunities for Women and Men, in the Chamber of Deputies and the Committee for Equal Opportunities, in the Senate. All the mentioned committees are standing committees.

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?

The Chamber of Deputies and the Senate debate occasionally the situation of observing the human rights in the world.

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?

No; the Chamber of Deputies, the Senate and the Parliament have issued only political non-legally binding statements.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

The Parliament of Romania exerts the control over the Government and its subordinated institutions - according to the provisions of art.111 (1) from the revised Constitution of Romania, which stipulates that “The Government and the other bodies of public administration shall be obliged, within the parliamentary control over their activity, to present the information and documents requested by the Chamber of deputies, the Senate, or parliamentary committees through their respective presidents and by means of motions of censure and through questions and interpellations addressed by the MP’s to the members of the Government.

The Committees dealing with Human Rights may initiate a parliamentary inquiry regarding any Ministry activity or other public authority.

In order to get the assent, the Committees would present a substantially motivated written request based on the votes of the majority of their members, including: the objectives and the goals of the investigation, the necessary means to be allocated and the deadline to submit the report. The Standing Bureaus of the Chambers decide whether a request is approved and the report is sent for debate to the plenary session.

During the inquiry, the Committees may invite, for statement, any high official, officer or employee of the Government or of any other public administration bodies.

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?

Not formally; although there is no specific procedure, in any of the two Chambers, information is being circulated and the decision would include the evaluation of the human rights and democracy status in the respective 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?

The Parliament has generally supported the EU initiatives to increase the political integration of the Union and to strengthen the Union at international level.

In the particular case of EC demanding certain human rights and democracy standards, as a condition to close agreements with third countries, the Parliament of Romania has all the possible reasons to support this kind of clauses, as it represents a large number of citizens

having recently suffered - only 19 years ago - from one of the worst totalitarian regimes in Europe. As a result, the Parliament fully agrees to this approach.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

The Romanian Parliament does support initiatives promoting human rights and democracy.

Amongst the instruments used to that purpose we underline the political declarations, the organisation of meetings and participation to meetings on this subject, the support for the national programmes for the integration of Roma people, for fighting the violence against women, for fighting the traffic in human beings, the relevant activities within the Parliamentary Assemblies of several International Organisations, the relevant activities of the parliamentary diplomacy, including that of friendship groups, the MPs' participation in election monitoring in third countries.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Yes, as regards the initiatives of the European Union, the Council of Europe, other International Organisations.

Seldom, and without the benefit of well established mechanisms, or standard arrangements, as regards the relation with other national parliaments.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

Criteria used in the selection are: the degree of upholding the principles on which the EU itself was built, the impact on the democracy and human rights standards of the given entity, the impact on the good governance and the development of the society and the individual.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

The Chamber of Deputies has opened a Representation Office to the European Parliament in May 2007. The first and only employee was the head of the Office, Ms. Daniela Costela FILIPESCU, still under contract. The Senate has not yet opened a Representation Office.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The Chamber of Deputies decided to send a permanent representative to the EU, to get first hand information on the decision process of EU proposals in the European Parliament.

3. What is the title of the representative of your Parliament/Chamber?

The title of the permanent representative to the EU is “Head of the Representation Office of the Chamber of Deputies to the European Parliament”.

- 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?**

Given the fact that the Head of the Representation Office of the Chamber of Deputies to the European Parliament was appointed by means of a Decision of the Standing Bureau of the Chamber of Deputies, this organism is the only one entitled to decide upon the beginning, the end or a possible renewal of the representatives' term in office.

- 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?**

The Senate has not yet opened a Representation Office, but it plans to. According to the competencies established by the Standing Bureau of the Chamber of Deputies, the permanent representative to the EU has no obligation to relate with the Senate.

- 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.**

The main functions of the permanent representative to the EU are as follows:

- Providing information useful to the Parliament-Government coordination process
 - Providing information on the developments in the legislative process and relevant topics debated in the EU institutions, mainly the European Parliament and the Commission
 - Providing information on request by the Standing Bureau of the Chamber of Deputies, the European affairs committee, sectoral committees, the Secretary General, the European affairs directorate, and other bodies
 - Drafting, on demand, of informative documents on legislative proposals and high interest EU documents
 - Monitoring of the COSAC works
 - Facilitating the exchange of information between the Chamber of Deputies and EU institutions
 - Assisting in planning and organising the study trips of the members of Parliament and parliamentary public servants to the EU institutions and facilitating the organisation of interparliamentary meetings with the European Parliament
- 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?**

The main focus is on the information flow, from the EP towards the Chamber of Deputies, the gathering of information regarding topics of interest and other tasks requested by the Chamber.

A time-share is difficult to estimate, because of the various tasks fulfilled.

- 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?**

The permanent representative to the EU is expected to report on developments in the EU on a regular basis.

- 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?**

In the diagram of the Secretariat General of the Chamber of Deputies, the permanent representative to the EU holds the position of High parliamentary public servant - Head of Department to the Speaker's Cabinet. As a result she is accountable to the Speaker of the Chamber and to the Standing Bureau.

- 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?**

The permanent representative to the EU has to report weekly to the Speaker of the Chamber, the Standing Bureau and the European Affairs Committee, on the works in the European Parliament, biannually or on demand to the European Affairs Committee, on her own activity.

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

The permanent representative to the EU does attend EU Speakers' Conferences and the meetings of the Secretaries General, but seldom the 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?**

The permanent representative to the EU does not have an assistant.

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

Depending on the future institutional developments at EU level, transformation or improvement plans will be taken into consideration.

The European Affairs Committee envisages the establishment of a joint Office in Brussels, of both the Chamber of Deputies and the Senate, but this proposal has not yet been submitted to the Standing Bureaus of the Chambers.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The Reports are a valuable source of information and have been used as such. Many good ideas were accepted and many wrong ideas were banned as a result of giving credit to the expertise in the Reports.

Their best feature is providing “**best practices**”, otherwise, an excellent instrument for reforming, or, in our case (member of the EU from January 1, 2007), building the systems needed to perform well at EU level.

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?

The Reports deal with two categories of topics: those, high on the EU political / policy agenda and those linked to procedures and practices of member parliaments and the functioning of the organisation.

As debate forum, COSAC should primarily host the first kind of topics. Apart of certain topics that may suddenly emerge as EU political/policy priority, the subjects in the Reports should be on COSAC’s agenda as well, thus gaining the depth of preliminary consideration, in the Report’s elaboration process.

As all the national delegations / parliaments have a say to the content of the future Reports, thus ensuring the relevance of the second category topics, the subjects in the Reports may be on the meetings agenda as well, should the time balance of the conference allow.

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?

Not applicable.

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?

The parliamentary scrutiny of EU proposals and initiatives will always be the main procedure needing improvement by way of best practice.

Changes in the role and responsibilities and activities of national parliaments in the EU, brought by the Treaty of Lisbon, should be analysed one by one, in all their procedural ramifications.

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.

The Reports are being extensively used, in various forms and for various projects, by staff and members of both Chambers, thus proving their value.

The style and balance in the information presentation and its classification may not be perfect but we never assumed that this kind of work needed such a degree of exquisiteness.

What we expected have been provided: pieces of information, data and figures reflecting at the same time, the concept behind the facts and the sheer facts. For this purpose, the surveys are highly appreciated as they give a clear picture of procedures and routine in several activities, in all 27 member states. Beside the fact that they are quite persuasive, they indicate the trends in organising the EU related activities, in National Parliaments.

Conclusions incorporating as firm as possible positions by the Report's authors would help.

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.

The Secretariat of the European Affairs Committee of the Parliament of Romania (joint committee) coordinates the process. Matters requiring a political positioning are presented to the Board of the committee which would nominate one or more members to recommend an answer. The Secretariat would draft the answers on request and inform the committee's Board.

The Secretariats of the relevant sectoral committees in both Chambers are always consulted.

Depending on the subject matter, the two European Affairs Divisions of the Chamber of Deputies and the Senate may be involved.

If needed, information is requested from other administrative departments.

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?

Members of the European Affairs Committee receive the Report, or information of it being issued. Reports deemed important for MPs in sectoral committees are translated into Romanian and widely distributed. The Reports are not being discussed in the committee's meetings, but parts of them would be presented as COSAC contribution to document subjects on the committee's agenda and help making decisions.

The Reports are made known to other MPs either entirely or partially, when the situation calls, or on personal request for information.

Slovakia: Národná rada

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

No special procedure developed yet.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

Not precisely discussed yet.

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?

No direct communication yet.

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?

So far we did not elaborate official opinion on the ways of evaluation of Eurojust's and Europol's activities. However, we expect e.g. more detailed scrutiny of relevant legislation, regular hearings of national representatives in the respective institutions, discussion about annual reports of activities, or any other activities based on consultations or exchange of best practices with other parliaments. The network of national representatives in the European parliament, IPEX correspondents or ECPRD network can be also useful.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

The topic can be regularly put on the COSAC chairpersons or plenary meetings agendas.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

Committee on Human Rights, National Minorities and the Status of Women

Committee on Social Affairs and Housing (social rights)

Constitutional and Legal Affairs Committee

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?

Yes, either regularly in the frame of the annual debate on foreign policy 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?**

Yes, it passes resolutions that are not binding on the government but are recommendatory.

- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

The parliament controls the policy of the government in this field within the frame of the standard legislative process, whenever draft law regarding this issue is on the agenda of the parliament. It is then usual that the above mentioned committees discuss this draft in the second reading. The parliament's power of control in relation to the government is relevant also in the field of foreign policy. It 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. Such issues are often raised in individual MP's interpellations and questions, too.

- 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?**

No. On the other hand, the Parliament is informed whether the agreement is in harmony with the country's commitments to the EU.

- 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?**

There wasn't a special debate about this topic.

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

No; only individual MPs are engaged in different NGO project activities in favour of release of political prisoners in Burma, Cuba etc.

- 8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**

No

- 9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?**

-

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

In January 2006, the National Council of the Slovak Republic sent its first permanent representative to the EP and other EU institutions (Mrs. Miriam Lexmann) to Brussels. The term of our PR lasted from 1 January 2006 until 31 October 2008.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The reasons for sending a PR were resulting from our duties of a EU member state (EU affairs scrutiny in the parliament, interparliamentary cooperation).

3. What is the title of the representative of your Parliament/Chamber?

Special permanent representative of the National Council of the Slovak Republic to the EP and other EU institutions.

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?

A fixed term of three years was stipulated in the statute of the PR (Statute was approved by a decision of the Secretary General of the Chancellery of the National Council of the Slovak Republic No. 31/2005 of 18 October 2005). No provision for renewal of the term in the office was incorporated in the Statute.

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?

Not relevant

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.

The Statute specifies the following tasks:

- Facilitation of exchange of information about the activities of the European Parliament and EU institutions in the National Council of the SR and vice versa;
- Following and reporting of the legislative procedures in the EP or any other procedures / activities / decision-making processes taking place in the EP and other EU institutions (with special attention / focus to the implications for the National Council of the Slovak Republic);
- Cooperation with the Permanent Representation of the Slovak Republic to the EU in safeguarding the interests of the Slovak Republic;

The direction of the superior official on the official tasks and duties specifies some additional / more detailed practical tasks:

- representation of the Chancellery of the National Council of the Slovak Republic to the EP and other EU institutions;
- fulfilling organisational, logistical and protocol tasks related to the official / working / study visits of the (Chancellery of the) National Council of the Slovak Republic representatives to Brussels or Strasbourg;
- cooperation in arranging the foreign travels / missions of MPs (deputies of the National Council of the Slovak Republic and officials of the Chancellery of the National Council of the Slovak Republic;

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?

Besides ordinary above-mentioned information/reporting, organisational and logistical tasks, our PR was involved in the work of the IPEX Central Support and IPEX Board. It is hard to say - on behalf of our former PR - the time-share allocations of 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?

It was on rather ad hoc basis, no provision for obligatory regular reporting had been stipulated / mentioned neither in the Statute, nor in the direction of the superior official. Usually, the decision was based upon requests from the Department on the European Affairs / Committee on the European Affairs.

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?

Our PR to the EP was in the directly answering / accountable to the Secretary General of the Chancellery of the National Council of the Slovak Republic, and was incorporated as an official - so-called state advisor - in the Unit for international cooperation with the EU institutions and national parliaments.

Later, the Unit was renamed to the Interparliamentary Cooperation Unit and was transferred to the Foreign Relations and Protocol Department of the Chancellery, and the PR was accountable to the Director of the Foreign Relations and Protocol Department, while the Secretary General remained the ultimate authority).

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?

No explicit provision for duty to report regularly on his/her activities stipulated in the Statute.

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

At some occasions in the past yes, she did, but not always.

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?

No

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

Under current financial and budgetary restrictions due to the global crisis, all future developments of the PR position have been put on hold. Nevertheless, the Chancellery of the National Council had previously considered a further enlargement of the PR's office, i.e. adding a position of an assistant.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

It is valuable source of information for parliamentarians, researchers etc.

- 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?**

It is not necessary that the topics are directly linked, but it could be of course added value for the general discussion 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?**

Not relevant.

- 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?**

All topics regarding implementation of relevant provisions of the Lisbon Treaty.

- 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.**

It is accurate.

- 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.**

The replies to the questionnaire are prepared by the Department on European Affairs, which is extended secretariat of the Committee on European Affairs. If necessary, other departments are asked to deliver the replies. MPs are not directly involved in the process of preparation of the replies.

- 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?**

The Bi-annual report is distributed either to all members of the Committee on European Affairs or at least to those members which take part at the COSAC meetings. It is not translated to Slovak language.

Portugal: Assembleia da República

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The Assembly of the Republic's intervention in this matter starts with approval of the legislative acts or international instruments creating Europol and Eurojust, and the subsequent Protocols amending or applying these instruments:

- Resolution of the AR no. 69 /2006, of 19.12, which "Approves, for ratification, the Protocol amending the Convention on the establishment of a European Police Office (Europol Convention) and the Protocol on the Privileges and Immunities of Europol, the Members of its Organs, the Deputy Directors and the Employees of Europol, signed in Brussels, on 28 November 2002"*
- Resolution of the AR no. 7/2002, of the Assembly of the Republic, of 20 December – Approves, for ratification, the Protocol drawn up on the basis of article 43.1 of the Convention on the establishment of a European Police Office (EUROPOL Convention) and which amends Article 2 and the Annex of the same Convention, signed in Brussels, on 30 November 2000;*
- Resolution no. 54/99, of the Assembly of the Republic, of 18 June – Approves, for ratification, the Agreement on the privileges and immunities necessary for the performance of the tasks of the liaison officers at Europol, under the terms of Article 41.2 of the Convention on the establishment of a European Police Office (EUROPOL Convention).*
- Resolution no. 9/99, of the Assembly of the Republic, of 11 December – Approves, for ratification, the Protocol drawn up on the basis of article K.3 of the Treaty on European Union and of Article 541.3 of the EUROPOL Convention, on the privileges and immunities of Europol, the members of its organs, the deputy directors and the employees of Europol;*
- Law no. 68/98, of 26 October – Determines the entity exercising powers of national supervisory body and the form of appointment of the representatives of the Portuguese State to the joint supervisory body, provided for in the Convention, drawn up on the basis of article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol) (appointment of two representatives of the National Data Protection Commission to the joint supervisory body – Article 23 of the Europol Convention);*
- Resolution no. 60/97, of 3 July – Approves, for ratification, Convention, drawn up on the basis of article K.3 of the Treaty on European Union, on the establishment of a European Police Office (EUROPOL Convention), signed in Brussels, on 26 July 1995, and the Protocol, drawn up on the basis of article K.3 of the Treaty on European Union, on the interpretation by way of preliminary rulings, by the Court of Justice of the European Communities, of the Convention on the establishment of a European Police Office;*

- Law no. 36 /2003, of 22.8, which establishes rules on implementation of the decision of the Council of the European Union creating EUROJUST, in order to strengthen the fight against serious forms of crime, and regulates the status and powers of the respective national member.

Scrutiny of the activity of these bodies has involved monitoring by the Committee for Constitutional Affairs, Rights, Freedoms and Guarantees of the activities of Eurojust, through assessment of its annual report, as from 2007; a meeting (held jointly with the European Affairs Committee) with the President of the Agency, the National Member, Dr. José Luís Lopes da Mota, on 16 January 2008, on the activities of Eurojust and the European Space of Freedom, Security and Justice.

Scrutiny of Europol's activities has been exercised through participation in international meetings, especially the Conferences of the Parliamentary Chairmen of the Justice and Internal Affairs Committees, at which the nature, functions and activities of Europol have been a topic of debate, most significantly the conference held in Berlin, on 6 and 7 May 2007.

In relation to both Europol and Eurojust, scrutiny of European initiatives with a direct or indirect bearing on them (for instance, initiatives on judicial or police cooperation) also constitutes a form of assessing their activities and the need for any review of the associated regulations.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

No answer.

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?

As regards Eurojust, there is direct contact with the national member, who is currently Eurojust Chairman, Dr. José Luís Lopes da Mota, and has taken the form of submittal of his annual report, as from 2007, and of meetings, such as that referred to in 1, held on 16 January 2008, yet to be followed up..

In relation to Europol, there has been no contact with the liaison officer during this legislature, although it is foreseen that such contact could occur through the member of Government responsible for Internal Administration.

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?

N.a.

What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

N.a.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

In keeping with the definition of the spheres of competence of the various parliamentary committees, powers and political control over all issues relating to Human Rights lie exclusively with the Committee on Constitutional Affairs, Rights, Freedoms and Guarantees (1st Committee), which also exercises powers in the field of immigration, on matters relating to the area of Justice and internal Affairs (third pillar JHA).

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?

The Assembly of the Republic does not hold debates on the state of human rights and democracy in the world on a regular or obligatory basis.

However, although there is no express provision in the rules of procedure for debates on this topic, which would require such debates to be scheduled with a specific time allocation, the AR's Rules of Procedure contain a general provision – in article 73 – permitting thematic debates to be scheduled by the Parliamentary Committees. The Constitutional Affairs Committee began in 2008 to assess the Annual Report of the Parliamentary Assembly of the Council of Europe (PACE) on the state of human rights and democracy in Europe, which has raised the possibility of a debate being scheduled on this issue. In addition, the AR's delegation to PACE has monitored this report more directly, both through participation in the annual debate on this matter at the Parliamentary Assembly and by reporting information thereby gathered to the Assembly of the Republic, through the Constitutional Affairs Committee.

In addition to this intervention, (frequent) ad hoc debates are held on specific human rights issues at the plenary sessions of the AT, both during the initial period for political statements, normally in response to international events constituting cause for concern in this regard, and in discussions of proposed legislation, which often results in debate on these issues – recent examples include the review of the Criminal Code and the Code of Criminal Procedure, the new Sentence Enforcement Code and the Legal Rules combating Domestic Violence (questions on the rights of prisoners, ill treatment of prisoners, domestic violence).

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?

In addition to applications and questions to the Government, which often relate to the intervention or position of the Portuguese diplomatic service in the face of critical situations of human rights violations, the Assembly passes motions of condemnation or solidarity – recent examples include resolutions relating to the conflict in the Gaza Strip and the terrorist attacks in Mumbai.

Approval of legislation and resolutions has involved primarily internal human rights issues, but the AR also approves international Agreements and Treaties on these questions – as its

political and legislative powers, as defined in the Constitution [article 161 i) and article 165 i) b], include the power to approve Treaties, in particular those dealings with matters where it has sole powers – rights, freedoms and guarantees.

Recent examples:

- Resolution n. 51/2008 - Agreement between the Portuguese Republic and the United Nations on the enforcement of sentences of the International Criminal Tribunal for the former Yugoslavia

Resolution n. 32/2004

The United Nations Convention against Transnational Organized Crime, the Protocol to Suppress, Prevent and Punish Trafficking in Persons, Especially Women and Children, and the Protocol against the Smuggling of Migrants by Land, Air and Sea, supplementary to the Convention

- Resolution n. 12/1998

The Amendment to article 43, paragraph 2, of the Convention on the Rights of the Child, approved by the General Assembly, in its resolution 50/155 of 21 December 1995

- Resolution n. 37/1998

Convention on the Prevention and Punishment of the Crime of Genocide

- Resolution n. 15/1997

Amendment to article 20, paragraph 1, of the Convention on the Elimination of All Forms of Discrimination against Women

- Resolution n. 11/1988

Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

The approval of Laws and Resolutions on human rights issues, in keeping with the AR's legislative powers, which has recently included:

- *within the framework of reform of the Penal Code, extension of the definition of domestic violence to include ill-treatment between unmarried, same-sex and former couples, as well as abuse between parents and children;*
- *Reform of the Code of Criminal Procedure, consisting primarily of extension of the rights of criminal defendants and the setting of limits for [remand](#) in custody;*
- *A new immigration law (May 2007), which includes measures to provide residence permits for victims of trafficking;*
- *Two Parliamentary Resolutions on the issue of poverty as a prime route to the violation of human rights – Resolution no. 10/2008, of 19 March 2008:*

Monitoring of the Poverty situation in Portugal, and no. 31/2008, of 23 July, Recommending the definition of a Poverty level and the evaluation of public policies to combat Poverty;

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

On this matter as on all others, the Assembly of the Republic exercises its constitutional powers to oversee the activities of the Government, through hearings of members of Government, but above all through the applications and questions addressed by Members of Parliament to members of the Government, as referred to above.

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?

In Portugal, the Government has powers to negotiate and conclude international agreements; the Assembly of the Republic is consulted as part of the ratification process for international agreements and the Foreign Affairs Committee delivers its opinion. The Foreign Affairs Committee has never received reports on Human Rights and Democracy in the countries signing these agreements.

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?

The Foreign Affairs Committee and the Assembly of the Republic have never been consulted on Human Rights and Democracy clauses in agreements between the EC and third countries.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

The Human Rights Prize

In recognition of the importance of the Universal Declaration of Human Rights, the Portuguese Parliament approved a Resolution, in 1998 (resolution no. 69/98, of 10 December 1998 and Amendment to resolution no. 48/2002, of 4 July 2002), declaring the 10th of December as National Human Rights Day and defining an annual monetary prize to distinguish the work of an NGO or any literary, scientific or media work (published by Portuguese or foreign citizens) which has constituted a proven means of promoting and assuring respect for human rights.

Situation in prisons

The Parliamentary Committee for Constitutional Affairs, Rights, Freedoms and Guarantees (CCARFG) is responsible for monitoring the situation in prisons (through visits to inmates and correspondence with them), in the light of current concerns with overcrowding, poor hygiene and scarce prison resources (70% of prisons are operating at above their intended capacity and three are housing double the intended number of inmates), and also in the

expectation that the Government will go ahead with its announced plans to close 22 prisons and extend others.

Petitions

The CCARFG, which is the committee with powers to deal with human rights issues at the AR, monitors complaints and formal petitions presented by citizens in this field, and analyzes all requests concerning which the Government or administrative authorities may be questioned or which may lead to proposals for new legislation..

The Portuguese Parliament is also involved in organizing national and international conferences on human rights issues, such as the recent extraordinary meeting of the Council for Immigration Affairs, which looked into “Political participation by immigrants”.

Members of Parliament regularly take part in international meetings, such as the joint meetings of the Parliamentary Human Rights Committees of EU Parliaments (most recently held in Berlin in 2007 and at the European Parliament in 2008).

The Portuguese Parliament is also deeply involved in the Council of Europe Campaign to Combat Violence against Women, not only through its delegation to the Parliamentary Assembly of the Council of Europe, but also internally, through a national campaign and a parliamentary debate on this issue.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

These initiatives are mainly connected to those of the Council of Europe and the EU.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

The main criteria are the relevance of the Human Rights situation in Portugal – corruption; domestic violence; social and humanitarian problems caused by illegal immigration; the situation in the prisons.

Another important criterion is whether the initiative is connected with EU interests, or its common position on a given international issue

CHAPTER 3: Representatives of National Parliaments to the EU

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?

With regard to the creation of the COSAC Secretariat, in 2004, the Parliament of the Member State holding the Presidency of the EU Council appoints a member of staff to represent that Parliament during the 18 months of the presidential troika. Accordingly, on 1 January 2007 the Portuguese Parliament sent as its Representative on the COSAC Secretariat Dr. Bruno Dias Pinheiro, who remained in this position until 31 June 2008.

On 24 June 2008, the Assembly of the Republic decided to appoint a Permanent Representative to the EU, Dr. Maria Teresa Paulo, who took up her mission on 17 September 2008, for a two-year term (September 2008 – September 2010).

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The Assembly of the Republic decided to send a Permanent Representative to the EU in the light of the Portuguese Parliament's participation in the COSAC Secretariat, under the EU presidential troika (from January 2007 to July 2008). Participation in this structure, based at the European Parliament in Brussels, demonstrated the potential of a permanent presence at the offices of the European institutions.

At the time this decision was taken, only the parliaments of Portugal, Spain and Malta were not represented in Brussels, in other words, only these parliaments were not benefiting, on the one hand, from the information network created by the group of Parliamentary Representatives and were not able, on the other hand, to provide information on the work or positions of the respective parliaments (this limited their ability to hear and to be heard).

The timing of the decision also coincided with the development of the Portuguese Parliament's own system of scrutiny, following on from the "Barroso initiative" and negotiation of the Treaty of Lisbon. For this reason, the AR started to feel the need for access to additional, diversified and up-to-date information to provide qualitative support for systematic assessment of scrutiny of the legislative and non-legislative initiatives of the European Commission and of the European decision-making process.

Finally, increasing participation by Portuguese Members of Parliament in meetings of the European Parliament meant that the possibility of permanent representation became a necessary, both in order to ether the information needed to prepare for these meetings, and to provide additional support for the delegations to these inter-parliamentary meetings, thereby contributing also to closer working relations between national MPs and MEPs on specific issues.

These were the main reasons behind the decision to send a Permanent Representative to Brussels, with the support of the different political parties represented in parliament.

3. What is the title of the representative of your Parliament/Chamber?

"Permanent Representative of the Assembly of the Republic to the UE", as defined in Regulation no. 354/2008, of 24 June.

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?

As established in Article 4.1 (Duration and cessation of term of office) of Regulation 354/2008, of 24 June: "The Permanent Representative shall be appointed for a term of office of two years, which may be extended only once".

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?

N.a.

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.

As established in Article 2 (Powers and Duties of the Permanent Representative) of Regulation no. 354/2008, of 24 June:

“1 — The Permanent Representative shall further and facilitate cooperation between the Assembly of the Republic and European institutions, namely the European Parliament, and also with the Secretariat of COSAC (Conference of European Affairs Committees of the National Parliaments of the member States of the European Union and of the European Parliament), through regular exchange of information on their respective activities.

2 — To this end, the Permanent Representative shall:

- a) Set up a network of contacts with European institutions, in particular with the European Parliament, and also with all the representatives of other national parliaments to the European Union;*
- b) Monitor the debates of the European Parliament and other European institutions and assure that information is effectively circulated;*
- c) Take part in meetings at the European Parliament and other European institutions, and in meetings of national parliaments within the scope of his mission, namely in COSAC, in inter-parliamentary meetings and in conferences of EU speakers and secretaries-general;*
- d) Provide information for the scrutiny activities of the Assembly of the Republic, propose forms of carrying cooperation procedures further and disseminating good practice in national parliaments;*
- e) Collaborate on gathering comparative information on parliamentary practices and on preparing reports on specific issues requested by the organs and offices of the Assembly of the Republic;*
- f) Assist the President of the Assembly and delegations from the Assembly of the Republic when visiting European institutions;*
- g) Help to organize and follow through working and study visits by Members of Parliament and parliamentary staff to the European institutions;*
- h) Assure cooperation with REPER”.*

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?

<i>Activities, in order of priority</i>	<i>Percentage of time spent</i>
<i>Replying to requests for information from the offices of the AR, Members of Parliament, Permanent Representatives, the EP and other institutions</i>	<i>25%</i>
<i>Accompanying delegations from the AR (Members of Parliament and</i>	

study visits by staff)	20%
Relations with other Permanent Representatives, the EP, MEPs, REPER, the European Commission, etc..	20%
Sending information of relevance for the AR's scrutiny activities	15%
Participation in meetings of the EP, COSAC, meetings of the SG and at the Conference of EU Speakers	15%
Administrative activities	5%

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?

The Assembly of the Republic's Permanent Representative to the EU draws up reports or memoranda on the activities in which she takes part, whenever she sees fit or when specifically requested. The matters on which she reports either refer to inter-parliamentary meetings in which Portuguese MPs take part or concern matters of relevance to Portugal and to national politics, as identified by the Permanent Representative herself.

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?

The Permanent Representatives works closely with the political and administrative hierarchy in Parliament, adjusting her activities and organizing her work (including the setting of priorities) in keeping with the guidelines she receives from time to time, as established in Article 6 (Oversight) of Regulation no. 354/2008, of 24 June:

“1 — The Permanent Representative is subject to the direct and sole supervision and direction of the Secretary-General of the Assembly of the Republic, to whom he reports and from whom he receives instructions;

2 — For logistical and functional purposes, during his term of office, the Permanent Representative reports to the director of the office with powers of supervision and direction in the field of European Affairs”.

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?

In accordance with Article 7.2 of the same Regulation, “Prior to the end of each legislative session, the Permanent Representative shall forward to the Secretary-General of the Assembly of the Republic a report on his work, in which he shall make reference to difficulties encountered in the exercise of his duties and present proposals for improving his effectiveness”.

In addition to this, the Permanent Representative also responds to requests from the President of the AR, the European Affairs Committee, the specialist standing committees and the MPs themselves.

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

Yes, the Assembly of the Republic's Permanent Representative to the EU takes part in all these meetings, and in their preparation.

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?

No.

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

The Portuguese Parliament may possibly make some changes to the definition of its Permanent Representative's mission in the light of the findings of the assessment of her work at the end of her term of office and the aims which it may set for the future.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The added value offered by the COSAC bi-annual reports is, first and foremost, the possibility of obtaining relevant information on parliamentary practice in the monitoring of European affairs at EU level, i.e. the sharing of good practices. The line which has been followed, assessing how different Parliaments/Parliamentary Chambers look at the same questions (e.g. the Lisbon Strategy, CFSP, ESDP, cooperation with the European Commission) seems to us to be appropriate, as it provides an appreciable level of detail on how the other Parliaments work.

In the same way, the more qualitative and systematic analyses offered – always on the basis of replies from the Parliaments – are extremely useful for internal reflection by each Assembly on its own procedures for monitoring European affairs. Examples of this are the analysis of the different systems for scrutiny of European affairs in the 40 parliamentary chambers of the EU (8th bi-annual report, 38th COSAC, Estoril) or the analyses of the expectations of the National Parliaments (NPs) regarding the possible entry into force of the Treaty of Lisbon and its consequences (9th bi-annual report, 39th COSAC, Brdo pri Kranju, and 10th bi-annual report, 40th COSAC, Paris).

Finally, the background notes on the parliamentary dimension of specific issues or policies (e.g. climate change and environmental protection, European Neighbourhood Policy).

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?

COSAC should devote itself to debating topics which, in the present context, are currently of the greatest relevance to the work of National Parliaments in monitoring European affairs. The COSAC agenda comprises these topics, outstanding issues from previous presidencies which need to be followed up (e.g. subsidiarity tests) and analysis of the matters dealt with in the bi-annual report.

It is important that COSAC should discuss the topics contained in the report, and there is normally a specific item on the agenda for this. However, the report should not take up all the debate, and a degree of flexibility should always be left for the Presidency and the troika to organize the agenda so as to give the debates the political flavour needed for the exchange of information and good practices which COSAC is intended to encourage.

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?

Portugal held the Presidency of COSAC from 1 July to 31 December 2007. The criteria for selection topics for the bi-annual report were: the priorities of the Portuguese Presidency of the EU Council, review and systematic presentation of the information on the scrutiny models adopted at the 40 parliamentary chambers of the EU (this had not been done since the 3rd bi-annual report, in 2005), and topics which were both innovative and relevant to parliamentary practices.

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?

This question has already been dealt with in a note prepared by the COSAC Secretariat on the question of the Portuguese Presidency, under the terms of Article 7.1 of the COSAC Regulations².

In this, several Parliaments indicated the topics they would like to be dealt with at future COSAC meetings. The Assembly of the Republic identified the following topics: parliamentary monitoring of cooperation policy for development of the EU/Relations with Africa, Latin America; good practices in scrutiny of the Annual Policy Strategy and the European Commission's Legislative and Work Programme; Quality of Legislation; the role of Parliaments in consolidating recent democracies; cohesion as a factor of economic growth; compatibility of cohesion, solidarity and environmental protection with the objective of growth and employment.

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.

The general view is that the bi-annual reports make a fundamental contribution to the work and objectives of COSAC, for the reasons set out in our response to question 1.

However, it is considered that the reports (and the questionnaires) should be shorter and more incisive.

6. What is the procedure in your Parliament/Chamber for preparing and approving the replies to the questionnaires for Bi-annual Reports? Please specify

² The full note with all the proposals may be consulted at:
<http://cosac.eu/en/meetings/Lisbon2007/plenary/future.pdf/>

which administrative services of your Parliament/Chamber are involved and if the Members of your European Affairs Committee are involved.

The committee responsible for the drafting and final approval of the reply to the questionnaire is the European Affairs Committee. However, when the issues raised fall within the field of competence of another Parliamentary Committee (e.g, EUROPOL, EUROJUST, Defence), the EAC requests the collaboration of the committee with the relevant field of powers.

The final version of the reply, drawn up in Portuguese, is discussed and approved by the European Affairs Committee. Once approved, it is sent to the Translation Office of the Assembly of the Republic and then forwarded to the COSAC Secretariat.

- 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?**

The bi-annual report is distributed in English and French to the MPs on the European Affairs Committee delegated to each COSAC meeting.

The content of the report is discussed after the meeting, when the Chairman of the European Affairs Committee presents the outcome of the COSAC meeting to the other members of the Committee.

Slovenia: Državni zbor

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The National Assembly of the Republic of Slovenia does not yet directly scrutinise the activities of Europol and Eurojust. However, the Committee on Domestic Policy, Public Administration and Justice, and the Committee on EU Affairs have discussed the Hague Programme and certain reports, in particular the Review of the Hague Programme for the last three years, and adopted specific conclusions relevant to the state of play. The Committee on Domestic Policy, Public Administration and Justice has also examined the competences, tasks, problems, and achievements of Europol and Eurojust. All the above activities derive from the close cooperation between the Government and various Ministries.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

The exact scrutiny methods and techniques are not yet envisaged neither for the Committee on Domestic Policy, Public Administration and Justice, nor for the Committee on EU Affairs. Nevertheless, both committees are firmly convinced of the urgent need for scrutiny. In this process of review, it has been established that there is a need for the flow of information within Europol and Eurojust. One important issue is "data protection" which needs to be pursued under more efficient police surveillance and certainly in a very close collaboration with the Government.

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?

Unfortunately, direct communication with the Slovenian Liaison Officer for Europol has not yet been established.

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?

Both the Committee on Domestic Policy, Public Administration and Justice and the Committee on EU Affairs agree that the Treaty of Lisbon attributes to the national parliaments together with the European Parliament new important roles, but it is necessary to establish new principles for the examples of good and efficient practice.

It is obvious, however, that the tasks, goals and activities of Europol and Eurojust are not well publicised. There is a need for more information dissemination programmes in different Member States for the professional and civil society.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

At the national and EU levels, it is necessary to engage in finding an effective way to solve the problem of international, mostly illegal, immigration flows of economic, social or natural disaster origins, youth crime, and increasing fraud rates.

With a view of the economic and social crisis accelerated by climate change, the following should also be considered:

- *Increasing rate of criminality of growing-up youth and minors (adolescents), in particular in
 - *drug abuse,*
 - *drug trafficking,*
 - *drastic violence and killings,*
 - *use of firearms (recent killings in schools, i.e. Germany)**
- *Increasing fraud rates, such as misappropriated money, PIN codes, money laundering*

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

In the National Assembly, human rights issues are dealt with by the Commission for Petitions, Human Rights and Equal Opportunities. Pursuant to the Ordinance on the establishment of the Commission, the Commission for Petitions, Human Rights and Equal Opportunities:

- e. discusses complaints and motions of citizens regarding specific problems in the implementation of laws and other legal acts;*
- f. discusses complaints relating to individual cases, and acts as a facilitator in procedures involving other institutions;*
- g. examines requests, complaints, and other initiatives of general interest addressed by citizens to the National Assembly and other state bodies, and establishes the reasons for such;*
- h. informs the competent bodies of the National Assembly of facts arising from the application of laws and advises them on further actions in order to ensure respect for the rights, duties, and legal interests of the citizens;*
- i. monitors and studies issues pertaining to ensuring human rights and fundamental freedoms, and makes initiatives and recommendations to state bodies and legal entities;*
- j. monitors and studies issues pertaining to the implementation of policies regarding equal opportunities and equal rights for men and women in all areas of society and work;*

- k. monitors the realisation of the international obligations of the Republic of Slovenia which pertain to human rights;*
- l. discusses the regular annual reports and special reports of the Ombudsman for Human Rights and the reports of other institutions that report to the National Assembly related to the implementation and exercise of human rights, and fundamental freedoms; and*
- m. as a working body concerned, discusses draft laws and other acts which refer to human rights, fundamental freedoms, and equal opportunities.*

- 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?**

No

- 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?**

In 2001, the National Assembly of the Republic of Slovenia adopted the Declaration on Joint Fight against Terrorism, whereby it joined the international community in its fight against terrorism and called for the implementation of concrete measures. The Preamble to the Declaration states that peace, security and respect for human rights are basic requirements guaranteeing the progress of individuals and communities. Thereupon the Government of the Republic of Slovenia passed relevant decisions, delegating specific activities pertaining to the fight against terrorism to individual competent government bodies. In 2002, the National Assembly adopted the Declaration on Support to the Resolution on Terrorism - Danger for Democracy, Human Rights and the Civil Society.

- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

The Commission for Petitions, Human Rights and Equal Opportunities discusses the annual reports of the Ombudsman for Human Rights and drafts the National Assembly's recommendations for measures pertaining to the work of state bodies, organisations and individuals exercising public office or public authority. The Government of the Republic of Slovenia prepares its own response reports on issues raised by the Ombudsman in his report. Certain recommendations may also be adopted during the discussion of individual human rights violations.

- 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?**

The representatives of the government, who attend the meetings of the Committee on Foreign Policy where such agreements are discussed, inform the parliament about all the relevant facts regarding a particular third country, and answer any questions by the committee members.

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?

So far, the Committee on Foreign Policy has not adopted any formal positions regarding the human rights and democracy clauses in agreements between the EC and third countries.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

Past activities of the National Assembly of the Republic of Slovenia included the promotion of human rights and democracy. In this context, we wish to highlight the activities under pan-European campaign against domestic violence against women and the exhibition organized in celebration of the Human Rights Day. The end of 2008 also saw the start of the campaign "Dosta! Go beyond prejudice, discover the Roma".

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe? Yes. One such example was active involvement in the Council of Europe campaign "Parliaments United in Combating Domestic Violence against Women". The National Assembly's Commission for Petitions, Human Rights and Equal Opportunities organised consultations on the subject.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

The Commission for Petitions, Human Rights and Equal Opportunities considers the basic criteria of initiatives which follow the content of respecting human rights, equal opportunities for women and men, and racial discrimination.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

The first representative, Ms. Radica Nusdorfer, was appointed in March 2004, succeeded by Ms. Jerica Zupan van Eijk in June 2007. The present representative, Mr. Rok Kržišnik, began office in January 2009.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The National Assembly deemed it useful and necessary to send a representative to follow the legislative process in the EP and to support parliamentary delegations when the latter participate in inter-parliamentary cooperation.

3. What is the title of the representative of your Parliament/Chamber?

Representative of the National Assembly of the Republic of Slovenia to the European Parliament.

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?

The relevant decree provides for a 2-year term of office with the possibility of renewal. However, in practice, this issue is subject to the final decision of the Secretary General.

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?

In the Republic of Slovenia only the National Assembly exercises the right to appoint its representative to the European Parliament. Officials of both chambers cooperate on an ad hoc basis, usually in the case of Joint Parliamentary Meetings.

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.

Follow-up of the legislative procedures in the EP; reporting from plenary sessions and committee meetings; consulting and other support to parliamentary delegations at meetings held on the premises of the European Parliament; exchange of relevant information between both institutions; other tasks upon request from the capital.

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?

The work of the representative focuses on reporting on the legislative process in the EP, on the debates within the committees, and on the exchange of practical information between officials of both parliaments.

However, during the preparations for and in the course of the Slovenian Presidency of the EU Council, the emphasis was put on inter-parliamentary cooperation.

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?

Regular reports from EP plenary sittings and committee sessions where topics of strategic national interest are discussed are expected.

In addition, ad hoc reports on specific items either from EP committee sessions or other events taking place on the premises of the EP are produced on special request.

- 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?**

The representative is accountable to the Secretary General of the National Assembly which also appoints her/him, while the priorities of her/his work are set in cooperation with the staff of the Committee on EU Affairs and sector committees.

- 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?**

The representative produces three-month reports on her/his activities to the Secretary General of the Parliament and weekly reports on the activities in the European Parliament.

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

The representative attends the 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?**

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

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CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The Bi-annual Reports represent an important tool for the activities and deliberations of COSAC meetings. The reports present a view to the procedures and practices of parliaments of Member States. The deliberations of these practices at COSAC meetings and in the Bi-annual Reports can be used as a platform for best-practice exchanges.

A discussion was launched regarding the establishment of a standard practice of cooperation between the committee competent (European Affairs Committee) and committees responsible during the process of parliamentary scrutiny. The report also included a list of interesting practices for promoting cooperation between working bodies responsible and the working body competent in EU affairs. The National Assembly of the Republic of Slovenia was also particularly interested in learning about the division of competencies between working bodies responsible for European affairs (Committee on EU Affairs, Committee on Foreign Policy).

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?

It is of course reasonable to have some topical links between the Bi-annual Report and the deliberations and debates that take place at COSAC meetings. However, the relevant topics may arise momentarily, meaning that the total acquiescence regarding the content of the reports and meetings should not be seen as a rule to which there can be no exception. COSAC meetings are, after all, also an opportunity for the Member State holding the presidency to provide its special understanding, knowledge, and experience on topics relevant for the Union as a whole (such as Slovenia's understanding of the Western Balkans, or the Czech Republic's insight into the Eastern Dimension).

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?

Topics that were at the centre of debates in Europe at the time of the Slovenian presidency of the EU Council (Lisbon Treaty).

European topics where Slovenia's knowledge and experience could provide an added value for our EU partners with regard to a certain area (Western Balkans).

Topics that are in a way generic at the EU level - topics relevant for the functioning of the EU in accordance with the goals and expectations of its citizens (Lisbon Strategy).

Given the fact that Slovenia's presidency coincided with the year of inter-cultural dialogue, one of the topics for the Chairperson's meeting was also Intergenerational Solidarity.

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?

In the light of the changes that the Lisbon Treaty (should it be ratified) brings to the role of national parliaments of Member States, an assessment and exchange of experience regarding the cooperation of national parliaments and interest groups in scrutiny procedures could provide an interesting topic for discussion.

The working group of national parliaments' representatives to the EU set up by the XXXIX COSAC that took place on 7-8 May 2008 in Brdo pri Kranju under the Slovenian Presidency presented its conclusions at the XL COSAC in Paris on 3-4 November 2008. The presentation of the findings of the working group shows that IPEX was chosen as the framework for inter-parliamentary cooperation regarding scrutiny procedures over legislative proposals put forth by the European Commission. It would be an interesting and useful exercise if the effectiveness of the said cooperation was the topic of one of the following Bi-annual Reports.

Given the fact that subsidiarity checks are becoming an increasingly standard practice in Member States' national parliaments, a discussion could be opened regarding the organisation of a seminar on the legal and other relevant aspects of the principle of subsidiarity for the staff of EU committees and other working bodies of national parliaments involved in the process of parliamentary scrutiny.

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.

The present format of the reports is transparent and concise. Setting a limit for the number of chapters included in one specific report would - in our opinion - be ill-advised, given the fact that external circumstances are a big factor in the drafting of the Bi-annual Report as such. It is our belief that no report thus far has been as excessive in size as to merit an arbitrary decision limiting the number of chapters in these reports.

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.

The staff of the Committee on EU Affairs prepares the answers to the questions posed in the questionnaires. For such purpose, we cooperate with the committees responsible for specific topic areas (e.g. the Commission for Petitions, Human Rights and Equal Opportunities in the 3rd chapter of this Bi-annual Report, or the Committee on Foreign Policy in previous reports). The final approval of the text is left to the Chairperson of the Committee on EU Affairs.

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?

The Bi-annual Report is available to all the members of the Committee on EU Affairs; however, it is not translated into the national language. The contents of the Bi-annual Report are presented to the members of the Committee during one of its meetings preceding the ordinary COSAC meeting, and a written report is made available to them (and other MPs) after the meeting.

Slovenia: Državni svet

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The National Council does not yet scrutinise the activities of Europol and Eurojust. Indirectly the National Council took note of the Eurojust activities while discussing the Annual report of the State Prosecutor.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

The exact scrutiny procedure is not yet envisaged. Most likely the National Council will follow the same procedure as the one used for debate on the work of the State Prosecutor's Office or the Police (Ministry of the Interior).

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?

There is no communication.

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?

Good practice still needs to be established, but the forms of cooperation that already exist should be used; such as exchange of the opinions on the IPEX internet site, debates at the joint committee /parliamentary meetings.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

COSAC could discuss the future developments of the two institutions in regard of the readiness of the states for closer (enhanced) cooperation in the field of judicial cooperation in the criminal matters (with the emphasis on the financial crimes which effect the EU budget) and in the field of police cooperation.

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

1. Which committee/s deal with human rights issues in your Parliament /Chamber?

Commission on State organization.

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?

The National Council debates the state of human rights during the debate on the Annual report of the Human Rights Ombudsman.

There are also ad hoc debates on the ongoing crisis and human rights violations.

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?

The National Council publishes conclusions and recommendations adopted after the debate on the Annual report of the Human Rights Ombudsman and statements of the President of the National Council on the ongoing crisis and human rights violations.

These conclusions, recommendations and statements are not binding.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

The National Council and the Commission on State Organization discuss the reports of the Human Rights Ombudsman and Government's response. After the debate the National Council may adopt a recommendation on the particular subject which is submitted to the above mentioned institutions and the National Assembly.

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?

If an agreement is discussed, the representatives of the Government, who are present at the meeting, may present the relevant facts regarding the particular state, including the state of human rights and democracy if they were asked to do so.

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?

No formal position has been adopted.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

The National Council organizes open debates with the civil society in the National Council. The conclusions of these debates with legislation/policy proposals are adopted in the plenary session and submitted to the Government and the National Assembly. Examples of the topics of most recent debates are: "What do we need to do to prevent the abuse of the elderly?", "Course of development of the status of persons with special need in the light of the new legislation", ...

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

No.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

The National Council has a long tradition of cooperation with the civil society, which usually gives the initiative for the particular debate.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

The National Council has not appointed a representative to the EU.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

The National Assembly has appointed a permanent representative to the European Parliament. If the National Council needs advice, information, it asks for help the permanent representative appointed by the National Assembly.

3. What is the title of the representative of your Parliament/Chamber?

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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?

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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?

The representative of the National Assembly cooperates on ad hoc basis with the National Council.

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.

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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?

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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?

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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?

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

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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?

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

The National Council does not envisage the appointment of the representative to the EU in the near future.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

It can be used as a platform of the best-practice exchange and it is a condensed information for the members of the National Council regarding the division of competence between the working bodies of the EU parliaments.

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?

It is of course reasonable to have some topical links between the Bi-annual Report and the debates at the COSAC meeting, but it should not be seen as a rule.

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?

See the answer of the National Assembly.

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?

- The meaning of the "subsidiarity"; how is it understood by the parliaments.
- The status of the permanent representatives to the EU; nomination/selection procedure, who can be appointed to this position (qualifications, work experience, ...)

5. What is the general opinion of your Parliament/Chamber on the form of the Biannual Reports? In particular, number of chapters, length of chapters, presentation, etc. Please feel free to make proposals for modifications.

The form of the reports is transparent, concise and easy to use. The number of chapters and its length should not be limited in any way; it should be decided by the respective Presidency.

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.

The questions are answered by the staff of the National Council. The International Relations and European Affairs Commission is usually not 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 Biannual Report discussed by the European Affairs Committee?

Members of the International Relations and European Affairs Commission are informed of the Bi-annual Report during the discussion on preparations and conclusion of COSAC (when the Chairman of the Commission informs the members about the upcoming meetings and reports about the meetings). If the Members of the Commission or the National Council would express their wish to receive the Bi-annual Report in paper version, they would receive the printed version, published on the internet site of the COSAC. The Bi-annual Report would not be translated into Slovenian language.

Spain: Cortes Generales

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

- 1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?**

At the present time, the activities of Europol and Eurojust have not been scrutinised by the Spanish Cortes.

- 2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.**

If the Lisbon Treaty enters into force, it is very likely that the mandate of the Joint Committee for EU Affairs will include the supervision and evaluation of activities of Eurojust and Europol, together with the Justice and Interior Committees.

- 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?**

At the present time, direct communication between the Spanish Parliament and the National Member or Liaison Officer for Europol and Eurojust has not been considered necessary.

- 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?**

The issue has not been discussed by the Joint Committee for EU Affairs.

- 5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?**

The issue has not been discussed by the Joint Committee for EU Affairs.

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

- 1. Which committee/s deal with human rights issues in your Parliament/Chamber?**

All issues concerning fundamental and human rights within Spain are normally dealt with by the Constitutional Affairs Committee. Issues regarding human rights outside Spain would normally be dealt with by the Foreign Affairs Committee.

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?

No such debates have been held by the Spanish Cortes.

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?

Debates and resolutions on the situation of democracy and human rights in different parts of the world have been held in the Plenary or, more usually, at the Foreign Affairs Committee. These resolutions are not legally binding.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

The Government's policy on the field of promotion of human rights and democracy are controlled through the usual parliamentary procedures (questions, interpellations, resolutions, requests for information...)

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?

The Government has no legal obligation to forward a report on the actual state of human rights and democracy in relation to agreements entered into with third countries.

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?

The Joint Committee on EU Affairs have not debated or discussed the issue.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

All the information regarding the projects of Parliamentary cooperation to New and Emerging Democracies of the Spanish Congress and the Spanish Senate, which may be construed as a form of promotion of democracy, is available at the IPEX website (http://www.ipex.eu/ipex/webdav/site/myjahiasite/groups/CentralSupport/public/NEDs/survey_latestversion_3_3_09.pdf)

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?

The Parliamentary Cooperation Board studies and selects the projects after the examination of the viability of the requests forwarded by New and Emerging Democracies. The priorities of the Ministry of Foreign Affairs are also taken into due consideration.

In the seminars organised by Congress for New and Emerging Democracies, the candidates are selected by the Parliamentary Cooperation Board in accordance to a number of criteria related to the availability of funds, as well as the need to have a fair representation of all regions and countries involved in the project.

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

Please be aware that no permanent representative to the European Institutions has been appointed by the Spanish Cortes.

- 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

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

Be aware that the published reports have not been the subject of any feedback. Furthermore, the said reports have not been the object of any debate or discussion in the Joint Committee.

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.

The Secretariat of the Joint Committee for the EU is in charge of the preparation of the replies to the Bi-annual Reports.

- 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?**

The Bi-annual reports are distributed to the members of the Joint Committee for EU Affairs as soon as they are sent to the Cortes. The reports are made available in French and English, and no translation has ever been requested or deemed necessary. The reports have not yet been discussed by the Joint Committee.

Sweden: Riksdag

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The Riksdag as such has not done a formal scrutiny of the activities of Europol and Eurojust. However, the Committee on Justice has been informed about issues related to Europol and Eurojust prior to the Council meetings on Justice and Home affairs. Further, should negotiations relating to Eurojust or Europol appear on the Council agenda, the Government must consult with the Committee on EU Affairs about its position prior to the Council meetings.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

Please see the answer to question 1.4. In addition to this, members of the Committee on Justice have visited Eurojust as a part of a tour to study the European Union.

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?

The Riksdag as such has no direct communication with our National Member or Liaison Officer for Europol and Eurojust. However, it is possible for Members of the Parliament to contact them on their own initiative or through staff of the Riksdag.

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?

The Riksdag Board has appointed a one-man committee who will look into the provisions in the Lisbon Treaty related to national parliaments, including the area of freedom, security and justice. The one-man committee will suggest possible changes in the Riksdag's rules of procedures if needed. The final report has not yet been presented.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

Please see the answer to question 1.4. The one-man committee mentioned above has instructions to suggest changes he deems appropriate, including on the role of COSAC.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Committee on Foreign Affairs deals with issues on human rights and democracy in the world.

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?

The Riksdag debates the state of human rights and democracy in the world on a regular 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?

The Committee on Foreign Affairs regularly presents committee reports on the subject of human rights and democracy in the world. A committee report can include recommendations to the Government and the Government is expected to act accordingly.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

Since 2003 the Ministry for Foreign Affairs publishes annual reports on the observance of human rights around the world. The reports for 2007 were published on the Government website for human rights (www.humanrights.gov.se) in March 2008.

*The government reports on an *ad hoc* basis to the Riksdag by written communications on the Governments' view on the state of play of human rights in the world and the role of human rights in Swedish foreign policy. The Communication describes the developments that have taken place in the relevant areas and how Sweden has been able to contribute in various ways to strengthening efforts to protect human rights in the world. The committee considers the communication from the Government and adopts a report which contains the committee's recommendation as to the Chamber's decision on the matter.*

Furthermore, the Swedish Constitution set out the various instruments of parliamentary control. Three of them can be mentioned in this context as used to control the policy of the government in the field of human rights and democracy.

- 1. All members of the Riksdag have the right to address questions to the Government. This is one of the ways in which the Riksdag is able to monitor the Government's actions.*
- 2. The Committee on the Constitution is responsible for ensuring that the Government observes existing regulations. All members of the Riksdag have the right to report Government ministers to the Committee on the Constitution.*
- 3. Another instrument of parliamentary control aims at the Government's activities on an EU level, namely the obligation of the Government to consult with the EU Committee prior to negotiations in the Council of Ministers and the European Council and gain support for its position.*

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?

This is often the case although it is not an obligation. The Committee on Foreign Affairs can also request the information if it so wishes.

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?

The Riksdag welcomes this type of clauses and has stated that human rights must be included in EU policies towards third countries.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

Not the Riksdag as such. However, Swedish MP:s who are delegates to the Parliamentary Assembly of the Council of Europe participate in measures or campaigns initiated within the framework of the Council of Europe or its Assembly – for example the PACE campaign to stop domestic violence against women, and the campaign to ban corporal punishment of children, or projects to spread information about the Council of Europe’s various prizes to promote human rights and democracy.

A few of the Swedish PACE Delegates are frequently invited by universities or other institutions in other countries to lecture on HR – often in the capacity of the Assembly’s rapporteur on a HR issue.

Swedish delegates to the Nordic Council, the OSCE Parliamentary Assembly and the Interparliamentary Union participate also in initiatives and projects promoting HR and democracy.

In addition, the Riksdag’s interparliamentary delegations are planning to contribute to the annual Human Rights Forum in Stockholm in November 2009 through a joint panel debate on “Environmentally induced migration” (preliminary title).

Also, the Riksdag participates in the project on the assistance to Parliaments of new and emerging democracies (NEDs), launched by the EU Speakers’ Conference and aimed at promoting cooperation among the EU Parliaments and EU Institutions, notably the European Commission. As part of its work to promote democracy internationally, the Riksdag has for many years invited foreign delegations of parliamentarians to participate in lectures and seminars with the view to facilitating the development of networks between parliamentarians and officials.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Yes, frequently. Please see the answer to question 2.7.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

The Riksdag as such does not apply any criteria. The projects and initiatives are decided by the Riksdag’s interparliamentary delegations and administered by the International Department of the Riksdag.

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

Since January 2005 the Riksdag has a permanent representative to the EU institutions. Our present representative, Mr. Bengt Ohlsson has held that office from the beginning, i.e. since 2005-01-01.

- 2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?**

That the permanent representative can perform tasks that cannot be carried out from Stockholm and inform about the Riksdag's dealings with EU issues in Brussels. That is, communication in both directions. The decision was also influenced by the fact that the number of permanent representatives from other national parliaments had increased. In addition, networking is considered important.

- 3. What is the title of the representative of your Parliament/Chamber?**

Permanent Representative of the Swedish Parliament to the EU Institutions

- 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?**

The permanent representative is appointed for two years with a possibility of prolongation. The original contract can be prolonged or re-negotiated subject to the agreement of both parties. The first term of office for the present representative was two years. It has been renewed twice, both times for two additional years.

- 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?**

Not applicable.

- 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.**

The four main functions of the permanent representative are:

- 1. reporting to the Riksdag,*
- 2. informing “in Brussels” about EU-work carried out in the Riksdag,*
- 3. keeping in contact with the European Parliament as well as other national parliaments and,*
- 4. administration.*

- 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?**

Not in order of priority:

- to follow current political issues dealt with by the EU institutions (Commission, Parliament, Council) and to inform the Swedish Parliament about developments on those issues
- to follow activities of and arrangements made by the European Parliament,
- to follow the work of the European Council,
- to participate in the analysis of EU documents,
- to assist MP:s and officials when planning their visits to the EU institutions,
- to exchange information on parliamentary work on EU matters with "Brussels representatives" of other national parliaments
- to assist with informing about the Riksdag's work and positions, and
- to be the Riksdag administration's contact for the COSAC Secretariat, the Swedish Permanent Representation to the EU and for the Swedish MEP:s.

Based on experience of the period 2005-2008 time-shares are roughly as follows:

- following political debates, analyzing EU documents and reporting - 60 %
- visits by MP:s and officials, including to arrangements of the EP - 20 %
- informing in "Brussels" about the Riksdag's work and positions on EU matters - 10 %
- general administration - 10 %

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?

There is no regularity in the sense of weekly, bi-weekly, etc., reporting. Reports are given by e-mail or phone to the EU Coordination, and possibly forwarded by the EU Coordination to relevant Committees or other bodies of the Riksdag. Many reports on political issues are sent directly to all Heads of Committee Secretariats, and are often published on the intranet. Also, if the permanent representative decides that information is valuable to specific members or officials of the Riksdag, the permanent representative can communicate on an ad hoc basis by telephone or e-mail.

As for selection of topics, please see the answer to the following question 3.9.

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?

The permanent representative is accountable to the Head of the Secretariat of the Chamber. Setting of priorities for the representative's work is done in consultation with the Riksdag's EU Coordination. When priorities for reporting are set (choice of topics) the points of views of the committees for specific fields of policies and the Committee on EU Affairs are taken into account.

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?

Regularly to the Secretariat of the Chamber and the EU Coordination.

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

In general, the permanent representative attends the 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?

No.

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

The role and function of the permanent representative have recently been the subject to an evaluation. Possible future developments could be taken into consideration when the present term of office ends by the end of 2010.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

Information related to the exchange of best practices and procedures is useful and can have added value if presented in an accessible way.

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?

As a general rule there should be a link between the report and the COSAC agenda and thus the report serve as in-put to the discussions on parliamentary working methods.

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?

Not applicable.

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?

Those members and officials of the Riksdag who follow the reports would appreciate topics related to the practical work with EU-matters within National parliaments.

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.

The reports tend to be rather long. It would be preferable with shorter reports containing information on a limited number of issues in each report. The reports could serve as summaries of more extensive information which could be made available on the COSAC website for those with a further interest.

- 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.**

The Secretariat of the Chamber and the EU Coordination coordinates the answers. The Secretariat of the Chamber, committee secretariats concerned as well as the Secretariat of the EU Affairs Committee or other bodies provide answers to the different chapters, depending on the issue in question. Political answers are provided if available. The completed questionnaire is reported to the Committee on EU Affairs before being returned to the COSAC Secretariat.

- 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?**

As mentioned above the questionnaire is reported to the EU Committee. The report itself is normally not distributed outside the delegation to COSAC, which consists of members of the EU Committee. Information on the existence of the report and where to find it (COSAC website) is generally available. It is not translated into Swedish.

United Kingdom: House of Commons

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The responsible Select Committees of the House of Commons (that is, the Home Affairs Committee and the Justice Committee) may at any time conduct an inquiry into 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.

We await discussions with other national parliaments and the European Parliament about what arrangements might be appropriate if the Lisbon Treaty comes into effect.

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?

No permanent channel of communication but the European Scrutiny Committee and other interested Select Committees may contact the National Member/Liaison Officer, if they wish, for the purposes of a particular inquiry.

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?

See chapter 5 of the Committee's report on Subsidiarity, National Parliaments and the Lisbon Treaty (33rd Report of 2007-08, HC 563) as follows:

50. Article 85 of the amended EU Treaty:³

- ▶ *defines Eurojust's job as being to strengthen and support coordination and cooperation between Member States for the prosecution of serious crimes affecting two or more Member States;*
- ▶ *requires the Council and European Parliament (EP) to make Regulations determining Eurojust's structure, operation, tasks and "field of action"; and*

³ The Government has produced "Consolidated texts of the EU Treaties as amended by the Treaty of Lisbon". (Cm 7310). Article 85 of the consolidated text of the amended EU Treaty is about Eurojust and Article 88 about Europol.

- ▶ *requires those Regulations, in addition, to “determine arrangements for involving the European Parliament and national parliaments in the evaluation of Eurojust’s activities”.*

51. The European Police Office (Europol) was set up in 1999. It facilitates the exchange of information between Member States’ law enforcement authorities and collects, analyses and disseminates intelligence about serious crime affecting two or more Member States. Europol is mainly concerned with terrorism; illegal trafficking in drugs, arms and people; and money laundering. It has no powers of investigation or arrest. It, too, is based in The Hague.

52. Article 88 of the amended EU Treaty:

- ▶ *says that Europol’s mission is to support and strengthen action by, and cooperation between, Member States’ law enforcement authorities to prevent and combat serious crime affecting two or more Member States and “forms of crime which affect a common interest covered by a Union policy”;*
- ▶ *requires the Council and the EP to make Regulations to determine Europol’s structure, operation, “field of action” and tasks; and*
- ▶ *requires the Regulations to “lay down the procedures for scrutiny of Europol’s activities by the European Parliament, together with the national parliaments.*

53. Both sets of Regulations would be subject to co-decision and qualified majority voting.

54. The amended EU Treaty does not define the meaning of the “evaluation” of Eurojust or the “scrutiny” of Eurojust. Presumably the two processes differ but how is uncertain. This is not the only question unanswered by Articles 85 and 88. Others include:

- ▶ *what is the purpose of the evaluation or scrutiny and what action, and by whom, would be taken on their findings?*
- ▶ *what would be the constitutional implications if the Regulations made by the Council and the European Parliament were binding on national parliaments;*
- ▶ *similarly, what would be the constitutional implications if the European Court of Justice were given jurisdiction over the compliance of national parliaments with the Regulations?*
- ▶ *would each chamber of every national parliament be involved in the evaluation and scrutiny? and*
- ▶ *if every chamber had one representative and the European Parliament had equal representation, there would be about 100 representatives at evaluation and scrutiny meetings — is this intended?*

55. These are important questions and many of them could be answered only by the Eurojust and Europol Regulations. If the Treaty is ratified it will be important for the Council and European Parliament to consult national parliaments about drafts of the Regulations, giving them reasonable time in which to consult each other in COSAC and prepare their comments.

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

If the Treaty is ratified it will be important for the Council and European Parliament to consult national parliaments about drafts of the Regulations, giving them reasonable time in which to consult each other in COSAC and prepare their comments.

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

1. The role of the EU Parliaments in the promotion of human rights and democracy in the world

- **Which committee/s deal with human rights issues in your Parliament/Chamber?**

The Joint Committee on Human Rights, a select committee including members of both Houses of Parliament, deals with human rights issues in the UK. The remit of the House of Commons Foreign Affairs Committee includes international human rights issues. Other committees are not precluded from taking up human rights issues relevant to their remits.

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?

International human rights issues can be raised regularly in the House of Commons during oral questions to the Foreign Secretary which occur every four weeks. Both Houses debate international human rights issues on an *ad hoc* basis. It is customary for there to be an annual debate on the Foreign Affairs Committee's human rights report. This is usually held in the 'parallel Chamber' of Westminster Hall

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?

Resolutions on international human rights issues are sometimes agreed by the House of Commons but are non-binding expressions of opinion. The Foreign Affairs Committee publishes an annual report on human rights issues, to which the Government is obliged to respond.

4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?

Parliament's main role in this area is to scrutinise the actions of the Government and to make recommendations about policy. In addition, the House of Commons decides the overall funding for the Foreign and Commonwealth Office and Department for International Development.

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?

Treaties are laid before Parliament with an explanatory memorandum from the Government which would normally include relevant policy context. The Government has undertaken not to ratify a treaty until after a period of 21 days has elapsed from the date on which it was laid before Parliament. This period can be extended to enable parliamentary scrutiny of the treaty to take place.

- 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.**

There is no formal position on this issue.

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

Through its Overseas Office, the House of Commons contributes to a range of programmes and initiatives throughout the world; there is a strong focus on Commonwealth countries.

- 8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**

Through The Westminster Consortium, the Overseas Office is helping build parliamentary capacity in the national parliaments of a range of countries.

- 9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?**

Each request is considered on its merits.

CHAPTER 3: Representatives of National Parliaments to the EU

- 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?**

The UK National Parliament Office (NPO) was established in October 1999.

- Christopher Stanton (Oct 1999 to Oct 2001)
- Nick Walker (Oct 2001 to Oct 2004)
- Martyn Atkins (Oct 2004 to Oct 2007)
- Libby Davidson (Oct 2007 to present)

- 2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?**

The Modernisation Committee of the House of Commons wrote in 1998: "We see great potential value in the establishment of an equivalent National Office for the House of Commons. We agree with the European Legislation Committee that it should not simply be a post-box nor again just a glorified protocol office. It is in no way a replication of UKREP: 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. In addition to the obvious benefits such an Office would bring, there are more intangible and long term benefits. From the point of view of the Clerk's Department, a posting to Brussels would be a valuable part of career development. The House as a whole would benefit from the knowledge and experience of the workings of European institutions gained by those Clerks who had served in the Office and then returned to Westminster." (HC 791, 1997-98, para.42).

These desires were translated into three main objectives for the NPO:

1. to provide information on the activities of EU institutions to the European Scrutiny Committee, other select committees;
2. to assist official relationships between the two Houses and the EU institutions;
3. to assist Members with European matters, particularly those visiting EU institutions in a representative capacity.

3. What is the title of the representative of your Parliament/Chamber?

UK National Parliament Representative to the EU (House of Commons)

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?

Fixed term - two years, renewable for one more year (total maximum is three years)

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?

Both representatives work to the needs and demands of their chamber, where these overlap the representatives and the deputy regularly share information, set up and attend joint meetings and organise joint training courses for officials from London.

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.

- Reporting to the Members of the European Scrutiny Committee in a regular written report;
- Committees and individual Members visiting EU institutions;
- Involvement in interparliamentary work such as COSAC and JCM/JPMs, presidency meetings;

- Sharing information with other national parliament colleagues based in Brussels;
- Commons European Business and other helpful information to MEPs and other in Brussels;
- Liaison with staff of the UK Permanent Representation and staff of the EU institutions;
- Overseeing the organisation of study visits for officials in Brussels; and
- Providing information on the House of Commons to the EU institutions;

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?

In general terms, work can be divided into providing information and useful contacts for Committees of the House of Commons (see activities above) – 80% of time – and providing information and useful contacts for EU institutions – 20% of time.

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?

Regular – developed by the working practise of the representatives and the demands/expectations of the European Scrutiny Committee.

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?

The Principal Clerk of Delegated Legislation of the House of Commons. Also works closely with the Clerk of the European Scrutiny Committee.

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?

Continuous assessment and regularly attends Committee.

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

Attends main COSAC meetings twice a year and involved in providing briefing for all 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?

The House of Commons office has a Deputy Representative who assists and deputises for the representative in a number of activities including - gathering material for reporting to the

House, organising study visits for officials to Brussels, produces "Commons European Business", liaising with national parliament colleagues and staff of the Permanent Representative and EU institutions.

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

If the Lisbon Treaty is ratified we envisage a development of the role of representative within the subsidiarity check process to share information with national parliament colleagues as early as possible.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The Bi-annual report provides a useful overview of the practices of national parliaments and is a focus for debate at COSAC meetings.

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?

There is no formal position on this issue.

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?

N/A

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?

There is no formal position on this issue.

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.

There is no formal position on this issue.

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.

The staff of the European Scrutiny Committee prepare the response to the Bi-annual report in consultation with the National Parliament Office in Brussels and the staff of other committees as appropriate. The European Scrutiny Committee approved the reply to this questionnaire.

- 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?**

The Bi-annual report is distributed to those members of the European Scrutiny Committee who attend the COSAC meeting at which it is on the agenda for discussion.

United Kingdom: House of Lords

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

The Committee's remit is to scrutinise EU documents, not the activities of EU bodies. Proposals for legislation affecting Europol or Eurojust are deposited before Parliament in the same way as other proposals for legislation. The Government supplies an Explanatory Memorandum giving its views on each proposal, and the proposals are scrutinised by the House of Lords European Union Committee, which gives its comments to Ministers.

In the case of Europol, recent examples are the proposal for a Council Decision establishing the European Police Office, which will replace the Europol Convention, and the proposal for a Council Regulation on the Privileges and Immunities of Europol and its staff. Both of these are expected to be adopted at the JHA Council in April and to enter into force on 1 January 2010.

The European Union Committee also recently carried out a full inquiry into Europol which led to the report *EUROPOL: coordinating the fight against serious and organised crime* (29th Report, Session 2007-08, HL Paper 183, published 12 November 2008).

The Committee last year scrutinised the Draft Council Decision on Strengthening Eurojust, and the Draft Practical Agreement on co-operation between Eurojust and OLAF (the European Anti-Fraud Office). More recently, while considering the Council Framework Decision on Prevention and Settlement of Conflicts of Jurisdiction in Criminal Proceedings, the Committee raised the issue of Eurojust's role in these matters, and the potential for tension with the mechanisms proposed in the Draft Framework Decision.

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

The Committee will keep under scrutiny future developments in the work of Europol and Eurojust, but has no plans at present to change the manner of its scrutiny.

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?

None from day to day. For the inquiry referred to in the reply to Question 1 the Committee took evidence from the Director of the Serious Organised Crime Agency (SOCA) which is the UK national unit for Europol. The Committee visited The Hague where it took evidence from the Director and officials of Europol, and met the UK liaison officer and liaison officers of some other Member States. The Committee also took evidence from the President and officials of 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?**

In the case of Europol, this question was considered in paragraphs 168-175 of the report referred to in Question 1. The Committee's conclusion was that a Committee with representatives of the European Parliament and each Chamber of all national parliaments would be unmanageable, but that it was for the European Parliament to make proposals for a formal procedure for the scrutiny of Europol's activities by the parliaments.

- 5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?**

This is a question which the House of Lords European Union Committee has not considered.

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

- 1. Which committee/s deal with human rights issues in your Parliament/Chamber?**

The Joint Committee on Human Rights considers human rights in the UK. It reports on the human rights implications of every government bill passing through parliament.

On the EU front, each Explanatory Memorandum from the UK Government includes a section on the human rights implications of the proposal. This is scrutinised by the sub committee dealing with the dossier.

- 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?**

The House of Lords does not hold an annual debate on human rights and democracy. Ad hoc debates may be held. These are normally on an aspect of human rights, or human rights in a particular country, rather than human rights around the world.

- 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?**

No, save that from time to time the EU Committee makes reports on EU policy in relation to parts of the world where human rights issues arise, eg Russia, Middle East.

- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

Through ad hoc debates and questions to the Government, and inquiries and scrutiny by Select Committees.

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?

By convention all treaties are laid before both Houses of Parliament. It is not required that these are accompanied by a statement on the state of human rights in that 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?

Neither the House of Lords nor the EU Committee has taken a formal position on these clauses per se. However, the Committee conducts full scrutiny of agreements concluded between both the EC and the EU and third countries. This includes scrutiny of these clauses with a view to ensuring the effective protection of human rights and democracy in those countries.

The approach taken by the Committee as it considers the human rights situation in countries with which the EC / EU is involved is generally broader. It could encompass, for example, analysis of the human rights situation on the ground, improvements that should be made (e.g. implementation of UN conventions), or financial and technical assistance that could be provided.

7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.

Neither the House nor its administration has a remit to promote human rights and democracy. However the administration is committed to strengthening working relationships with other parliaments. The Lords Overseas Office arranges programmes for visiting parliamentarians from overseas, chiefly the Commonwealth. More information can be found online at http://www.ipex.eu/ipex/webdav/site/myjahiasite/groups/CentralSupport/public/NEDs/survey_v2.pdf.

The Lords EU Committee arranges study visits for officials from other EU parliaments on request.

The Lords is also involved with the Inter Parliamentary Union and the Commonwealth Parliamentary Association both of which work in this area.

8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?

Most of the funding comes from the House of Lords' internal budgets. On one occasion funding was provided by the Commission's TAIEX scheme.

Work with the IPU and CPA is often with other national parliaments.

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

There are no formal criteria set down.

CHAPTER 3: Representatives of National Parliaments to the EU

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?

Richard McLean: January 2005 - September 2007;
Ed Lock: September 2007 - Present.

2. What were the reasons for your Parliament's/Chamber's decision to send / not to send a permanent representative to the EU?

Initially the Liaison Officer was posted to work as part of the COSAC secretariat. Subsequently the role changed to focus on reporting back on developments in Brussels and ensuring that Lords' work on EU affairs is well known in the EU.

3. What is the title of the representative of your Parliament/Chamber?

EU Liaison Officer.

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?

Yes, 2 years plus a possible one year extension.

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?

Staff from both chambers work together as far as possible. However, as both chambers conduct European scrutiny differently, priorities will often be different.

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.

The main functions of the office in Brussels are to report back on developments and to ensure that our work in Brussels is well known. In addition the office takes the lead at staff level on most forms of interparliamentary cooperation including COSAC, Joint Parliamentary Meetings, liaison with the European Parliament and with the other EU Institutions and bodies, and occasional meetings of UK MEPs with members of the national parliament. Training visits for staff are also coordinated by the Brussels office. Committee visits, Joint Committee Meetings and meetings of sectoral committees in national capitals are usually coordinated by staff in London. The Liaison Officer will assist where necessary.

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?

The main functions of the office in Brussels are to report back on developments and to ensure that our work in Brussels is well known. Attention is therefore focused on these two

functions. It is difficult to ascribe priorities or percentages to the time spent on each as they vary according to demand.

- 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?**

Reports are sent back to London where they are considered to be relevant and useful. This decision is taken by the EU Liaison Officer in full consultation with London-based staff.

- 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?**

The line manager is the Clerk of the EU Committee. Priorities are set by the Liaison Officer in full consultation with London-based staff.

- 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?**

The line manager is the Clerk of the EU Committee. The Lords has a robust system of staff assessment during which the activities of the Liaison Officer are appraised.

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

Speakers' Conference: Yes, where time is available and the agenda is relevant. The Liaison Officer is fully involved in preparing briefing for these meetings.

Secretaries General meetings: No, although the Liaison Officer is fully involved in preparing briefing for these meetings.

COSAC: Yes, always. The Liaison Officer takes the lead on preparations for 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?**

No

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

No

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The reports are useful to review how others conduct scrutiny activities. They facilitate the sharing of best practice.

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?

It is useful to link the topics of the debates to a chapter in the biannual report where this is possible, or vice versa.

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?

The topics were chosen to inform the debates planned for the COSAC plenary meeting. The topics for these debates were chosen through negotiation between the EU Committees of the two Houses.

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?

This is a matter for each Presidency.

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.

In general we are content with the Reports. As with most parliamentary documents, shorter is better.

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.

Staff of the EU Committee draft the responses. These are amended and approved by the Chairman of the EU Committee.

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?

The report is circulated to all clerks, specialists and legal advisers working for the EU Committee. The attention of chairmen or members may be drawn to specific chapters where appropriate.

No formal discussion of the biannual report is held in the EU Committee.

European Parliament

CHAPTER 1: Parliamentary control of Europol and evaluation of Eurojust

1. How does your Parliament/Chamber scrutinise the activities of Europol and Eurojust?

In the European Parliament, Europol and Eurojust are among the responsibilities of the Committee on Civil Liberties, Justice and Home Affairs (LIBE). Therefore under the current treaties the European Parliament (as well the Commission) does not have a direct oversight power on these two agencies even if LIBE does its best to scrutinise the activities of the two agencies.

It has to be noted that the current situation could be slightly improved by the forthcoming adoption ⁽⁴⁾ still under the CZ Presidency of two Decisions reshaping the activities of EUROPOL and EUROJUST (see the texts attached) even if the Council did not take in account all the EP amendments aimed to strengthen the accountability of these two agencies ⁽⁵⁾ ⁽⁶⁾. Moreover notwithstanding a provision in its internal Rules the European Parliament will not be involved in the appointment of the Directors of these two Agencies.

As regards Eurojust, the European Parliament:

a) will be informed according the art. 32 of the new decision according to which :

Article 32 Informing the European Parliament, the Council and the Commission

1. *The President, on behalf of the College, shall report to the Council in writing every year on the activities and management, including budgetary management, of Eurojust. To that end, the College shall prepare an annual report on the activities of Eurojust and on any criminal policy problems within the Union highlighted as a result of Eurojust's activities. In that report, Eurojust may also make proposals for the improvement of judicial cooperation in criminal matters.*

The President shall also submit any report or any other information on the operation of Eurojust which may be required of him by the Council.

2. *Each year the Presidency of the Council shall forward a report to the European Parliament on the work carried out by Eurojust and on the activities of the JSB.*

3. *The Commission or the Council may seek Eurojust's opinion on all draft instruments prepared under Title VI of the Treaty.*

b) will adopts the budget of Eurojust and the discharge to the budget of Eurojust

On a more general political perspective the role of Eurojust is addressed in two reports still to be submitted to the EP Plenary : the draft Report Pagano on development of an EU criminal

⁴ The CZ Presidency would like the Eurojust and the Europol Decisions to be adopted at the same time, this being delayed by a CZ Parliamentary reservation on the Europol Decision.

⁵ See the EP Opinion on Europol at :

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0015>

⁶ See the EP opinion on Eurojust :

<http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P6-TA-2008-0384>

justice area (2009/2012INI ⁽⁷⁾) and the draft report on the Initiative for a framework decision on prevention and settlement of conflicts of jurisdiction in criminal proceedings (2009/0802CNS). The position expressed by the draftspersons goes in both cases in the direction of giving to Eurojust and its national members more power and invites Member States to cooperate and to share relevant information as well as to fully implement the Eurojust Decision and the Amending Decision.

As regards Europol, the European Parliament:

a) will be informed according to art. 48 of the new Decision according to which:

Article 48 Informing the European Parliament

The Presidency of the Council, the Chairperson of the Management Board and the Director shall appear before the European Parliament at its request to discuss matters relating to Europol taking into account the obligations of discretion and confidentiality.

b) from 2010, will approve the Europol budget (as it will be included into the general EU budget).

Even after the adoption of the new Decision the parliamentary scrutiny at European level will remain less than satisfactory as the European Parliament stressed in several occasions

2. Does your Parliament/Chamber envisage developing its scrutiny of Europol and Eurojust in the future? Please specify how.

See answers to question 1.

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?

The European Parliament does not have a Liaison Officer for Europol or Eurojust. However, the European Parliament has developed some direct communication with both agencies. Their Director/President are invited during committee meetings and public hearings. For example, the Director of Europol participated in the public hearing organised on the future of Europol in April 2007. Representatives of both agencies took part in a roundtable with national Parliaments on terrorism organised in April 2008. They also present reports recently adopted by their agencies to the LIBE committee, such as the Annual Report of Eurojust or the EU Terrorism Situation and Trend Report (TE-SAT) of Europol.

Delegations of Members to the agencies have been organised (the last delegation to both agencies took place in April 2005). Some direct contacts have also been developed at administrative level.

⁷ See: [javascript:SipadeDocWindow\('/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-421.230+02+DOC+WORD+V0//EN&language=EN'\)](http://javascript:SipadeDocWindow('/sides/getDoc.do?pubRef=-//EP//NONSGML+COMPARL+PE-421.230+02+DOC+WORD+V0//EN&language=EN'))

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?

By the extension of the ordinary legal framework to police and judicial cooperation in penal matters the Lisbon Treaty will also require a stronger association of the European and national Parliaments to the evaluation of all the Freedom Security and Justice related activities and bodies (see art. 70 of the TFUE). In this perspective the EP has already considered in its resolution of September 25th on the progress in this area, that a permanent monitoring mechanism should be built by associating the EP and the National Parliaments not only as far as Europol and Eurojust are concerned but also for Schengen and for the migration and asylum related policies.

Bearing this in mind LIBE has proposed to maintain the current practice of an annual debate on the FSJA (art. 39 of the current Treaty) prepared by deep consultation of the national Parliaments. This general debate should also be accompanied by direct involvement of the National Parliaments rapporteurs on specific legislative proposals (as a complement of the so-called "Barroso" initiative) as well by the creation of a common working area where to share all the relevant informations dealing with the FSJA.

It will be also extremely useful to share the informations dealing with:

- the trends at european level of terrorism and organised crime (see the TE-SAT and OCTA reports of Europol)
- the external aspects of the FSJA related policies (as well of the Europol/Eurojust external cooperation and operational agreements)

5. What role could COSAC play with regard to the evaluation of Eurojust and the scrutiny of Europol's activities?

The identity of COSAC as a forum of debate and exchange of best practices, whose decisions in no way bind the participating parliaments, must be maintained. Eurojust and Europol matters can certainly be included in future COSAC agenda, whenever a substantial debate on these matters is possible and necessary. However such debates should not pre-empt the scrutiny and evaluation of the activities of the two agencies by each individual parliament/chamber. For obvious reasons scrutiny and evaluation matters of Europol/Eurojust should rather be left to the competent specialised committees. It is up to them to find an appropriate form of cooperation and organise an efficient way of exchanging information, f.e. via IPEX.

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

1. Which committee/s deal with human rights issues in your Parliament/Chamber?

The Committee on Foreign Affairs (AFET and its subcommittee on Human Rights - DROI) and the Committee on Development (DEVE), as well as joint parliamentary committees and

parliamentary cooperation committees, inter-parliamentary delegations, ad hoc delegations and election observation missions.

- 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?**

Yes, on a regular basis in plenary sessions and in committee meetings; on an *ad hoc* basis in working groups, in elections observations missions, etc.

- 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?**

Yes. The EP adopts every year its annual report on Human Rights and discusses the EU annual report on Human Rights presented at plenary session by Council presidency. The EP also debates on urgent cases of breach of human rights, democracy and the rule of law, and adopts resolutions to windup those debates. Resolutions are not binding on EU governments/EU Council.

- 4. How does your Parliament/Chamber control the policy of your government in the field of promotion of human rights and democracy?**

(see answer to question 3.)

- 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?**

Yes. The EP position is that all agreements with Third Countries shall contain a Human Rights clause. For international agreements where Parliament is requested to give its assent to a proposed act, these clauses are previously checked and discussed.

- 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?**

(see answer to question 5.)

- 7. Does your Parliament/Chamber participate or support any initiatives or projects aimed at promoting human rights and democracy? If so, please specify.**

Yes (a) through the supervisory role of the EP regarding the democratic scrutiny of the European Instrument for Democracy and Human Rights (EIDHR) by a permanent working group which reports to AFET/DROI; (b) participating in EU Election Observation Missions (EU EOM) through the Election Coordination Group; (c) participating in ACP, EUROMED and EUROLAT assemblies.

- 8. Are those initiatives or projects connected to the activities of other national parliaments, the European Union or the Council of Europe?**

Yes, the EP co-ordinates its work with the Parliamentary Assemblies of Council of Europe and of OSCE (and with the *Office for Democratic Institutions and Human Rights*, ODIHR).

9. What criteria does your Parliament/Chamber apply in selecting such initiatives and projects?

(see answer to question 7)

CHAPTER 3: Representatives of National Parliaments to the EU

The answers of chapter 3 are not applicable to the European Parliament.

CHAPTER 4: Evaluation of COSAC Bi-annual Reports

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

The reports provide a good general source of information about various aspects of parliamentary procedures and practises not only limited to scrutiny matters. It is not evident that the reports have had any impact on procedures and practices in parliament so far.

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?

Linking the topics of the Bi-annual report to the COSAC agenda seems useful since this provides additional information for the debate at the meetings. However there should be no obligation to limit the topics covered by the report to the agenda items of 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?

n.a.

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?

n.a.

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.

The report should certainly be as concise as possible.

- 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.**

Answers are prepared by the specialised services responsible within the EP for the different chapters of the Bi-annual reports. The Directorate for relations with national parliaments assembles and prepares the final answers which are sent to the COSAC Secretariat.

- 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?**

n.a.