

QUESTIONNAIRE: 9TH BIENNIAL REPORT

CHAPTER 1: Involvement of National Parliaments in the Ratification Process of the Treaty of Lisbon

This chapter will give the state of play of the on-going procedures in the Member States as they seek to ratify the Treaty of Lisbon by the end of 2008. A table sets out the timetable and the legal and institutional requirements in each Member State. This table is available on the COSAC website and will be updated as the ratification process progresses. Most Member States will seek to ratify the Treaty through a parliamentary vote; currently only Ireland expects to hold a referendum. This reinforces the notion that national parliaments are at the centre of the ratification process. Given this background, this chapter will also give a description of the parliamentary initiatives which have been taken to provide citizens with information on the Treaty of Lisbon. It will set out the means by which parliaments have decided to provide information (for example through public debates, publication and distribution of summaries, event organisation, and partnerships with other European or national institutions) and will examine the content of their communications strategy.

Questions:

Before answering could you please check the following link on the COSAC website to verify that the information displayed there concerning the ratification process (procedure and time frame) in your country/parliament is correct:

<http://www.cosac.eu/en/info/Treaty/>

In case of mistakes or omissions please notify the COSAC secretariat.

Your remarks will be taken into account in the 9th Biennial Report as well as after its publication, since the table is available on the COSAC website and will be updated.

- 1. Is a consolidated version of the Treaty of Lisbon necessary for the ratification process in your Parliament/Chamber? If so, when was it made available and who provided it?**
- 2. Did your Parliament/Chamber pursue any initiatives to inform your citizens of the content of the Treaty of Lisbon? If so, why and by what means (through public debates, publication and distribution of summaries, event organisation, partnerships with other European or national institutions, etc)? Does your Committee on European Affairs play a role within this?**
- 3. Does your communication with citizens deal with the Treaty of Lisbon in general or does it focus on some specific areas? Did you put an emphasis on the role of national parliaments in the Treaty of Lisbon?**

CHAPTER 2: The Treaty of Lisbon - Implementation and its Consequences for the National Parliaments of the EU

This chapter will examine the provisions of the Treaty of Lisbon which concern the role of the national parliaments in the EU. It will focus not only on the mechanism envisaged in both the Protocol on the Role of National Parliaments in the European Union and in the Protocol on the Application of the Principles of Subsidiarity and Proportionality, but also on the other provisions of the Treaty of Lisbon on the influence of national parliaments in the EU. An overview of the enhanced role of the European Parliament will also be presented. Particular attention will be given to the way parliaments are preparing themselves at this stage for the challenges posed by the Treaty of Lisbon. Particular attention will be paid to the cooperation and exchange of information and best practice amongst all concerned. The chapter will also take a strategic look at the ways how, in practice, parliaments can exert the influence that the Treaty of Lisbon grants them.

Questions:

- 1. Does your Parliament/Chamber consider that the Treaty of Lisbon will enhance its influence in dealing with EU affairs? If so, how?**
- 2. Is your Parliament/Chamber considering any change or adaptation with regard to its internal procedures in the light of the provisions contained in the Treaty of Lisbon? (e.g. changes in the scrutiny procedure, changes in the relationship with your government?)**
- 3. Does your Parliament/Chamber consider that the entry into force of the Treaty of Lisbon will require a further deepening of the cooperation, exchange of information and best practice between parliaments?
If so, which are the mechanisms you consider are needed to improve this cooperation further, specifically within the 8 week period envisaged in the Protocol on the Application of the Principles of Subsidiarity and Proportionality?**

CHAPTER 3: The Lisbon Strategy

This chapter will follow up and build on the 8th Biannual Report (October 2007) which analysed the role of national parliaments and the European Parliament in the Lisbon Strategy. Its objective is to (a) provide factual information on the progress of the Strategy in view of the start of the new cycle (2008-2010), (b) present the relevant results of the upcoming Spring European Council, and (c) highlight the broad trends in parliamentary positions as they become apparent in annual inter-parliamentary dialogue between national parliaments and the European Parliament in the run-up to the Spring Council.

There is no questionnaire for this Chapter

CHAPTER 4: Enlargement of the Schengen area

This chapter will examine the degree to which parliaments of the European Union are involved in the Schengen process. It will define the ways that national parliaments seek to exercise control. The establishment of a single area with free movement of persons, to be successful, requires a definition of security rules inside the new external borders. Therefore

this chapter will emphasise not only the understanding that national parliaments have of the criteria for enlargement, but also the role they intend to play in defining the security rules which aim to maintain public order inside the Schengen area (data exchange, measures dealing with migration topics or fight against terrorism). However such security rules may also undermine individual freedoms (for instance the respect for private life). This chapter will gather the views of national parliaments on this question to give an overview of the national debates on these issues.

Questions:

- 1. Is your Parliament/Chamber involved in the decision-making process regarding the enlargement of the Schengen area? If so, which scrutiny procedure do you use? How is your Parliament/Chamber cooperating with your government on this?**
- 2. What is the opinion of your Parliament/Chamber concerning the criteria and the future of the Schengen-Evaluation? What role does your Parliament/Chamber intend to play in defining security rules to establish a common Schengen policy?**
- 3. As regards the experience of the Treaty of Prüm, what role does your Parliament/Chamber intend to play in the establishment of a "European PNR agreement"¹? What is the view of your Parliament/Chamber concerning the ways of defending individual freedoms in the Schengen area? Do you intend to use the provisions - if they are ratified - of the Treaty of Lisbon concerning the evaluation and scrutiny of the activities Europol and Eurojust? If so, how?**

CHAPTER 5: Involvement of the Parliaments of the European Union in Negotiations on Accessions to the EU

Article 49 of the Treaty on European Union states that any European State which respects the principles set out in Article 6(1) of it may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members. It further stipulates that the conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the Applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements.

When involvement of the parliaments of the EU is in question, the accession process could be seen as a threefold structure, comprised of an opening phase, a phase monitoring the progress of the negotiations chapter by chapter, and a phase concluding the accession with the ratification of an Accession Treaty. The aim of this chapter is to establish whether and how the parliaments of the EU are involved in the accession negotiations with applicant States in each of these phases. The chapter will also seek to identify possible special or

¹ <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2007:0654:FIN:EN:PDF>

unusual features of national constitutions which would be required for the ratification of an Accession Treaty.

Questions:

The questions will focus on the second and third of the phases mentioned above, dividing the latter into two parts and including the role of the parliaments of the EU in it. It will also seek to identify the possible special features of national constitutional systems which would be required for the ratification of an Accession Treaty.

Negotiations chapter-by-chapter phase:

1. Is your Parliament/Chamber involved in monitoring the negotiations on a chapter by chapter basis?

If so, what is:

- a) the role of the following committees: the Committee on European Affairs, the Committee dealing with foreign affairs and other sector committees, who deal with issues which correspond to a particular negotiation chapter?**
- b) the legal form of the political decision, adopted in your Parliament/Chamber and how this influences the national position?**
- c) the role of the plenary?**

Approval of the Accession Treaty phase:

2. Is your Parliament/Chamber involved in the phase where the Accession Treaty is approved by the European Council?

If so, what is:

- a) the role of the following committees: the Committee on European Affairs and the committee dealing with foreign affairs?**
- b) the role of the plenary?**

Ratification phase:

3. What is the role of committees in ratification of an Accession Treaty?

4. Does your constitutional system envisage special provisions for the process of the ratification of an Accession Treaty (e.g.: required majority is absolute/relative, ordinary/qualified)? Please specify which.

5. Does your constitutional system distinguish between the procedure for ratification of different types of EU primary legislation (Founding Treaties and the Accession Treaties)? Please specify how.